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Part I: A Systematic View of Deliberation

Thinking through Democracy: Between the Theory and Practice of Deliberative Politics

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A full consideration of deliberative democracy depends upon analyzing both normative and empirical considerations. But is there a common language accessible to both the political philosopher and the empirical researcher, a language that can bridge the tension between the factual and the normative? Heretofore, much of the dialogue between the two has been plagued by methodological clashes and conceptual confusions. I outline a framework for better cooperation between the two lines of research.
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> If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost. (Aristotle, *Politics*)
> [T]he mild voice of reason, pleading the cause of an enlarged and permanent interest, is but too often drowned…by the clamors of an impatient avidity for immediate and immoderate gain. (James Madison, *Federalist, No. 42*)
> We need to accommodate the ideal to the real because the real manifests the ideal. (Cohen, 1993, 288)

Deliberation in Two Languages

The ambiguity in my title, *Thinking Through Democracy*, is meant to capture the internal relationship between two large themes. First, inquiry is a social practice; we do our thinking in language and thus through the process of communicating and arguing with others. Second, a full consideration of various forms of democracy depends upon analyzing both normative *and* empirical considerations. Deliberative democracy calls for substantially greater

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and more vigorous participation on the part of the average citizen than obtains in even the most mature democracies. To assess its critical relevance to current practices we must adjudicate the competing normative and empirical contentions offered by its advocates and critics. Is Aristotle's prediction that vigorous participation will best insure liberty and equality correct? Is Madison's implicit case for more institutionally structured and benignly mediated arrangements more likely to secure just and prudent policy? How we adjudicate these empirical questions depends upon how we frame our normative concerns for liberty, equality, justice, and the public good. And as the quotation from Cohen suggests, our normative concepts must be educated by our best analyses of social reality. But is there a common language accessible to both the political philosopher and the empirical researcher, a language that can bridge the tension between the factual and the normative?

Decades ago Jürgen Habermas called for a return to the early Frankfurt School's commitment to an intimately integrated social scientific and philosophical research agenda. Nevertheless, most work done in political theory on the one hand and in empirical and formal social research on the other is still conducted with little systematic regard for its disciplinary complement. In effect, the discourse about deliberation proceeds in two languages.

The difficulty in finding a single language that can encompass normative and empirical concerns is evident in Jon Elster's introduction to a recent volume on deliberative democracy:

> Joshua Cohen and James Fearon present two clear alternative conceptions [of deliberation]. Cohen wants to go beyond the concept of discussion to consider the more ambitious idea of 'free and public reasoning among equals.' Fearon, by contrast, focuses on the more concrete idea of discussion. His aim is to investigate whether and when the empirically identifiable phenomenon of discussion has good results, rather than to define it such that it is intrinsically desirable. Whereas Cohen tries to develop the conceptual implications of deliberation, Fearon wants to identify the causal consequences of discussion. (Elster, 1998, 8)

I question whether these two conceptions really are such clear alternatives. The difference cannot be that the former is normative and the latter descriptive. Fearon's conception is just as normative as Cohen's in that he is trying to determine when some process has 'good results.' And Cohen's conception is easily made just as 'concrete' and 'empirically identifiable' as Fearon's. After all, without transforming his project, Cohen could adopt Fearon's operational definition of discussion and simply define deliberation as a subset of discussion that meets certain procedural criteria. Although these procedural criteria are

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normative, there is no reason why they cannot be given operational definitions and judged more or less present in any given case, just as Fearon will need operational criteria for 'good results.' On this reading the difference between them is not a normative *vs* a descriptive conception, but rather, whether the normative criteria should be proceduralist or consequentialist. This perspective suggests the integrative possibility of social science and philosophical research about deliberation. But as framed by Elster, Cohen's project and Fearon's cannot speak directly to each other.

A recent criticism of deliberative theory offered by an empirical researcher vividly illustrates another facet of this kind of talking past one another. In 'Deliberation and Ideological Domination,' Adam Przeworski chastises deliberative theorists for their institutional and psychological naiveté:

> Inequality of information…may be just a matter of division of labor…But in a world in which there are conflicts of interest this is no longer true: now we have to examine arguments critically, through the optic of the interests of the speakers. Now, as I read accounts of deliberation, I am struck that they never allow the cognitive quality of the democratic process to suffer from this process. Specifically, no account I know of permits a person already holding a true technical belief to acquire a false belief as a result of communication. (Przeworski, 1998, 145)

Przeworski is claiming that deliberative theorists are blithely unaware of the possibility that communication can be used strategically in order to dominate.

This is a remarkable claim because the most prominent advocate of deliberative theory, Habermas, has been nigh unto obsessed with what he terms 'systematically distorted communication' — that is, communication that degrades the cognitive quality (technical or otherwise) of the democratic process. The following quote from Habermas's *Knowledge and Human Interests* reads almost like a paraphrase of Przeworski's accusation against the deliberative democrats:

> From the beginning philosophy has presumed that autonomy and responsibility…are not only anticipated but real. It is pure theory, wanting to derive everything from itself, that succumbs to unacknowledged external conditions and becomes ideological. Only when philosophy discovers…the traces of violence that deform repeated attempts at dialogue and recurrently close off paths to unconstrained communication does it further the process whose suspension it otherwise legitimates. (Habermas, 1968, 314)

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Clearly, Habermas recognizes (as do all major deliberative theorists) that we humans do not, nor ever will, conduct our politics from 'the ideal speech situation.' Indeed, he long ago repudiated this formulation as a misleading hypostatization. Deliberation, as Habermas, Joshua Cohen and other theorists

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use it, is an emphatically normative category underwriting a procedural conception of legitimacy. Put somewhat crudely, deliberation is not about making empirical predictions, but rather about clarifying a normative standard — one by which we can judge the legitimacy of any particular empirical instance.

Why, then, the persistent accusation that deliberative democrats in general, and Habermas in particular, flagrantly ignore the various challenges posed to their theories by the limits of real politics? One reason is surely that deliberation is not *merely* a normative ideal. Deliberative democratic theory does make implicit *empirical* predictions. Thus, Przeworski is correct to insist that:

> The challenge facing the proponents of deliberative democracy is to persuade us that people will indeed vote on the basis of good reasons if they participate in a free, equal, and reasoned public discussion. (Przeworski, 1998, 142)

While it is open to a deliberative democrat to argue that he or she is merely elucidating the relationship between certain moral concepts and practices and that those normative relationships hold whether or not any particular set of social conditions obtains, doing so comes at great cost.

It is true that one cannot 'falsify' a normative theory in the same way one might falsify a theory about fluid dynamics. However, Habermas consciously locates his project in the 'tension *between* facts and norms;' he intends that his theory help guide practice. Consequently, it must be able to bear some of the weight of the social world. If many of its implicit empirical premises and causal claims prove false, there is a sense in which it could be rendered practically falsified. That is, if his theory's ideal content were sufficiently incongruent with realizable political goals, striving to achieve its ideal could lead to perverse consequences. The best can be the enemy of the good. In other words, the claim that a particular theory *should* guide practice would be rendered false if it were established that some other model would lead to a better approximation of that theory's idealized content.

I think that Rawls, Cohen and other deliberative democrats are in the same position. If we thought that 'political liberalism' and 'justice as fairness' did not, and could not forseeably, operate roughly as intended, they would be regarded as intellectual curiosities. Rawls's two great books did not achieve their massive and well-deserved fame on the basis of technical brilliance alone. People found them a normatively compelling *and* practically plausible account of what the Western nation-state might want to strive toward. While an 'ought' may retain its validity without even an approximate 'can,' it loses much of its extra-academic significance. This is doubly true if the ought purports to be isolating the normative structures already at work beneath the welter of our

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beliefs and practices. Thus, it would be disingenuous for deliberative democrats to insulate their theories from practical critique.

Indeed, it is precisely on this point of constructing (Rawls) or reconstructing (Habermas) normative theories out of our practices and other historical–cultural resources that the misunderstanding between normative theorists and empirical researchers begins. Habermas and to some extent Rawls and Cohen suggest that their arguments appeal to empirical considerations broadly understood. Rawls appeals to 'the fact of reasonable pluralism' as something that we have learned through historical experience, and Cohen argues that this fact can tutor us as to the 'scope and competence of practical reason.' If this is so, then in principle, I see no reason why practical reason can afford to forego being tutored by the less grand and certain facts uncovered by modern social science. Indeed, much social scientific inquiry has the considerable advantage of not requiring centuries of bloodshed to warrant its factual claims.

Habermas more directly confronts the relationship between his social theory on the one hand and mainstream social science on the other:

> [I]t is unclear how [my] procedural concept, so weighted with idealizations, can link up with empirical investigations that conceive politics primarily as an arena of power processes…As I understand it, this question does not imply an opposition between the ideal and the real, for the normative content…is partially inscribed in the social facticity of observable political processes. (Habermas, 1996, 287)

Thus, Habermas conceives of discourse theory as an abstraction from and refinement of broadly empirical raw materials. However, such constructions and reconstructions occur at a very high level of abstraction, so it is reasonable to require more concrete evidence that the theory can be translated into workable institutions and practices for actually existing democracies. Similarly, it is customary to require that one test a theory against 'data' that are at least partially independent of those used to construct the theory.

Even if deliberative theorists can show that there is ultimately no alternative to discourse (because it is *constitutive* of our notion of legitimacy), this would not, in itself, require deliberative procedures for anything but 'extraordinary politics' — that is, declarations of universal rights or constitutional conventions, as distinguished from ordinary legislation and everyday politics. A deliberative decision at a very high level could warrant completely non-deliberative procedures at lower levels. Beyond this conceptual possibility, practical limitations imposed by the complexity of modern democratic states will *certainly* require primarily non-deliberative procedures at some point below the level of constitutions and universal declarations. Thus, no amount of conceptual maneuvering will allow the deliberative democrat to skirt the details

of how deliberation will actually function in applied politics. On the other hand, taking a robustly social scientific point of view need not involve ignoring deliberation as a normatively infused concept.

However, meeting Przeworski's challenge puts many deliberative democrats in a bit of a bind precisely because of their reliance on broadly empirical considerations in the theory construction stage. Some versions of deliberative theory end up partially *defining* good reasons as those that issue from free, equal and reasoned public discussion. This is what they intend by referring to their theories as procedural. Thus, it would seem to be circular to then go out looking for confirming evidence without some independent standard.

Nevertheless, neither the theoretical nor the applied problem is viciously circular. We can get leverage on it indirectly by looking at the more specific claims made on behalf of deliberative democracy and translating them into various operational terms. For example, I may be persuaded that under current law I do not pay my fair share of taxes and yet resist attempts to change to laws that would require me to do so. If I have assented to such propositions in deliberation, and then fail to act on them, we would have a clear instance of deliberation failing to operate as intended.

In order for deliberative theory to be useful, deliberation that is free, equal, and reasoned must significantly motivate at least some portion of the participants. More generally and formally, deliberation must typically: (a) have some observable effects implied by deliberative theory and consistent with its normative intent; and (b) be reconcilable with well-established knowledge about the actual or likely operation of political institutions and the capabilities and behavior of political actors.

I want to make the normative and descriptive components of deliberation explicit in a way that will reveal their relationship. This first requires an openly normative definition of deliberation:

> Democratic deliberation is normatively constrained[1] communication that aims to change the content of, intensity of, or reasons for the preferences, beliefs, actions or interpretations of one's interlocutors with respect to matters of public concern.

As a corollary, deliberative democracy is a theory of governance in which democratic deliberation plays a prominent role in forming and legitimizing public decisions. Obviously these definitions need considerable elaboration, starting with 'normatively constrained:'

> **Normative Constraint I:** *All those who are potentially affected by some policy or decision are allowed to participate in an extended, public process of opinion and will formation on a free and equal basis.*

Normative Constraint II: *Participants must appeal to rationalizable considerations for or against adopting some goal, norm, or policy, and hence refrain from threats, dissembling, manipulation, and the like.*

The penumbra of these constraints immediately generate various subconstraints, and suggest a range of potential operational criteria by which one might judge the quality of any given instance of public deliberation. I will return to these criteria and further elaboration of the definition shortly, but first I want to turn to some of the claims made on behalf of deliberation.

I will focus on the intrinsic and instrumental benefits claimed for deliberation, bracketing for the moment claims that *define* truth and rightness via deliberation. Deliberation is said to: (1) contribute to the justice of decisions by giving everyone a chance to express their interests and arguments, by requiring a public mode and content for such expressions, and by transforming preferences toward those that are more 'generalizable;' (2) contribute to the efficiency of decisions by pooling information and dividing information processing, and by generating a wider range of possible interpretations of and solutions to a problem; (3) contribute to the stability of the decision process by filtering out certain kinds of preferences, arguments, and agendas; (4) contribute to support for decisions by institutionalizing fair and public procedures, and by generating stronger rationales; (5) contribute to social capital by providing a forum for the cooperative interaction of groups and individuals; (6) contribute to the 'virtue and intelligence of the people themselves;' (7) contribute to the public autonomy of citizens by involving them in government; (8) protect against complacency and despotism by promoting a vigorous public sphere; and (9) institutionalize a practice that expresses mutual respect among citizens.

With a definition of deliberation, an outline of normative standards, and a list of claims made on behalf of deliberation we are now in a position to see abstractly how those claims can be assessed. We could estimate the extent to which any given example of political discussion meets the normative constraints set out above, relative to other like examples. Then, *Ceteris paribus*, we would expect that a public debate that: (i) included a large number and wide range of people on roughly equal terms; (ii) was extended over plenty of time; and (iii) was conducted in public, with candor and civility, etc., would garner more support, be more efficient, more stable, etc., than a closed, exclusive, and truncated process. Operationalizing equality, efficiency, and other normatively suffused concepts will be difficult and controversial to be sure. However, this does not mean that we cannot conduct more or less informative inquiry using more or less persuasive constructs and methods. For example, who would deny that political conditions in South Africa today exhibit greater equality than 20 years ago? While Aristotle was right to argue

that we cannot demand more precision and certainty about questions than the phenomena permit, neither can we know how much precision and certainty we can achieve without pushing the frontiers.

A Note on Method

An adequate empirical research agenda into deliberative politics will have to mix interpretive, formal, qualitative and quantitative methods not because of some arbitrary commitment to eclecticism, but rather because the social world is so constructed that there are different levels of description and explanation, and qualitatively different kinds of causal mechanisms. Thus, I take the side of interpretivists in insisting on a measure of methodological autonomy from the natural sciences. However, I disagree with radical interpretivism in insisting that, despite this measure of autonomy, there exists a large and important class of social phenomena which require, and can be fruitfully examined via, causal analysis on something like the natural scientific model. Perhaps, rather than saying that the social scientific methods are autonomous, it would be better to say that the social sciences need methods in addition to those necessary and sufficient in the natural sciences. This is for the simple reason that human beings manifest intentions and meanings whereas molecules and charges do not. Thus, the maxim that every description is also an interpretation applies doubly in the social sciences.

In its most general form, the interpretivist claim relies on what I take to be the uncontroversial premise that human action is intrinsically and inescapably meaningful. The real question, it seems to me, then becomes: under what conditions do particularities of meaning play a relatively greater or lesser role in the account of some phenomenon? Notice that rational choice theory, along with most other social scientific theories, does not deny that human action is meaningful. Rather, such theories implicitly rely on the assumption that there are domains of human action for which the meaning and intentions manifested in action are sufficiently general as to warrant bracketing questions of individual or culture specific analysis of meaning for certain purposes. In some circumstances and for some purposes, this assumption will be better justified than in others.

Similarly, while any given study may be reductive or covertly value inflected, it is false to argue that causal research is somehow incapable of furthering deliberation. In fact, claiming so is false in at least two distinct ways. First: free, reflexive agency is entirely compatible with causal claims and attributions of statistical tendency. Indeed, it may presuppose them. The essence of deliberative agency does not consist in somehow acting outside the causal nexus, but rather in being moved by certain kinds of reasons. The 'unforced

force of the better argument' can bind us in a way that is reflexively stable, compatible with our dignity, and likely to generate discernable patterns in deliberation. Without causality, we could not claim any kind of deliberative freedom worth having. Of course, there will always be a hermeneutic moment in interpreting reasons as causes, but this is true no matter what one's instrument and mode of analysis, and which instruments and modes are appropriate will vary with the task at hand.

Moreover, even when a causal explanation is of the sort that seems to operate on, rather through, subjects, such explanations can serve a crucial critical function for the obvious reason that such knowledge may be a precondition for changing the situation. Nor does this undermine the scientific nature of the claim. There is nothing to prevent a causal generalization taking the form 'factor x causes a $y\%$ increase in behavior z, conditional on subjects remaining unaware of the presence and influence of factor x.' Moreover, the catalytic function of such knowledge with respect to agency can itself become the object of further generalizations. And finally, even if some pernicious causal factor is resistant to reflexive scrutiny we may still want to understand and take account of it. Thus, the deliberative researcher need not demure from causal research either at the level of agency or structure.

Indeed, Habermas combines his action theory with systems theory in an attempt to connect his normative inquiry to a broader social scientific analysis. I prefer a more piecemeal approach in that I think that it is more fruitful to try to build up small pieces of evidence bearing on the role of deliberation in a democracy while eschewing totalizing functionalist explanations. However, I think that this approach can work cooperatively with Habermas's use of systems theory in that a more global perspective can help us to interpret and coordinate micro-level results that are potentially only locally valid. In addition it can suggest promising venues for new micro-level research, and act as an 'explanatory promissory note' when micro-level explanations are not forthcoming. On the other side, micro-level explanation and interpretation can help to solve some of the well-known problems with unsupplemented functionalist explanations.

Concluding Examples: The Circulation of Communicative Power in Society

In a stylized model of representative democracy we would want to distinguish between deliberation within what Habermas calls the 'weak' and 'strong' public spheres. Consider Figure 1. The ideal 'circulation of communicative power' calls for deliberation within civil society (A) to set a broad agenda that is communicated to the formal institutions of government (B), who

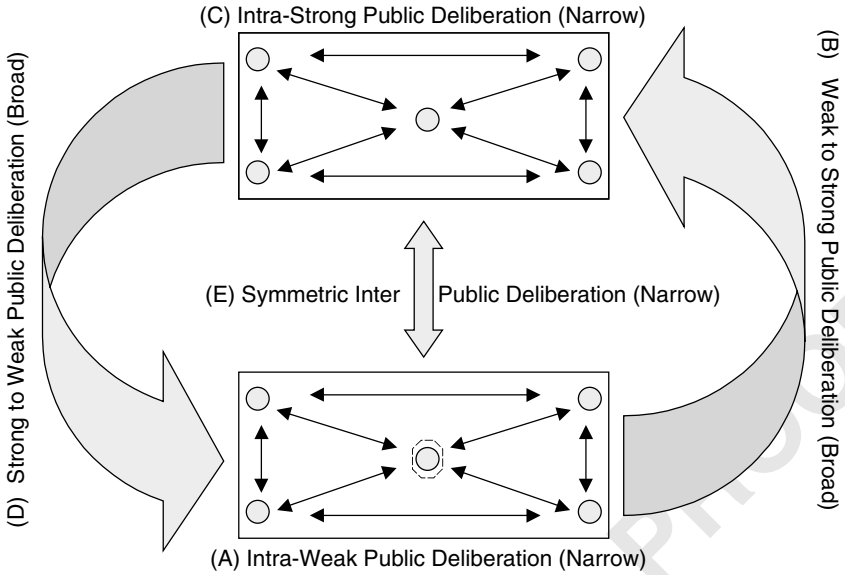

Figure 1 Model of the macro-deliberative cycle.

deliberatively develop concrete policies that interpret and implement that agenda (C), and are then responsible to convince the weak public of the mapping between the agenda and the policies (D). Under special circumstances, either opinion or will formation may also involve direct inter-public deliberation (E). The entire process is supposed to operate recursively through time, so that, for example, we could conceive of the next upward arrow in the cycle (B) as either an electoral referendum on the previous cycle, and attempt to refine what was produced at (C) and justified at (D), or a signal to move on to an new agenda or agenda item. (Although I discuss this model in terms of the circulation of communicative power at the national level, there is no reason why it could not be thought of as representing sub- or inter-national systems of deliberation as well.)

Examples under (A) include much of the work of Fishkin and his collaborators, as well as my own research. Steiner *et al.* (2004) promises to become the most comprehensive example under (C). However, I would like to reinterpret Chambers's argument (this volume) as implying that it might be more difficult to distinguish between instances of (C) and (D) than we thought — that is, that plebiscitory reason is not really about intra-strong public debate, but rather an attempt by member's of the strong public to justify themselves before the weak public to whom they are responsible. This

interpretation points toward a possible theoretical role for an appropriate form of plebiscitory reason. We might say that public (Socratic) *reason* is about (C), whereas, (democratic) *public* reason is about (D). Although there is an enormous literature on (B), heretofore, it has not been conceived as specifically deliberative, though I argue below that portions of it should be. Studies of so-called 'town-hall meetings' and other public consultative research would fall under (E).

Organizing the various 'sites' of deliberation in this way can sharpen our thinking on a number of points. First, conceived this way, any given instance of deliberation serves a function toward a larger goal, within a larger whole — that is, the healthy functioning of a deliberative democracy. Thus, we may want to differentiate the standards, domains, modes, and levels of deliberation based upon each site, in terms of both our normative/theoretical categories and our empirical approach to them. Second, thinking in terms of the system allows us to ask both empirical and normative questions about the relationship between the various sites of deliberation, and about the functioning of the system as a whole, rather than relatively isolated instances of deliberation. For example, it may not be very problematic if the strong public exhibits plebiscitory reason if it has been sufficiently structured, chastened, incentivized and cajoled by a robustly deliberative weak public. Conversely, even if the weak public sphere were deliberatively vigorous and virtuous, if the mechanisms to convert high-quality opinion formation into high-quality will formation is absent, and then we have gained little.

Third, taking the system-level perspective prompts us to broaden our notion of what should count as deliberation. That is, as deliberative researchers, we tend to focus on discrete, synchronic, face-to-face interactions. However, from the point of view of a general theory of deliberative democracy, such interactions will be but a small part of our institutions and informal practices of opinion and will formation. Newspaper editorials, church socials, election campaigns, Parent–Teacher Association meetings, office water-cooler and pub chat, constituent newsletters, Greenpeace rallies, modern day analogues to the salons, and the like will always dwarf narrowly construed deliberative fora as contributors to a vigorous public sphere. It is this much broader notion of the quality of deliberation that should ultimately serve as the measure of the health and rational legitimacy of a democracy.

Nor need this conception broaden the definition of deliberation to the point of vacuity. Even though elections, journalism, and interest group politics become relevant to assessing deliberation and the circulation of communicative power in society, we need only attend to them through the lens of deliberative theory. For example, Jacobs and Shapiro's (2000) book *Politicians Don't Pander*, implies, in effect, that the circulation of communicative power has been increasingly running in reverse. That is, rather than using opinion polling

as a rough gauge of the weak public agenda and preferences, politicians have become increasingly adept at using the tools of marketing technology to 'sell' their own pre-given policy packages. However, their argument begs for theoretical and operational reflection on the distinction between manipulation and rational persuasion, since our model of deliberative representation not only allows for, but requires, representatives in the strong public to persuade members of the weak public. And intuitively, we know that while some advertising, for example, uses sex to sell potato chips, other advertising tells us the price and comparative features of a given product. So it is with political appeals to the public. Without sharper theoretical and operational tools, we cannot adequately analyze the direction in which communicative power circulates.

Conceived this way, hopes for the quality and breadth of deliberative participation may not seem so perversely utopian. For example, when a legislature brings a bill up for floor debate, we may not witness enough quality of discussion to comfort democratic theorists, hard-boiled political scientists, or even just concerned citizens. But it is easy to miss how much might have happened before this point is reached, how much went into framing the detailed proposal, and which initially plausible, but ultimately poor ideas got filtered out. Thus, while deliberative theory is far from having firmly established its broad institutional workability, it is just as far from the foolish utopianism of which it is often accused. Only concerted collaboration between theorists and social scientists will reveal just how far we must go in 'accommodating the ideal to the real.'

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Note

1 The constraints that I have in mind are akin to 'enabling' constraints such as the rules of chess, rather than 'power' constraints.