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One of the oldest answers to the question, “what is democracy?” is simply “the rule of the people.” But because of the myriad of contexts in which “democracy” is now used, this old answer is more likely to puzzle than to satisfy most who ask the question today. Who are “the people”? And in what manner can they all possibly “rule”? One recent contribution to the academic debate about the meaning of democracy, the theory of deliberative democracy, offers a striking reinterpretation of what the ideal of “the rule of the people” might mean for the practice of politics in large, complex political entities. According to its advocates, a deliberative theory of democracy shows how problems that have made pessimists of other theorists of democracy might be managed and even solved by democratic politics reconceived in the right ways. Problems endemic to complex contemporary political communities, like fundamental disagreements about moral values and pervasive inequalities, deliberative democrats claim, could be solved or at least lessened if democracies were built more solidly upon deliberative principles. I shall argue, however, that once we pay close attention to how the problems deliberative democrats maintain public deliberation is so well-suited to solve, we must conclude that deliberation is not as promising a basis for a theory of democracy as its advocates claim.

Throughout most of Western history, the term “democracy” has been used as a political insult. To comment that a political system was in fact ruled by the demos, the common people, was often to make a point about the source of its disorder. Only in the twentieth century has “democracy” become a coveted political label, a label defenders of a vast array of political systems and movements use to justify them. A corollary of this recent, widespread appropriation of “democracy,” however, is that any new claim to theorizing the meaning of “democracy” is not likely to win wide allegiance among the many who profess to support it. In other words, the meaning of “democracy” is now fundamentally contested.
One way to capture how the meaning of "democracy" is contested is to construct a span along which some of its current definitions might be plotted. At one pole, we might place definitions like the political economist Joseph Schumpeter's, for whom "democracy" is solely a set of particular procedures. For Schumpeter, "the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote." At the other pole, we could place definitions like the political theorist Sheldon Wolin's, for whom "democracy" is not procedural, but rather an essentially evanescent, transformative moment: "Democracy needs to be reconceived as something other than a form of government: as a mode of being that is conditioned by bitter experience, doomed to succeed only temporarily, but is a recurrent possibility as long as the memory of the political survives." Although these two definitions capture the extremes of only one of the ranges one might discern within contemporary understandings of democracy, the poles they represent - democracy as a "method" or set of procedures versus democracy as an elusive but transformative moment - are the poles between which deliberative democrats most often navigate.

Despite their disagreements on other issues, most contemporary theorists of democracy all along this definitional range agree that "democracy" in the twentieth century should not be too literally identified with the kind of political institutions the term still suggests - direct, small-scale governance - if it is to remain a meaningful ideal. Therefore, for many contemporary democratic theorists, how to translate "democracy" into a contemporary social and political setting (from that of the ancient or late medieval city-state to the twentieth century nation-state) is a central theoretical problem - and one that requires considerable imagination. Some conclude that the institutions of political representation and the practices that constitute them are catalysts crucial to converting the ideal of the rule of the people into a form that can still guide the politics of large, complex entities. Others focus on how some principles of direct democratic governance, like lotteries, might still complement or even replace the principles of representative government in contemporary politics. Even theorists like Schumpeter who are deeply skeptical about the possibility of a faithful translation of the ancient democratic ideal into contemporary political contexts attempt a sort of translation nonetheless by arguing
that in contemporary systems the people can rule only indirectly through electoral procedures.

The theory of deliberative democracy is, I believe, an important new chapter in this project of translation that has made up so much of contemporary democratic theory - important not only because it offers a new idiom in which to understand democracy, but also because so wide a range of theorists of democracy has recently endorsed it. Indeed, such a wide variety of people have recently adopted the deliberative idiom that its appearance in a work of political theory gives one few clues to the writer's politics. Socialists, liberals and conservatives have all contributed to the theory of deliberative democracy.6

Given the broad political spectrum of writers who have developed deliberative theories of democracy, characterizing what they all have in common is not easy. Nevertheless, deliberative democrats, regardless of their political sympathies, ascribe "deliberation," an activity in which we usually speak of individual people or relatively small groups engaging ("the jury deliberated," etc.) to large, even national political entities. This is a hopeful move, suggesting that one of the excellences of small-scale governance might be within the reach of large polities too. Indeed, when deliberative democrats present deliberation as an activity of the public as a whole, they argue that it is pivotal to justifying the decisions democratic governments make as legitimate, even when they are not unanimous. If the public has deliberated about a matter, its having done so lends its subsequent decisions greater legitimacy than is available to decisions reached by means of a vote, a poll or a public official's mandate.

Deliberation on a national scale derives the core of its justificatory power, however, from calling to mind a kind of deliberation it can never closely resemble - face-to-face deliberations, in which the people involved speak and listen to one another and perhaps even change their minds as a result. Because it is the core of deliberative democrats' updated translation of the democratic ideal, the concept of deliberation does double duty in their theories; that is, it evokes both the serious and sometimes transformative talk of small groups as well as the procedures of national politics. Consider, for example, how James Bohman and William Rehg, in their preface to Deliberative Democracy: Essays on Reason and Politics, rely on both senses of "deliberation" to define deliberative democracy:
"[D]eliberative democracy refers to the idea that legitimate lawmaking issues from the public deliberation of citizens. As a normative account of legitimacy, deliberative democracy evokes ideals of rational legislation, participatory politics, and civic self-governance. In short, it presents an ideal of political autonomy based on the practical reasoning of citizens."7

In this passage, Bohman and Rehg use "deliberation" both to characterize features of an entire political system ("rational legislation") as well as those of small groups ("the public deliberation of citizens," "participatory politics," "the practical reasoning of citizens"). To be sure, deliberative theorists argue that public deliberation can be understood as an activity in which a vast number of citizens participate. But as much as deliberative theorists insist that "public deliberation" should not be imagined simply as face-to-face deliberation writ large, many of the images of public deliberation deliberative theorists provide are nevertheless parasitic upon images of small-scale deliberation. For example, James Bohman writes:

"Citizens deliberate together before the audience of all other citizens, who must be addressed as political equals. This audience sets certain constraints on reasons that are public. They must be communicated in such a way that any other citizen might be able to understand them, accept them, and freely respond to them on his or her own terms. Reasons formed in this way are more likely to result in decisions that everyone may consider legitimate in a special sense: even if there is no unanimity, citizens agree sufficiently to continue to cooperate in deliberation."8

In this passage, Bohman imagines his audience to be a small one - small enough for all its members to assume they matter. If they do not accept the reasons presented to them, they believe they can object to the point of stopping a decision based on those reasons from being made. But why ought we to expect such small-group dynamics to characterize large-scale public interaction?
The idea that the politics of a large-scale, complex polity can be reinvigorated by deliberation seems most puzzling when one takes the idea literally - one may well wonder how a large, diverse citizenry could possibly govern itself primarily by deliberating. This puzzle begins to dissolve, however, once one takes the phrase "public deliberation" not literally but evocatively - legitimate political decisions can be reached as a result of a process that resembles (but is not an example of) what we ordinarily call "deliberation" in some respects. Therefore, any theory of deliberative democracy must spell out how public deliberation can at least figuratively characterize the political life of a large, complex political community as well as how we ought to evaluate the conduct and success of public deliberation. Put another way, how compelling is "public deliberation" as a late 20th century translation of "the rule of the people"?

To begin to answer this question, consider another case in which we ascribe activities usually attributed to small groups to a large one. It has become common in recent years for political leaders in the United States to enjoin all citizens to have "a public conversation" about divisive matters. In one sense, of course, the public is too big a group to "have a conversation"; even among a group as small as ten people, a single conversation is difficult to sustain. If we cannot take the phrase literally, perhaps a "public conversation" means that many small clusters of the public have conversations about the matter at hand. Or that when people converse about the matter, they consider what other people might believe the best responses on the part of the government to the problem might be. Or that people pay attention to broadcast conversations among experts and public officials on the topic. In each of these uses, the phrase "public conversation" evokes some aspect of what we say about conversations per se, like the openness of a conversational exchange or the way in which a conversation can hold the interest even of those who are not involved in it. But unlike other phrases that specify the group having the conversation, we can say that a "public conversation" occurs even if far from all members of the public join in - something we do not say of a "family conversation." A public conversation can resemble a conversation only in some respects and is therefore not merely a conversation writ large.

The differences between the grammar of "conversation" and "public conversation" are helpful in revealing differences between the grammar of the more theoretically burdened terms "deliberation" and
"public deliberation." To be sure, there are significant differences between the two pairs; most strikingly, "deliberation," unlike "conversation," can just as easily be an activity of a single subject as it can of a plural one. These differences notwithstanding, the phrase "public deliberation" also displays some of the peculiarities of "public conversation"; as with "public conversation," so too "public deliberation" cannot (because of the grammar of "deliberation") be understood literally - again, the public is too large to deliberate as a single group. If the public cannot be the simple, literal subject of the verb "deliberate," then how does what the public can do at least resemble some aspects of small-group deliberation? Some deliberative theorists respond that public deliberation is best understood as the deliberations of a number of smaller publics coordinated into a loose whole. Others emphasize how institutionalized norms for holding public officials accountable for their decisions leave the door open for members of the public to deliberate about matters of concern to them. But although public deliberation necessarily depends upon the deliberations of groups smaller than the public itself, it is also different in character from the deliberations of small groups.

To get a better idea of the particulars of the differences between small-group and public deliberation, consider the standards for the conduct of deliberation implied by the circumstances in which we use the word "deliberation." That is, in what circumstances might one wish to amend saying "the group deliberated," to something like "they were supposed to deliberate, but did not"? When one learns that some members did not like the ultimate decision? Probably not. When one learns that some of its members were not paying attention to the point of not knowing what the final decision of the group was? Maybe. When one learns that some of the members of the group were not allowed to attend or to speak? Probably. When one learns that the group talked about matters other than those on which it was to reach a decision ("The jury members talked about their vacation plans rather than the substance of the case")? Again, probably.

Uses of the phrase "public deliberation," however, tell us less about standards for the conduct of this kind of deliberation. Considering whether some of the standards by which we evaluate small group deliberation apply may therefore be helpful. Deliberative theorists would surely agree that a political system that explicitly forbade some of its members to speak on political matters could not be said to foster public deliberation. Some, like Bohman, insist that political systems must positively encourage the disadvantaged to take
part in politics before public deliberation can be possible. But unlike standards for judging whether small groups deliberated (some of which derive from the substance of the group’s talk and how many of its members contributed to it), standards for public deliberation (to the degree that these have been spelled out by deliberative theorists) are primarily prerequisites for successful deliberation rather than standards by which one might distinguish a successful instance of public deliberation from a misfired one. Nevertheless, as I shall argue below, theorists of deliberative democracy rely on expectations embedded in the grammar of face-to-face deliberation to present the substantive political principles they favor as if these principles themselves could easily be derived from the very idea of public deliberation itself.

These reservations notwithstanding, surely it makes sense to say that the idea of democracy must often be self-consciously reinterpreted if we are to use it to plot our political course through a rapidly changing world. Giving “democracy” a much-needed reinterpretation (and thereby saving it from becoming a stale or trite idea) is precisely what deliberative democrats claim to have done. Let us consider, then, how deliberative democrats claim to be updating “democracy,” and thereby saving it from irrelevance. Fundamentally, deliberative democrats argue that democracy can still be a robust ideal even when practiced in a highly complex polity; that is, deliberative democrats maintain it is still possible to specify not just procedures but also principles to which policies must conform in order to be considered democratic. In making this argument, deliberative democrats distinguish themselves from “pure proceduralists,” who (like Schumpeter) claim that democracy in the contemporary world can be no more than a set of procedures for forming governments (procedures which must be agnostic, within broad limits, about the substance of the policies democratically elected governments pursue). Deliberative democrats also distinguish themselves, however, from radical democrats, who claim that current forms of complex social organization make democratic decision-making nearly impossible (and certainly entirely impossible to engage in regularly).

Establishing the viability of the deliberative reinterpretation of democracy depends upon its advocates giving a convincing account of what our world is like today and then showing how democracy, reconceived deliberatively, is the best political response we can muster to such a world. Accordingly, deliberative democrats preface the constructive portion of their theories by arguing that the most important political problems we currently face all derive from “social
fragmentation.” For example, at the beginning of *Public Deliberation*, James Bohman writes:

“contemporary political practices are based on a politics of self-interest that produces social fragmentation, they permit an unequal distribution of social and economic power that persistently disadvantages the poor and powerless, and they presuppose institutions that depend almost entirely upon merely aggregative, episodic, and inflexible forms of decision making that leave deep structural problems of social and economic renewal unresolved.”

Amy Gutmann and Dennis Thompson begin *Democracy and Disagreement* in a similar vein:

“Of the challenges that American democracy faces today, none is more formidable than the problem of moral disagreement. Neither the theory nor the practice of democratic politics has so far found an adequate way to cope with conflicts about fundamental values.”

Let us consider what these diagnoses mean. First, they suggest that any conception of democracy that is going to “work” in the contemporary world cannot assume that a deep, widespread consensus on values or policy would move within our reach if we only practiced the right kind of democratic politics. These diagnoses also suggest, however, that a viable conception of democracy cannot simply accept such fragmentation or work in spite of it either; instead, sound democratic practice can take the negative edge off fragmentation and make it into something more benign, like plurality.

I now want to turn to considering what happens when this account of contemporary political problems defines the political problems we notice and how we think we ought to solve them. Of course, any proponent of a new theory must show how the world looks from this new perspective before he or she can show how, according to that perspective, the world might also be changed. My point, therefore, is not that deliberative democrats should be faulted simply because they claim that there is too little deliberating going on
in contemporary politics; rather, my point is that deliberative democrats unjustifiably present a variety of political problems as if these problems were particularly well-suited to deliberative resolution. What is more, deliberative democrats make resolutions to these problems seem less coercive and more effective than they are by relying misleadingly on images of small-scale deliberation to justify them.

To illustrate these general points, I have selected three specific examples: Gutmann and Thompson’s discussion of public school curricula and public funding for organ transplants and Bohman’s discussion of political poverty. I consider Gutmann and Thompson’s book in part because it has probably received more attention both inside and outside academic circles than any other example of deliberative democratic theory. Therefore, even though their account of deliberative democratic theory may not be a representative one, Gutmann and Thompson’s defense of deliberative democracy has nevertheless become a focal point for current debate about the merits of the theory. While Bohman’s *Public Deliberation* is less widely known, I believe it offers the best and most extended example of how the idiom of deliberation allows many theorists to claim the mantle of radical democracy while also disavowing its utopian aspect.

In *Democracy and Disagreement*, Gutmann and Thompson aim to show that the problem of a basic disagreement about the content of public school curricula between Christian fundamentalists and supporters of secular education can be resolved by appealing to the principles of deliberative democracy. Gutmann and Thompson argue that parents who (for religious reasons) seek to exempt their children from some aspects of public schools’ curricula must make their claims in general, reciprocal terms to justify their appeal to others. In maintaining that such a “deliberative” approach can settle these sorts of disputes, however, Gutmann and Thompson also maintain that parents who seek such exemptions cannot fulfill deliberative standards for making their claims to begin with - the very attempt to make their claims in general terms fails to meet the standard that deliberative claims fulfill the principle of reciprocity.

What Gutmann and Thompson show, therefore, is not that engaging in democratic deliberation can help resolve fundamental moral disagreement; rather, they show how their principle-rich conception of public deliberation discredits some views to the core. The conflict over religiously based objections to public school
curricula, therefore, has not been resolved deliberatively; nor have Gutmann and Thompson shown us how we might live with that conflict on better terms than we currently do. Instead, Gutmann and Thompson have shown why the claims of religious persons vis a vis public education ought not to be accepted on their face, while presenting their rejection of them in the non-coercive language of "deliberative resolution." The "deliberative resolution" they offer, however, is that public schools can legitimately impose their curricula on all their students for their own sake as future citizens of a democracy, over their parents' religiously motivated objections.

Among the many other specific cases Gutmann and Thompson consider is the Arizona legislature's decision in the late 1980s to cut funding for organ transplants for the poor. Gutmann and Thompson see this decision as a symptom of a "deliberative deficit" on the part of the legislators; the legislators should have realized that they could not have justified their decision to cut this funding, especially to people whose lives depended on it. Gutmann and Thompson suggest that a deliberative resolution of this issue would have demanded that the legislature increase Arizona's residents' taxes in order to continue to pay for transplants and that its members try to change their constituents' minds on the issue. Here again, Gutmann and Thompson claim to be advocating "deliberative resolution" of a political issue when they are in fact advocating understanding and applying political principles in particular ways. It is not as if the Arizona legislators did not deliberate at all or did not do it long enough; rather, Gutmann and Thompson mean that they did not do it in the right way - according to the right principles. The legislators thought they were justifying their decision publicly (by claiming that their constituents did not want them to raise taxes), but Gutmann and Thompson say they were in fact falling short of what the deliberative "principle of accountability" demands - that the decision be justified to everyone who might be affected by it.

But should we accept the metaphor Gutmann and Thompson offer for the legislature's failing - that what was wrong with the legislature's decision be understood as a "deliberative deficit"? Gutmann and Thompson's diagnosis and prescription are circular; they say we come to understand the principles that should govern democratic deliberation better the more we deliberate under their guidance. But this is more a metaphorical way of expressing a hope than an argument; what happened in Arizona, from Gutmann and Thompson's perspective seems less a "deficit" than a misfire - once
they began to go wrong, by Gutmann and Thompson's standards, the legislature's deliberations stayed wrong and could not be "made up" with "more."

To explain why social fragmentation is such a fundamental problem, James Bohman points out how it is compounded by inequality. In a fragmented, unequal society, everyone does not have an equal chance of being heard. Bohman calls the lack of political voice "political poverty"; that is, "a failure of capacity in public deliberation: a group-related inability to make effective use of opportunities to influence the deliberative process in favor of concerns of the group's members." Bohman aims to show that alleviating political poverty is important to improving the quality of public deliberation overall and to alleviating other kinds of inequalities. How, then, does deliberative democracy solve the problem of political poverty? According to Bohman, it does so by giving us good reasons to favor policies that ease the politically poor's access to the deliberative process, like cumulative voting, campaign finance reform, increasing subsidies for public broadcasting.

Consider, however, how focusing on the problem of political poverty unjustifiably legitimizes deliberative democracy as its solution. Having a place at the table, being able to influence the deliberative process is, by Bohman's definition, the ultimate goal for the politically poor - rather than the intermediate goal access, by its very nature, is. A deliberative solution to the problem of political poverty smuggles in two unwarranted assumptions: first, that easing the politically poor's access to the deliberative table will be enough of an impetus for their organizing into groups and voicing definite concerns; and second, that once part of the deliberative process, their being at the table will prove one of the best and most effective means to the end of redressing economic and cultural inequality. Unwarranted as I believe these assumptions are, it is Bohman's reliance on the small-scale image of national politics as decisions being made around a table that makes them initially seem innocuous.

The three examples I have used show how deliberative democrats either claim that fundamental disputes about values (like the ones about public school curricula and public funding for organ transplants) lend themselves to deliberative resolution, or suggest that solving the problem of exclusion from public deliberation is a prerequisite for redressing other kinds of inequalities. I have argued, however, that the principles of deliberative democracy do not show us how to resolve the public school curricula and public funding for organ
transplant problems by relying on deliberation per se; instead, Gutmann and Thompson use their principles of deliberative democracy to justify the imposition of particular solutions to these problems on those who do not accept them. Further, I have argued that Bohman overstates the reasons he offers for believing that policies that ease some people's access to deliberative forums are pivotal to lessening the pervasive inequalities from which they suffer. Deliberative democrats frame the problems they contend are central to contemporary polities in ways that make them amenable to "deliberative resolution." In the process, they often suppress some aspects of these problems themselves, as Bohman does in his treatment of political poverty. But even more significantly, deliberative theorists conflate public deliberation with small-scale deliberation when they wish to obscure its more coercive and less inclusive aspects - when they wish to show their faithfulness to a robust democratic ideal. At other times, however, it is precisely the more coercive and less inclusive face of public deliberation that deliberative democrats wish to reveal - when they wish to show that they are clear-headed about how contemporary societies frustrate most radical democratic ambitions.

Undeniably, there is something appealing about the view that democratic ideals can be reinterpreted to apply to complex, fragmented societies without being severely diluted. I must conclude, however, that deliberative democrats' reinterpretation of democracy promises much more than it delivers: a justification for coercion, however legitimate, is not the same as deliberative resolution; a straighter, smoother path to a place at the deliberative table is not social justice.


5 Two very different ideas about how to incorporate lotteries into contemporary political systems may be found in John Burnheim, Is Democracy Possible? The Alternative to Electoral Politics (Berkeley: University of California Press, 1985) and James S. Fishkin, The Voice of the People (New Haven: Yale University Press, 1995).


10 See for example Seyla Benhabib, “Toward a Deliberative Model of Democratic Legitimacy,” in Benhabib, ed., Democracy and Difference, pp. 73-74.

11 Amy Gutmann and Dennis Thompson, Democracy and Disagreement, pp. 15, 128-164.


13 Gutmann and Thompson, Democracy and Disagreement, p. 1.

Gutmann and Thompson, Democracy and Disagreement, pp. 65, 67.

Gutmann and Thompson, Democracy and Disagreement, p. 225.

Gutmann and Thompson, Democracy and Disagreement, p. 228.

Gutmann and Thompson, Democracy and Disagreement, p. 224.

Bohman, Public Deliberation, p. 110.

Bohman, Public Deliberation, p. 133.
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