

## 9 Deliberative Democracy and the Defence of the Public Realm

A spectre haunts contemporary democratic politics, namely, that while entrenching the accountability of rulers to the ruled, and extending the scope of the *demos* across all facets of public life, politics could be reduced to the lowest possible denominator – to governance by the masses who are neither well informed nor wise. Such a fear was at the heart of Plato's despair about the prospects of democracy, elaborated in his parables about the ship's captain and what it takes to control a large, powerful animal (pp. 24–6 above). A preoccupation that rule by the many means the pursuit by them of unbridled desires and interests, on the one hand, and ignorant and short-sighted views, on the other, has led some to believe that democracy is either a dangerously mistaken ambition or something to be hedged and checked as much as possible by constitutional structures and mechanisms, and the careful delimitation of the scope of democratic action. If Plato is typical of thinkers in the first camp, Madison and Schumpeter are typical of the second. The story of democracy contains both a celebration of the end of arbitrary rule and paternalistic politics, and anxiety that democracy could mean rule by the rabble.

Of course, the history of democracy reveals a difficult struggle to define its proper meaning, and the models of democracy examined so far disclose the way this matter has been resolved and weighed at different times and periods. Within democratic thinking, a clear divide exists between those who value political participation for its own sake and understand it as a fundamental mode of self-realization, and those who take a more instrumental view and understand democratic politics as a means of protecting citizens from arbitrary rule and expressing (via mechanisms of aggregation) their preferences. From classical democrats and developmental republicans to developmental liberals and participatory democrats, political engagement is prized because it fosters a sense of political efficacy, generates a concern with collective problems and nurtures the formation of a knowledgeable citizenry capable of pursuing the common good. Democracy here is the unfolding of civic virtue and the democratic polity is the means to self-fulfilment. Against this understanding, there are those, no doubt the majority of democratic thinkers, who interpret democracy as a means to protect citizens from their governors and from each other, and to ensure that a sound political structure is in place which can generate a skilled and accountable elite capable of making essential public decisions. According to this position, democracy is a means not an end; it serves to protect the liberty of citizens and to maintain the minimum public goods (the rule of law, electoral politics, a social safety net, security) necessary for citizens to go about their self-chosen ends and objectives.

The eight models of democracy presented so far leave seemingly little room for new and innovative thinking about democracy. They appear to cover the spectrum of possible political spaces along two dimensions: the extension of political equality and citizenship to all adults, and the deepening of the scope of democracy to cover economic, social and cultural affairs. Yet there is a candidate for the status of a new (ninth) model which has emerged in the last twenty years or so: 'deliberative democracy', a term used for the first time by Joseph Bessette (1980, 1994). While the term now spans a wide range of positions, its main advocates use it to distinguish a political approach focused on improving the quality of democracy. At issue is enhancing the nature and form of political participation, not just increasing it for its own sake. Deliberative democrats often portray contemporary democracy, representative or direct, as a descent into personality clashes, celebrity politics, sound-bite 'debates' and the naked pursuit of personal gain and ambition. They champion, instead, informed debate, the public use of reason and the impartial pursuit of truth.

### **Reason and participation**

The problem addressed by deliberative democrats is whether democratic processes and institutions should be built around the actual or empirical will of those engaged in politics, or whether it should be built around what might be called 'reasonable' political judgement. Deliberative democrats put a premium on refined and reflective preferences. Of course, as soon as one has stressed this point the issue of definition emerges. Claus Offe and Ulrich Preuss have addressed the matter head-on. According to them, a 'rational' or 'enlightened' political will or judgement is one that meets three criteria: 'ideally it would have to be at one and the same time "*fact-regarding*" (as opposed to ignorant or doctrinaire), "*future-regarding*" (as opposed to myopic) and "*other-regarding*" (as opposed to selfish)' (1991, pp. 156-7). Whenever deficiencies in political judgement are found it is usually because such judgements fail on one or more of these criteria, that is, they fail because they are uninformed and/or short-sighted and/or self-interested. The issue raised is whether democratic theory should regard preferences that are actually found in everyday life as already fully formed and reasonable, or whether it should steer political thinking into raising questions about the nature of 'political will' and, if so, whether the latter should only be regarded as justified or legitimate if it meets certain tests of impartiality.

As soon as these points are made, a connection emerges to the position adopted by critics of democracy from Plato onwards, who fear that democracy connotes the descent to the lowest common denominator and the necessary eclipse of refined, reflective political judgement. The issue for deliberative democrats is whether a concern with reflective preferences is necessarily elitist, in a sense that would have pleased Plato, or whether it can lead to new, innovative ideas about how democracy might function and work. The theoretical dilemma can be put in the following way: is the democratic conception of the common good little more than the aggregation of given individual preferences, or can it be articulated in relation to serious public debate and deliberation? For Offe and Preuss, the key point can be put bluntly:

'there is no positive linear relationship between participation and reasonableness' (1991, p. 167). The challenge for democratic theory is neither simply to think through the increasing categories of people who might be entitled to participate in politics, nor is it simply to reconsider the many substantive areas where democracy might be legitimately extended. Rather, the challenge today is to be concerned with 'the introduction of procedures that put a premium upon the formulation of carefully considered, consistent, situationally abstract, socially validated and justifiable preferences' (1991, p. 167).

The key focus for deliberative democrats was well put by Bernard Manin when he wrote 'it is ... necessary to alter radically the perspective common to liberal theories and democratic thought: the source of legitimacy is not the pre-determined will of individuals, but rather the process of its formation, that is, deliberation itself' (1987, pp. 351ff). The major contention of deliberative democrats is to bid farewell to any notion of fixed preferences and to replace them with a learning process in and through which people come to terms with the range of issues they need to understand in order to hold a sound and reasonable political judgement. At issue is not the simple imposition of an abstract, preconceived standard of rationality but, rather, a commitment to politics as an open-ended and continuous learning process in which the roles of 'teacher' and 'curriculum' are raised, and where the matter of what is to be learnt has to be settled in the process of learning itself (Offe and Preuss, 1991, p. 168). In other words, a deliberative democratic process would not be one which treats people's judgements and processes as given, but one which effectively asks: do these judgements and processes meet an adequate standard of learning? And if not, how can they be improved?

As Offe and Preuss put it, 'it appears to be a largely novel task to think about institutional arrangements and procedures which could generate a selective pressure in favour of this type of reflective and open preference-learning, as opposed to fixed preferences that are entirely derivative from situational determinants, rigid beliefs or self-deception' (1991, p. 168). Thus, deliberative democrats make a very distinctive case; that is, they contend that no set of values or particular perspectives can lay claim to being correct and valid by themselves, but they are valid only in so far as they are justified. Moreover, individual points of view need to be tested in and through social encounters which take account of the point of view of others – the moral point of view.

The conclusion of this line of reasoning is that the institutional designs of modern democracy must be based on the 'principle of reciprocity'. This principle requires that democratic theorists, as well as people in everyday settings, place greater emphasis upon those settings and the procedures of preference formation and learning within politics and civil society. It demands that we adopt 'a multi-perspectival mode of forming, defending and thereby refining our preferences' (Offe and Preuss, 1991, p. 169). Why we come to adopt the views we do, and whether we could defend them in a complex social setting with people with opposed preferences, becomes the focus of attention. Democratic theory must direct itself to constitutional designs which help build in to the process of politics itself the opportunity to learn and to test publicly

citizens' views. Democratic theory needs to upgrade the quality of citizenship by

putting a premium on refined and reflective preferences, rather than 'spontaneous' and context-contingent ones. By reflective preferences [is meant] . . . preferences that are the outcome of a conscious confrontation of one's own point of view with an opposing point of view, or of the multiplicity of viewpoints that the citizen, upon reflection, is likely to discover within his or her own self. Such reflectiveness may be facilitated by arrangements that overcome the monological seclusion of the act of voting in the voting booth by complementing this necessary mode of participation with more dialogical forms of making one's voice heard. (Offe and Preuss, 1991, p. 170)

The upshot of the argument, then, is that democratic theory needs to think not just about the contexts in which people form views and test their opinions, but also about the kinds of mechanisms that are in operation in democracies that either reinforce existing viewpoints, or help create new ones. There must be a shift in democratic theory from an exclusive focus on macro-political institutions to an examination of the various diverse contexts of civil society, some of which hinder and some of which nurture deliberation and debate.

### **The limits of democratic theory**

A preoccupation with the deficiencies of contemporary political life motivates a great deal of the thinking of deliberative democrats. James Fishkin, one of the pioneers of deliberative democracy, is scathing about the apathy and lack of interest in public life today found among large swathes of the electorate, and the

found in strands of both classical and liberal democratic theory is undermined by the reliance of elites and parties on opinion poll data, which they are free to interpret and manipulate in their own interests. As Fishkin puts it: 'instead of public opinions worthy of the name controlling leaders, preferences shaped by leaders and by the mass media too often are bounced back, reflected in polls, without sufficient critical scrutiny and without sufficient information and examination to represent any meaningful popular control' (1991, p. 19). Politics is increasingly shallow, media driven, mean and empty of both ideas and high quality leadership.

While Fishkin's characterization of liberal democracy echoes Schumpeter's account of democracy – with its affirmation of the democratic political process as a struggle of elites in the face of a vulnerable and susceptible electorate (pp. 146–52 above) – and Weber's portrayal of representative democracy as 'plebiscitary leadership democracy' with Caesarist tendencies (pp. 134–8 above), he does not affirm or celebrate it. On the contrary, he takes this to be the basis for a clarion call for an imaginative rethinking of democracy offering a new kind of participation, one that not only gives citizens more power, but also allows them more opportunities to exercise this power thoughtfully. He is joined in this by many contemporary political thinkers. Among them is Jon Elster.

Elster focuses attention on the way electoral politics creates winners and losers through the aggregation of private preferences. This process, he suggests, embraces a concept of rationality more appropriate to consumer choice, i.e. market relations, than to politics, which should be governed by a form of discursive rationality appropriate to a public meeting place or site of discussion. Reducing collective decision-making to the aggregation of private preferences

embodies a confusion between the kind of behaviour that is appropriate in the market place and that which is appropriate in the forum. The notion of consumer sovereignty is acceptable because, and to the extent that, the consumer chooses between courses of action that differ only in the way they affect him. In political choice situations, however, the citizen is asked to express his preference over states that also differ in the way in which they affect other people. (Elster, 1997, pp. 33–4)

Consumer choice is self-regarding, the pursuit of objects and resources for the satisfaction of individual needs or wants. By contrast, political choice is other regarding and can, in John Stuart Mill's terms, 'concern others' because it can 'harm' them (p. 80 above). The difference between consumption and politics is, in short, the difference between choices affecting oneself and choices which shape and affect the preferences and life opportunities of others. If collective decisions in the latter case are to be effective, legitimate and just, then they need to be shaped by sound public reasons – that can stand up to public debate and inquiry.

John Dryzek shares this view. Drawing on work from the Frankfurt School (see pp. 188–9 above; Held, 1980, part I), Dryzek sets out a wide-ranging critique of the increasing dominance of instrumental rationality – that is, purely formal, means–end rationality – in public and private life. He contends that the spread of instrumental rationality leads to the bureaucratization and concentration of

power in the hands of technically skilled elites who treat politics as the preserve of experts, not citizens. Experts seek to disaggregate complex problems into manageable constituent elements and to deal with each in isolation from the other and from the wider body politic. This prevents a complex, holistic approach to government, which must be based on a non-instrumental, socially orientated approach to politics. In addition, instrumental reason encourages people to treat each other as means to an end, and undermines a conception of persons as free and equal and capable of active citizenship. While liberal democracy recognizes only private views and interests, and seeks to legitimate the freedom of action of experts via the aggregation of individual choices through occasional elections, public problems require, Dryzek holds, moving the quality of decision-making into the centre of debate, and the creation of public fora in which private preferences are treated not as fixed but, rather, as amenable to transformation in the light of 'the discovery of generalizable interests' through argument and justification (Dryzek, 1990, p. 54).

At the heart of this position are the arguments of the leading contemporary critical theorist, Jürgen Habermas (1973, 1990, 1993, 1996; and see below). As Habermas conceives it, rationality need not only be thought of as a device employed by individuals to manipulate the world of discrete elements and objects, but can be considered also as the means to ensure the social coordination of action. The latter can be articulated as the body of norms which guide our activity and which are capable of becoming the subject of debate and cross-examination. Rationality on this model is inseparable from the idea of justification to others. For Dryzek, the deficiencies of existing models of liberal democracy can be overcome only by strengthening discursive or communicative rationality which allows us to seek collective solutions to the collective problems we face in modern societies, from the crisis of pensions to environmental degradation.

Going forward to rethink democracy does not mean going back to existing models of direct or participatory democracy. Many of what deliberative democrats regard as the limits of liberal democracy are reproduced in these conceptions as well. The ideal of face-to-face political decision-making and attempts to adapt this idea to various forms of direct or participative democracy are treated with scepticism for three reasons. The first and most obvious is that the ideal cannot be realized in highly complex and differentiated modern societies. The critiques of direct democracy by John Stuart Mill and Weber find an echo here (see pp. 84–6, 129–30 above). Second, the idealization of face-to-face decision-making in small communities is itself misplaced because the potential defects of small, relatively homogeneous communities – a tendency to conformity, intolerance, and the personalization of politics – risk being reproduced in all forms of direct political life. As Fishkin put it, small-scale democracy is 'more vulnerable to tyranny' because it is 'more vulnerable to demagoguery' (1991, p. 50). Third, increased participation alone does not address the problem of the quality of participation. Participatory democrats fail to focus on specifically deliberative deficits. Participation *per se* does not remedy this and can in fact make it worse in mass societies: 'the deliberative competence of mass publics is suspect. It is a dubious accomplishment to give

power to the people under conditions when they are not really in a position to exercise that power . . . aroused publics might, on occasion, be vulnerable to demagoguery' (Fishkin, 1991, p. 21).

The critique of direct popular participation is also found in contemporary republican thinkers who wish to draw upon deliberative insights. Philip Pettit, for example, is concerned with constructing institutions which would avoid the risk of the exposure of individuals to domination, i.e. arbitrary interference in their lives. He is concerned that increasing participation for its own sake can enhance precisely the kinds of arbitrariness republicans seek to avoid. In his judgement, if the electorate is given direct control of policy issues, without improving the quality of political reflection and argument, it is liable to become the most arbitrary of all powers (Pettit, 2003, p. 154). This argument is reinforced by the work of Joshua Cohen, who is careful to separate an analysis of the ideal of deliberative democracy from the ideals both of voter aggregation and direct democracy. In an important early statement of deliberative democracy he argued that he sees 'no merit' in the claim that direct democracy best institutionalizes the ideals of deliberative democracy (1989). Direct democracy *per se* need not be deliberative. Deliberative democracy cannot accurately be portrayed as another version of direct participatory models of democracy.

### **The aims of deliberative democracy**

Deliberative democracy, broadly defined, is 'any one of a family of views according to which the public deliberation of free and equal citizens is the core of legitimate political decision-making and self-governance' (Bohman, 1998, p. 401). Political legitimacy does not turn on the ballot box or on majority rule *per se* but, rather, on the giving of defensible reasons, explanations and accounts for public decisions (see Saward, 2003, pp. 120–4). The key objective is the transformation of private preferences via a process of deliberation into positions that can withstand public scrutiny and test.

Deliberation can overcome the limitations of private views and enhance the quality of public decision-making for a number of reasons. First, through sharing information and pooling knowledge, public deliberation can transform individuals' understanding and enhance their grasp of complex problems. People may come to understand elements of their situation which they had not appreciated before: for example, aspects of the interrelation of public issues, or some of the consequences of taking particular courses of action, intended or otherwise. Second, public deliberation can reveal how certain preference formations may be linked to sectional interests, thereby securing an ideological purpose. In this case, deliberation can expose the one-sidedness and partiality of certain viewpoints which may fail to represent the interests of the many. It may also reveal the limits of 'accommodationist preferences', that is, preferences shaped by reducing one's expectations to accommodate oneself to circumstances which seem fixed or unchangeable. Cohen has referred to these as 'psychological adjustments to conditions of subordination' (1989, p. 25). Examples might be forms of acceptance of a dominant political order based on 'tradition' or on 'pragmatic acquiescence', both analysed earlier (p. 155 above).

What deliberation can reveal under these conditions is the importance of an open, fluid and dynamic process of 'opinion formation' in public life; for it can help disclose socially distorted positions and lay the basis for a more thorough understanding.

Third, public deliberation can replace 'the language of interest with the language of reason' (Elster, 1989, p. 111). Deliberation may enhance collective judgement because it is concerned not just with pooling information and exchanging views, but also with reasoning about these and testing arguments. Fishkin emphasizes that in public deliberation 'participants must be willing to consider the arguments offered on their merits' (1991, p. 37). In short, deliberative democrats hope to strengthen the legitimacy of democratic procedures and institutions by embracing deliberative elements, elements designed to expand the quality of democratic life and enhance democratic outcomes. For some deliberative thinkers, this quality warrants the claim that deliberative democracy is the best conception of democratic procedure because it can generate the 'best' decisions; that is, produce outcomes that are the most thoroughly examined, justified and, hence, legitimate. The exchange of public reasons in deliberation creates a new principle of legitimate governance.

Deliberative democracy constitutes an independent political ideal. Cohen offers a succinct account of this when he argues that a democratic association should be conceived as one in which 'the justification of the terms and conditions of association proceeds through public argument and reasoning' and that citizens in such an order 'regard their basic institutions as legitimate in so far as they establish the framework for free public deliberation' (1989, p. 21). According to this position, deliberation is free if it is 'not constrained' by the authority of prior norms or requirements. Under conditions of ideal deliberation, as Habermas has stated, 'no force except that of the better argument is exercised' (1976, p. 108). Parties are required 'to state their reasons for advancing proposals, supporting them or criticising them' (Cohen, 1989, p. 22). Citizens cannot simply state their preferences without being prepared to justify them in public. For the ideal to be effective, citizens need to enjoy freedom from the distorting influences of unequal power, wealth, education and other resources. What matters is a rationally motivated agreement, not an outcome produced by coercion, manipulation or bargaining. The model requires that citizens enjoy formal and substantial equality. Deliberative democracy rests on a view of political justification, that is, that it proceeds through free deliberation among equal citizens. Institutions must be geared to making this possible (Cohen, 1989, p. 26).

### **What is sound public reasoning? Impartialism and its critics**

According to deliberative democrats, there are better and worse ways to make public decisions. While there are a number of different ways of conceiving what this amounts to in the literature, two positions will be set out here: those of the impartialists and their critics. An examination of their positions helps map the debate over what constitutes sound public reasoning. The focus is on specifying the grounds on which it can be said something is right or just. If these grounds



can be successfully disclosed, a critical basis is established for laying out guiding or regulative principles of public life.

### *Impartialism*

Deliberative democrats do not take citizens' preferences as simply given or preset and, instead, seek to create the means for the examination of opinion about common problems. The aim is to establish a deliberative process whose structure grounds 'an expectation of rationally acceptable results' (see Habermas, 1996). Such a process can be conceived in terms of a broad set of public spheres in which views are considered, and collective judgements are arrived at, through deliberation guided by impartiality. Being impartial means being open to, reasoning from, and assessing all points of view before deciding what is right or just; it does not mean simply following the precepts of self-interest, whether based on class, gender, ethnicity or nationality. Political decisions that meet the standards of impartiality are those that would be defensible in relation to all significantly affected groups and parties if they had participated as equal partners in public debate. Impartialists do not assume that all relevant groups will always be able to engage in a public debate about a pressing matter (desirable though that might be in principle). Rather, they assume that a satisfactory deliberative process must be one that tests arguments against all possible relevant views and interests and thus meets the standards of inclusiveness and non-partisanship.<sup>1</sup>

To test the validity of preferences and interests involves 'reasoning from the point of view of others' (Benhabib, 1992, pp. 9–10, 121–47). Attempts to focus on this 'social point of view' find their clearest contemporary elaboration in John Rawls's original position, Jürgen Habermas's ideal speech situation and Brian Barry's formulation of impartialist reasoning (see Rawls, 1971; Habermas, 1973, 1996; Barry, 1989, 1995). These formulations have in common a concern to conceptualize an impartial moral standpoint from which to assess particular forms of practical or moral reasoning. This concern could be thought of as quite unrealistic or overdemanding. But as one commentator aptly put it: 'all the impartiality thesis says is that, if and when one raises questions regarding fundamental . . . standards, the court of appeal that one addresses is a court in which no particular individual, group, or country has *special standing*' (Hill, 1987, p. 132, quoted in Barry, 1995, pp. 226–7). Before the court, suggesting 'I believe this is the case', 'I want it because I like it', 'it suits me', 'I think it's fair', 'it belongs to male prerogatives', 'it is in the best interest of my country', does not settle the issue at hand, for claims and principles must be defensible from a larger, social standpoint. The latter is an open-ended, critical argumentative device for focusing our thoughts on views, norms and rules that might reasonably command agreement.

Impartialist reasoning is a frame of reference for specifying standpoints that can be universally shared; and, concomitantly, it rejects as unjust all those

<sup>1</sup> The material in the following four paragraphs is adapted from my 'Principles of cosmopolitan order', in Brock and Brighouse (2005).

positions and practices anchored in principles not all could adopt (O'Neill, 1991). At issue is the establishment of principles and rules that nobody, motivated to establish an uncoerced and informed agreement, could reasonably discard (see Barry, 1989; cf. Scanlon, 1998). In order to meet this standard a number of particular tests can be pursued, including an assessment of whether all points of view have been taken into consideration; whether all parties would be equally prepared to accept the outcome as fair and reasonable irrespective of the social positions they might occupy now or in the future; and whether there are individuals in a position to impose on others in such a manner as would be unacceptable to the latter, or to the originator of the action (or inaction), if the roles were reversed (see Barry, 1989, pp. 372 and 362–3).

Impartialist reasoning cannot produce a simple deductive proof of the best or only moral principles that should guide institutional development; nor can it produce a deductive proof of the ideal set of principles and conditions which could overcome the deficiencies of political life. Rather, it should be thought of as a heuristic device to test viewpoints and principles, and their forms of justification (Kelly, 1998, pp. 1–8; Barry, 1998b). These tests are concerned with a process of reasonable rejectability, which can always be pursued in a theoretical dialogue open to fresh challenge and new questions (Gadamer, 1975). But to acknowledge this is not to say that the theoretical conversation is 'toothless'.

In the first instance, impartialism has a crucial critical role. This position is emphasized most clearly by Onora O'Neill (1991). Impartialist reasoning, in this account, is a basis for criticizing partial and one-sided views, non-generalizable principles, rules and interests, and of showing how justice is a matter of not basing actions, lives or institutions on principles that cannot be universally shared. But can it state a more positive position? Impartialists think so.

For example, they argue that within an impartialist framework it is possible to show that individual or collective social arrangements generating serious harm (urgent unmet need) cannot be simply upheld by reference to a special social standing, cultural identity, ethnic background, or nationality – in fact by reference to any particular social grouping – if the latter sanctions exclusion or closure in relation to the core conditions of human autonomy, development and welfare (see Caney, 2001). To the extent that a domain of activity operates to structure and delimit significantly the life expectancy and life chances of some to the disadvantage of others, deficits are disclosed in the structure of action of a political association. These can, furthermore, be regarded as illegitimate to the extent to which they would be rejected under conditions of impartialist reasoning. If people did not know their future social location and political identity, they would be unlikely to find the particular defence of specific exclusionary processes and mechanisms convincing. These justificatory structures cannot easily be generalized and are thus weak in the face of the test of impartiality. Unless exceptional arguments were available to the contrary, social mechanisms and processes generating serious harm for certain groups and categories of people would fall to the requirement of impartiality (see Barry, 1995, 1998a).

Impartialist reasoning is a basis for thinking about the problems posed by asymmetries of power, unevenness of resource distribution and stark

prejudices. It provides the means for asking about the rules, laws and policies people might think right, justified or worthy of respect. It allows a broad distinction to be made between legitimacy as acquiescence to existing socioeconomic arrangements, and legitimacy as 'rightness' or 'correctness' – the worthiness of a political order to be recognized because it is the order people would accept as a result of impartialist reasoning. The latter can be conceived not as an optional element of a political and social understanding but, rather, as a requirement of any attempt to grasp the nature of the support and legitimacy enjoyed by particular social relations and institutions; for without this form of reasoning the distinction between legitimacy as 'acceptance' and legitimacy as 'rightness' could not be drawn. Hence, it is the basis of distinguishing compliance based on tradition, pragmatic acquiescence or instrumental agreement from compliance based on what people would consider as right and worthy of respect after deliberation (pp. 155–6, 197–8 above).

It should be emphasized that the pursuit of impartial reasoning is a social activity even when it is pursued as a solitary theoretical exercise. For as Hannah Arendt has written:

The power of judgement rests on a potential agreement with others, and the thinking process which is active in judging something is not ... a dialogue between me and myself, but finds itself always and primarily, even if I am quite alone in making up my mind, in an anticipated communication with others with whom I know I must finally come to some agreement ... And this enlarged way of thinking ... cannot function in strict isolation or solitude; it needs the presence of others 'in whose place' it must think, whose perspective it must take into consideration, and without whom it never has the opportunity to operate at all. (*On Revolution*, as cited by Benhabib, 1992, pp. 9–10)

The aim of a debate about impartiality is an anticipated agreement with all those whose diverse circumstances are affected by a pressing issue or set of issues. Of course, as an 'anticipated agreement' it is a hypothetical ascription of a collective or intersubjective understanding. As such, the ultimate test of its validity must depend in contemporary life on the extension of the conversation to all those whom it seeks to encompass. Only under the latter circumstances can an analytically proposed interpretation become an actual understanding or agreement among others (Habermas, 1988). Critical reflection must link up with public debate and deliberative politics (see below).

### *The critics*

Impartialist reasoning is argument designed to abstract from power relations and to test the force of the better argument. But it is a form of reasoning that has been criticized as too abstract and too narrow in its conception of what constitutes a good argument. Amy Gutmann and Dennis Thompson are leading voices in this regard. They reject the notion that deliberation under the right conditions – free of coercion and power relations – is necessary to legitimate laws and public policies (1996, p. 200). What is needed, they argue, is not an account of deliberation in unattainable conditions following very abstract argumentative rules but, rather, a better grasp of the nature and meaning of

deliberation under 'non-ideal' conditions. They do not think that the likes of Habermas or Rawls have much to offer here.

Just as Weber spoke of the irreducible clash between 'warring gods' (p. 128 above), Gutmann and Thompson believe conflict over public choices cannot be eliminated from human affairs, and that self-interested political actors cannot be turned through deliberation into altruistic persons. 'Incompatible values' and 'incomplete understanding' are endemic to human politics, as endemic, in fact, as scarcity and limited altruism (1996, pp. 25–6). Moreover, we cannot expect to resolve all or even most moral conflicts because 'moral disagreement is a condition with which we must learn to live, not merely an obstacle to be overcome on the way to a just society' (1996, p. 26). This was the error of Marxism (cf. pp. 116f above) and is the error of all forms of political and social theory that hold that such conflicts and differences are simply the product of socioeconomic interests. Conflict over law and policy cannot be explained reductively as a product of self-interest because citizens' 'moral understanding [and lack of understanding] are part of what constitutes their interests' (1996, p. 19).

Impartiality is incapable of indicating how to handle moral conflicts such as that posed by whether or not abortions should be legalized, the extent of the teaching of religion in schools or the level of welfare benefits appropriate for those who are unemployed. This is so because in each of these and numerous other examples, the matter cannot be resolved by appeal to the facts (for what facts are to be counted as relevant will be determined by prior conceptual choices) or an analysis of the relevant concepts involved (for those will also be contested). Impartiality requires the exchange of general reasons to settle a dispute, and the searching out of positions capable of intersubjectivity and collective agreement. But precisely which will count as a 'general reason' or a position thought capable of generating agreement will inevitably be disputed.

Gutmann and Thompson argue that impartiality entails a type of moral absolutism: impartial reasoners in search of the better or clinching argument cannot recognize that dissenters may have good reasons for the positions they hold. All parties to a dispute about a matter of pressing concern may have sound grounds for not wanting to shift their views in the face of impartialist tests. Accordingly, deliberative democrats like Gutmann and Thompson stress the importance of recognizing that interlocutors are not necessarily disagreeing because they are poor reasoners, blindly self-interested or stupid. Instead, parties to deliberation should seek mutually acceptable reasons before deciding on a course of action and if they fail to find these they should seek an accommodation consistent with mutual respect (1996, pp. 79ff). In this context, public justification requires that 'a citizen offers reasons that can be accepted by others who are similarly motivated to find reasons that can be accepted by others' (1996, p. 53). They call this principle, in an argument that recalls Offe's and Preuss's position (see pp. 232–4 above), the principle of reciprocity. Citizens should aspire to a form of reasoning that is mutually justifiable and mutually accommodating.

The core of Gutmann's and Thompson's account of deliberation has been succinctly put by one commentator:

(deliberation) cannot hope to resolve all moral conflicts, but in imposing an obligation on citizens, in the first instance, to seek justifications which are acceptable to all, it focuses our attention on these and deliberation about them can then come to clarify them. If some problems remain, following clarification of the issues, and cannot be treated as the product of misunderstandings, then we . . . are required to seek an accommodation with those in opposition. The pursuit of accommodation manifests the mutual respect which citizens have for one another and it should exhibit 'civic integrity', i.e. the avoidance of strategic or hypocritical speech, and 'civic magnanimity', i.e. parties should strive to be open-minded and acknowledge the seriousness of the issue for both parties to the dispute. (McBride, 2004, p. 39)

Gutmann and Thompson refer to this position as seeking 'an economy of moral disagreement' (1996, p. 84). Citizens should pursue the argument that minimizes rejection of the position they oppose and avoid unnecessary conflict in characterizing the standpoint of their opponents. The aim is to search out 'significant points of convergence between one's own understandings and those of citizens whose positions, taken in their most comprehensive forms, one must reject' (p. 85). A majority vote on controversial issues should only be taken after all discursive avenues have been exhausted.

James Tully also warns of the dangers of a single model of deliberative reasoning. Dominant groups, who have their own customary ways of reasoning, often present these 'as canonical, as universal or as the uniquely reasonable' (2002, p. 223). In the West, this outcome has been achieved typically by presenting particular forms of cultural and historical reasoning as the modern or democratic way to present oneself and be heard – the 'free and equal' way of deliberating. The result has been a conflictual model of argument, oriented to winning an exchange with opponents rather than one that seeks mutual understanding and accommodation. The impartialist model promotes a single form of reasoning above all others and, hence, fails to see how it itself is shaped by particular cultural, social and linguistic practices and identities. If impartialism is oriented to a consensus produced by 'the force of the better argument', then some voices will be dismissed as weak, uninformed or irrational, and silenced along the way (see Tully, 2002; and Young, 2000, pp. 52–80).

Tully's critical point is conjoined with a positive emphasis on how different practices of reasoning are grounded in distinctive social practices and rules, local repertoires and genres of argumentation, and customary ways of relating to one another. These cultural and historical forms of knowledge and getting on with things – local 'know-hows' – are, he argues, the intersubjective bases of culturally diverse practices of deliberation, that is,

of raising questions and listening to others, of presenting a reason, a story, an example, a comparison, a gesture or a parable for consideration, showing rather than saying, expressing disagreement, deferring or challenging, taking a point, informing another, advising and taking advice, speaking for another and being spoken for, stonewalling, feet-dragging and feigning, dissenting through silence, breaking off talks, working towards a compromise, agreeing conditionally or unconditionally . . . and countless other discursive and non-discursive activities which make up deliberative language games. (Tully, 2002, p. 223)

There are many ways to be heard and make a point, yet impartialist reasoning risks excluding all these in a perverse search for *the* reasonable. Tully presents a strong case for deliberative democracy, but one based on an appreciation of diverse forms of reasoning and justification, not one fixed on a single form of deliberation. For him a legitimate political order is a continuously 'conciliated' or 'negotiated' order, always open to questioning in dialogues – the critical practice of thought and action that prevents political sclerosis and unwanted institutional sedimentation. In his judgement, 'the first and perhaps only universalizable principle of democratic deliberation is *audi alteram partem*, "always listen to the other side", for there is always something to be learned from the other side' (2002, p. 218).

The critique of the ideal of impartiality in deliberative democracy is taken a step further by Iris Young. She criticizes the ideal for a number of reasons. In the first instance, the ideal of impartiality expresses a fiction because it rests on the assumption that people can transcend their particularities when engaging in deliberation. In fact, we are all situated beings and nobody can completely set this aside and present an impersonal and dispassionate standpoint (1990, p. 103). Second, the ideal of impartiality 'represses difference' in that, as Tully also notes, it seeks to reduce diverse and complex forms of reasoning to a simple model of reasoning together. Third, it falsely reduces a multiplicity of possible standpoints in the world to one viewpoint – the viewpoint that, allegedly, 'all rational subjects can adopt' (p. 100). In contrast, Young proposes 'to promote a politics of inclusion' that nurtures 'the ideal of a heterogeneous public' (p. 119). This ideal does not presuppose that participants would surrender their social and cultural identity as the price of inclusion. Instead, it seeks the recognition and effective representation of diverse social groups in public life.

In Young's view, this can be achieved by:

- making available public funds to promote the self-organization of social groups, especially the marginal;
- group analysis and group generation of policy proposals to ensure all agendas are articulated;
- ensuring that decision-makers are accountable to all groups by obliging them to show that they have taken group perspectives into consideration in their deliberations;
- granting veto rights in public policy-making to those groups who are significantly affected by certain sets of issues (e.g. reproductive rights policy for women, or land use policy for indigenous peoples);
- altering public culture so that argumentative modes of reasoning are supplemented by other modes of communication, including greeting, rhetoric and narrative; this would help disclose experiences and needs which might otherwise go unnoticed, and the diverse ways these can be articulated. (1990, pp. 184–5; 2000, pp. 56ff)

Young has sought to emphasize recently that not all groups (e.g. youth subcultures) are to have special representation in her democratic model, but only 'structural groups', that is, those whose common social location tends to exclude them from political participation, the ability to express their group

freedom and concepts of social justice (2000, p. 97). Public life needs to include 'differently situated voices' able to articulate their concerns and interests. Young argues that the representation of interests by the usual mechanisms of party politics must be supplemented in public deliberation by the representation of group perspectives. This can be achieved by a number of different means, e.g., quotas for representation on key political committees inside and outside formal political institutions, the reservation of seats in legislatures as a temporary means to promote the inclusion of marginal groups, among other possibilities (2000, p. 150; cf. Phillips, 1995).

The critics of impartialism are adamant that sound public reasoning in deliberative democracy can take a number of different forms. Yet impartialists are not thrown by this charge. In the first instance, they accept that there are diverse forms of reasoning; this hardly constitutes a discovery. The point is not to stress diversity *per se* but, rather, that not all forms of public reasoning are equally valid if political life is to be steered by refined and reflective preferences which are fact-, future- and other-regarding. If political judgements are to be legitimated in and through the processes out of which they emerge, then we need to be able to distinguish coerced from non-coerced agreements, and agreements which reflect the distortions of power from those which are formed in open and free communication. Only the latter can provide a true compass through the mire of social conflicts.

Moreover, impartialism does not entail the view that politics is or can be free of self-interest. Instead, in order to distinguish standpoints which directly reflect self-interest from those capable of intersubjective agreement, it requires one to weigh all the relevant interests affected by a particular course of action – without dogmatically assuming one's own position is valid and that it automatically trumps those of others. Impartiality imposes a formal constraint on the types of reasoning one can adopt if one is to distinguish successfully between the assertion of self-interest and the pursuit of a course of argument or action which other reasonable people would endorse under shared circumstances. Impartiality does not block the pursuit of one's own interests in all situations, but it insists that reasons for action, if they are to command legitimacy, must be those which all parties would accept as sound irrespective of where they are located in the relevant chain of action. Political philosophy must not blur the boundary between a legitimate and illegitimate public decision procedure. Public legitimacy requires that courses of action are chosen because they are based on reasons which all could accept. Of course, whether citizens will proceed in this way in actual deliberations is far from clear; they have and rely upon many different sources of power and action. However, political philosophers should not confuse, impartialists hold, the rightful basis of action with the mere assertion of identity and self-interested strategic action.

Any model of public reasoning can be manipulated in public life, and impartialism is no exception. When dominant groups or political elites try to legitimate their power by defining the idea of a good citizen in terms of their own particular cultural and historical qualities, and the proper form of political justification as that which adheres to the rules of discourse they have

established, there is a clear risk that others will be marginalized and silenced. This could be an intended or unintended outcome. Thus, when dissenters from a dominant point of view are dismissed as partisan, irrational or merely self-interested, this might be because dominant forms of public justification are serving an ideological function. Claims to be impartial can be manipulated in public discourse, buttressing existing rule systems. That this can happen is not an argument against the notion of impartialism itself, but an argument against its one-sided application. In fact, any such critique presupposes that ideology can be unmasked from a non-ideological standpoint, and that a distorted public domain can be distinguished from the notion of a genuinely impartial public sphere (McBride, 2004, p. 87).

### **Institutions of deliberative democracy**

The dispute between impartialists and their critics is likely to continue to divide how deliberative democrats understand their project. Yet, despite these controversies, they have in common a scepticism about many aspects of existing forms of liberal democracy – criticizing its excessive recognition of private interests, its aggregative conception of the public good (as the sum of private preferences), its reliance on instrumental forms of rationality, and its failure to place the quality of public decision-making at the centre of debate. While liberal democracy tends to treat private preferences as fixed and given, deliberative democrats are all committed to problematizing these, and to focusing on political mechanisms and social practices which facilitate the discovery of good arguments, sound justifications of action and, where possible, generalizable interests (Dryzek, 1990). Deliberative democrats offer some important new insights into the possible institutional structures of democracy. Typically, these involve proposals to supplement and enrich existing democratic procedures, and to enhance the quality



*Deliberative polls and deliberative days*

Like all polls, a deliberative opinion poll involves the random selection of a representative sample of the population, a 'microcosm' of the electorate as a whole. But while an ordinary opinion poll assesses 'what the electorate thinks given how little it knows', a deliberative poll is designed to reveal what 'the electorate would think if, hypothetically, it could be immersed in intensive deliberative processes' (Fishkin, 1991, p. 81). How is this organized? The idea is to bring a representative sample of the population together in one place for a few days in order to deliberate on a pressing matter of public concern. The sample is initially polled on its members' pre-deliberative views. Deliberation then takes place usually involving two elements: exposure to, and questioning of, a range of experts on the issue at stake; and a debate among the participants in the hope of arriving at more publicly defensible positions. After this everyone is polled again and the results of the pre- and post-deliberative polls are compared. Typically, the process of deliberation is expected to shift opinions because views have become informed by a careful consideration of the evidence, and those involved have taken account of the opinions and arguments of others.

Apart from the immediate impact of a deliberative poll on its participants, it is hoped that, if the results are well publicized (perhaps on radio and television), the general public would be stimulated to consider their own views more carefully. James Fishkin, one of the pioneers of deliberative polls, believes that their results carry greater authority than an ordinary opinion poll because they represent the 'reflective judgement' of the electorate. The outcome has particular 'recommending force', telling us that this is what the public would think if given an opportunity for extensive reflection and access to information (Fishkin, 1991, p. 81). Unlike official political representatives, who tend to be drawn from elites and who are the subject of enormous pressures from special interests (see chapter 6), the deliberative poll is a sample of the informed opinion of people drawn by lot, a key selection device recommended in classical democracy, to ensure everyone has an equal chance to be selected, no matter where they come in the social hierarchy (see chapter 1). Each person is equally likely to be chosen to participate and each person is equally interchangeable with another. Hence, the advocates of deliberative polls see them as combining two powerful ideals: deliberation and political equality. Elements of classical Athenian democracy (rotation of participants and open debate) are combined with elements of representative democracy (political equality, publicity and public debate) to create a new institutional mechanism (see Beetham, 2005, pp. 137–40).

Deliberative polls were not designed to replace the political institutions of liberal democracy, but to support and complement them. They have been utilized across a range of public issues, both in the US and in Europe. Evidence from their use generally supports the claim that deliberation does result in a significant transformation of the preferences of those involved. For example, participants in one poll in the US who were initially hostile to the notion of raising electricity prices shifted their views when prices were tied to higher levels of investment in renewable energy sources; another poll found that people

hostile to foreign aid changed their minds once they discovered how relatively little money is committed to aid in national budgets; and yet another poll showed how people change their positions on appropriate tax levels if they have a better grasp of social expenditure budgets and the reasons some people receive social benefits and others do not (see Ackerman and Fishkin, 2003). However, there is less evidence that publicizing the results of deliberative polls has a positive effect on the mass of voters, although deliberative advocates argue that institutionalizing deliberative polling, making it a regular feature of public life, would modify the behaviour of other actors in the long run.

A subsequent proposal, developed by Fishkin and Bruce Ackerman, seeks to overcome the limited public effectiveness of deliberative polls by devoting whole days to public discussion of a critical issue. The initial version of this proposal focused on a 'deliberative day' to be built into presidential elections in the US. Samples of 500 citizens would be assembled in local schools and halls in order to spend the day deliberating over the choice of candidates. Local and national radio and television debates would be linked to these and scheduled into the day. The results of the day's deliberation, reporting pre- and post-deliberative preferences (and key reasons for shifts in position), could then be publicized, locally and nationally. In order to ensure that nobody is discouraged from participation on financial grounds, Ackerman and Fishkin suggest a 'substantial citizen stipend' of, say, \$150 for the day. A 'deliberative day' would seek to engage as many people as possible in a reflective process of political judgement.

Ackerman and Fishkin consider that the regular use of deliberative days on matters of great public concern would enhance the quality of public debate and the grounds underpinning voting; shift politicians from a 'soundbite' culture to longer, more discursive practices focused on the reasons for policy preferences (in the expectation that these would better stand the test of public scrutiny); and expand the 'informational base' of party and non-party activists so that they are better able to operate effectively. Thus, it is hoped, an increasingly informed citizenry, and an increasingly responsive political class anticipating public accountability, would help bring about a 'genuine renaissance of civic culture' (Ackerman and Fishkin, 2003, p. 25).

### *Citizens' juries*

Citizens' juries operate on a very similar basis to deliberative polls, and like them assume that citizens are capable of reflective decisions on complex public questions, given a suitable deliberative environment. The assumption is particularly significant in the context of democratic theory since it is in marked contrast to the pessimistic estimations of human capacity found among competitive elitists and legal democrats. Citizens' juries have been used to advise national governments on a wide range of controversial issues, including aspects of city design and planning; welfare reform and levels of social expenditure; competing budget claims; priorities for medical treatment; the choice of technology for energy production and appropriate pricing policy; and agricultural priorities, including the use of GM crops (see Beetham, 2005, p. 140).

Citizens' juries are assembled by public bodies to offer assessments of and policy priorities for pressing issues, once they have weighed the relevant evidence and considered relevant arguments. As in deliberative polls, deliberation is guided by expert witnesses and the testing of argument. The aim of citizens' juries is for lay people to reach a consensus on the matter at hand, and for these findings to be fed into formal decision-making procedures. Up to now, citizens' juries have had only an advisory role; they have not been regarded as a substitute for formal decision-making. Yet they have often produced striking conclusions at odds with the views of elected representatives. For instance, a citizens' jury on health reform in the US found unanimously in favour of comprehensive health coverage, and of members of government, Congress and the judiciary 'living under whatever healthcare plan they introduced for the rest of the country' (Beetham, 2005, p. 141). Despite this, there is considerable evidence that governments (in addition to citizen lobby groups) in many countries are interested in making use of them to help create an informed environment for public debate and political decision-making.

#### *Expanding voter feedback mechanisms and citizen communication*

A further domain of experimentation in enhancing the quality of public deliberation involves developing 'voter feedback' mechanisms on central public issues (Adonis and Mulgan, 1994). These are designed to improve communication and understanding between decision-makers and citizens. New voter feedback mechanisms can combine television, cable and computer networks, built by the public or private sector, with local governments and national institutions. The aim is, again, to improve the process by which citizens form political judgements and to enhance the mechanisms whereby career politicians are informed about citizens' views and priorities. Examples include email access to public fora, using email to place items on the public agenda if they meet a certain threshold of support, special internet 'noticeboards' to generate debate or survey preferences on troubling matters, and more elaborate and focused access to television and radio networks to generate new spheres of public discussion and information provision.

Other possibilities for the future include using the internet to create public solutions to key social or health care issues. The internet is already used to provide a space for the collective design and development of some software systems and computer games. Why could it not also be deployed by non-governmental organizations, governments or international bodies to tap into the 'know-how' of people significantly affected by a pressing public matter (traffic congestion, health threats or security concerns) and to help generate innovative bottom-up and bottom-tested solutions? Information technologies could be deployed to create sites for debate about the most appropriate characterization of a public issue; new ways of engaging in thinking about and designing solutions to it; and new forms of policy implementation. Citizens could be drawn in to these processes across national borders in so far as public problems and solutions transcend national frontiers, as they do with a huge

range of contemporary challenges from HIV/Aids to environmental degradation and new modes of delivering aid to developing countries.

New technology can be used to enhance relations between citizens and governments and between citizens themselves. A distinction is sometimes made between e-government and e-democracy initiatives. The former is typically depicted as 'top-down' (concerned with dissemination of information, improving access to representatives and so on) and the latter 'bottom-up' (concerned with the creation of new citizens' fora for discussion and deliberation, and sites for mobilization and action) (Beetham, 2005, pp. 150–5). While the distinction has some analytical value, many democratic government initiatives to put key documents on line (e.g. the Special Prosecutor's report to the US Congress on the Clinton–Monica Lewinsky affair), to improve understanding of social policy entitlements through the use of web-based information and to seek voter opinion on a wide range of public questions can enhance responsiveness and accountability on both sides of government. None the less, probably the most significant democratic potential of digital technology for the development of citizen communication lies in its application to enhance lateral communication between citizens through the generation of online public fora. Examples of deliberative fora include Minnesota E-Democracy and DNet in California, both of which promote debate and evaluation of candidates for public office (see Hacker and Dijk, 2001; Beetham, 2005, pp. 153f); OpenDemocracy.net in the UK, which focuses on a wide range of global issues and aims to stimulate public discussion of them; and a host of activist sites focused on everything from environmental degradation to mobilization against the war in Iraq in early 2003.

Typically, experiments to enhance voter feedback and citizen communication provide avenues for deepening political participation within *existing* patterns of liberal representative politics. They create new opportunities for public

*Civic education and public funding of deliberative bodies*

Deliberative democrats hope that new forms of deliberative engagement will stimulate reflection not only on the part of those immediately involved, but also on the part of those who come into contact with 'deliberative activists' – family members, friends and workmates. They hope that re-engaging some citizens in politics will stimulate widespread networking which could eventually trigger a culture of far-reaching civic participation (Ackerman and Fishkin, 2003, p. 25). Integral to this possibility, according to Gutmann, is a strong civic education agenda to help cultivate the capacity for public reasoning and political choice (1987; see also Gutmann and Thompson, 1996).

Civic education needs to be part of every child's learning process, from early school through to higher education and beyond. If 'reasoning from the point of view of others' does not come naturally, it can be striven for both in play and in formal citizenship studies. Learning to place one's own desires and interests in the context of those of others should be an essential part of every child's education. Thinking in a way that is sensitive to others, and to the facts and future possibilities, is not an easy task and requires considerable mental discipline – above all, the capacity to put one's own immediate perspective on life in critical relation to those of others (see pp. 233–4 above). A multi-perspectival mode of forming, defending and refining one's preferences and judgements is a tough cognitive challenge (at all times) and needs to be acquired through schooling, a commitment to lifelong learning and a willingness to put oneself in discursive situations which unsettle one's point of view. The creation of an education system, which opens up people's understanding and horizons as a result of knowing about others, is a crucial element of the development of a democratic public culture.

Public funding of civil society associations which actively promote deliberative practices is strongly endorsed by some deliberative theorists. Organizations that directly or indirectly support lifetime learning, the mediation of traditions and cultures, and the broadening of individuals' capacities to give and exchange reasons for action are central to the conditions of a successful deliberative culture. Deliberative politics requires both the nurturing of a civic education programme and discursive public fora to help 'upgrade the quality of citizenship' (Offe and Preuss); that is, to generate a public culture supportive of refined and reflective preferences. The capacity of citizens to be able to sustain 'the public use of reason' – the pursuit of publicly justifiable reasons for action – is to be placed, in the deliberative account, at the centre of institutional design and development (see Cohen and Rogers, 1992).

An important question remains: where does or should deliberation occur in a public culture geared to transforming people's preferences? Surveying the options canvassed in the literature, Michael Saward emphasizes multiple possibilities:

- in specially constructed micro-forums . . . where a small representative sample of people debate and in some cases vote on issues (deliberative polls, citizens' juries, etc.);

- within political parties;
- in national and other parliaments;
- in supra-national committee networks such as those in the governing structures of the European Union;
- within private or voluntary associations;
- within courts; or
- within a diverse 'public' sphere of 'protected enclaves' or 'subaltern counterpublics', in other words, oppressed groups in society. (2003, pp. 123–4)

The extent to which deliberative democrats perceive deliberation as a supplement or enrichment of liberal democracy or as an alternative model of democracy varies across deliberative thinkers. The questions 'Who deliberates?' and 'Where do people deliberate?' evince quite different answers. For a figure like Fishkin deliberation is a way of renewing modern representative democracy via deliberative polls and days. By contrast, for theorists like Young and Dryzek, deliberation is a way of transforming democracy and creating a new language of radical politics – a deliberative, participatory political order. Where deliberation should be sited, and the extent of popular participation, are not questions about which there is a consensus among deliberative thinkers. To the extent that deliberation is seen as a supplement to liberal institutions, theorists tend to recommend it as a way of improving the quality of existing political institutions. To the extent that deliberation is regarded as a transformative mode of reasoning which can be drawn upon in diverse settings, from micro-fora and neighbourhood associations to national parliaments and transnational settings, it tends to be interpreted as a new radical model of democracy.

### **Value pluralism and democracy**

Most of the chapters in this volume present accounts of established orthodoxies, although all traditions are open to hermeneutic contestation and revision. Deliberative democracy stands out from this somewhat because it represents a body of thought that is only about twenty years old and hence is better represented as a programme of research and discussion. In order to conform to the structure and presentational form of the book, its principles and key features are set out in model IX. But this particular characterization ought to be treated tentatively, for the reason given.

A number of questions have been addressed in this chapter, the answers to which affect the coherence of the notion of deliberative democracy: Why deliberate? When can it be concluded that deliberation is successful? Who deliberates and where should deliberation take place? As noted previously, responses to these questions are by no means settled in the deliberative literature, and a number of very distinctive positions and arguments are on offer. If views tend to converge on any point, it is on the first question, 'Why deliberate?', with an emphasis on elements of the following: refined and reflective views should be considered integral to democratic politics; the quality of decision-making should be at the centre of public debate; political rationality is inseparable from the idea of justification to others; the strengthening of

**In sum: model IX**  
**Deliberative Democracy**

*Principle(s) of justification*

The terms and conditions of political association proceed through the free and reasoned assent of its citizens. The 'mutual justifiability' of political decisions is the legitimate basis for seeking solutions to collective problems

*Key features*

- Deliberative polls, deliberative days, citizen juries
- E-government initiatives from full on-line reporting to direct access to representatives
- E-democracy programmes including on-line public fora
- Group analysis and generation of policy proposals
- Deliberation across public life, from micro-fora to transnational settings
- New uses of referenda tied to deliberative polls, etc.

Deepening of deliberation

renewing representative democracy

radical, deliberative participatory democracy

*General conditions*

- Value pluralism
- Strong civic education programme
- Public culture and institutions supporting the development of 'refined' and 'reflective' preferences
- Public funding of deliberative bodies and practices, and of the secondary associations which support them

discursive rationality is vital to the search for the best substantive solutions to collective problems. Answers to the rest of the questions diverge, with significant implications. Impartialists and their critics dispute the very nature of public reasoning, and how it can be claimed that it is achieved (or not). There is no general agreement on the criterion which could determine when deliberation is successful. In my judgement, the position of the impartialists is by no means defeated by their critics (see pp. 239–45 above). Yet it has to be acknowledged that the ideal of impartiality and of the transformation of popular judgements in line with the requirements of mutual justification cannot accommodate all claims made on behalf of social differences; for impartialism takes a clear position on the equal moral and political worth of each and every individual and hence is incompatible with group claims as such, which can threaten the freedom and equality of individuals (McBride, 2004, p. 104). How far this matters depends on whether ontological priority is given to people as individuals or

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groups. Positions differ here with considerable consequences. (Arguments I develop later take moral or egalitarian individualism to be central to democracy in its contemporary form and to trump group demands. The claims of groups are interpreted as secondary to the rights and liberties of individuals. See chapters 10 and 11; see also Heid 2002; 2004, appendix.)

Divergencies of assessment are also evident in reflections on who should be involved in deliberation, and where they should engage. At one end of the spectrum deliberative theorists are seeking a better understanding of what it is that actually happens in parliaments and constitutional courts, and are pursuing an extension of the use of public reason and mutual justification to new domains within representative democracy. At the other end of the spectrum discursive democracy is presented as a way of overcoming the deficiencies of liberal democracy by promoting a public sphere in which no individual may possess authority except on the basis of a compelling argument or idea; no institutional barriers should exist to the participation of all interested parties; and there should be no rules or regulations beyond challenge over time (Dryzek, 1990, pp. 41–2). The public domain, in short, should not be constrained by any formal or constitutional rules that are themselves beyond democratic accountability.

Whether deliberative democracy constitutes a ‘paradigm shift’ in democratic theory and practice remains, at this stage, an open question. None the less, I think it can reasonably be claimed that it has moved democratic thinking along new paths. Although a concern with deliberation and public reasoning can be found in classical democracy, developmental republicanism and developmental



only have to surrender to a majority (vote winning) outcome, not to the judgement of the victor (Waldron, 1999a).

The criticism is telling but not necessarily decisive. A convergence of judgements is not required for a collective decision in accounts like that of Gutmann and Thompson (1996). In addition, deliberative democracy has recently been rearticulated to conceive of it as an ongoing process of public deliberation punctuated by elections. In this account, it is reasonable to interpret majoritarian views as indicators of where the balance of argument lies at a particular electoral moment, recognizing that the argument must continue (see Lafont, 2006). Thus, the safest conclusion at this juncture in the development of deliberative theory is that deliberation about deliberative democracy will continue! How far and to what extent deliberative democracy is understood as a new innovative model of democracy, or a change to the way representative democracy is understood and can function, is a question for further debate.