

European Journal of Political Theory

<http://ept.sagepub.com>

To Deliberate or to Discourse: Is That the Question?

Cécile Fabre

European Journal of Political Theory 2003; 2; 107

DOI: 10.1177/1474885103002001284

The online version of this article can be found at:

<http://ept.sagepub.com>

Published by:



<http://www.sagepublications.com>

Additional services and information for *European Journal of Political Theory* can be found at:

Email Alerts: <http://ept.sagepub.com/cgi/alerts>

Subscriptions: <http://ept.sagepub.com/subscriptions>

Reprints: <http://www.sagepub.com/journalsReprints.nav>

Permissions: <http://www.sagepub.co.uk/journalsPermissions.nav>



*European Journal
of Political Theory*

© SAGE Publications Ltd,
London, Thousand Oaks
and New Delhi
ISSN 1474-8851
2(1) 107-115; 029284

To Deliberate or to Discourse Is *that* the Question?

Cécile Fabre

J. Dryzek *Deliberative Democracy and Beyond: Liberals, Critics, Contestations.* Oxford: Oxford University Press 2000. 195 pp. + x, £19.99 (hbk), ISBN 0-19-829507-3.

Introduction

Democratic theory over the last 20 years or so has focused on analysing, and defending, the ideal of deliberative democracy. Broadly speaking, deliberative democracy is that regime where citizens make collective decisions on the basis of reasons they can all accept, not so as to further their own individual preferences, but rather, so as to promote the common good. To be sure, advocates of deliberative democracy, foremost among whom Rawls, Habermas, Cohen, Gutman and Thomson, disagree on the kind of reasons citizens can advance, on what the common good is, and on which political procedures best capture the deliberative ideal.¹ They would endorse, however, the foregoing, working definition of their favoured political regime. Upon seeing the title of John Dryzek's latest book, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, one could be forgiven for assuming that his is simply one of the latest endeavours to rescue deliberative democracy as defined from well-known, but not always well-taken criticisms deployed by social choice theorists, difference democrats and critical theorists. In fact, Dryzek, in the course of blocking those criticisms, attempts radically to redefine deliberative democracy, and ends up defending, or so I argue here, a rather different democratic ideal, which he names *discursive democracy*.

Why the need for discursive democracy? According to Dryzek, deliberative democracy has endorsed the institutions of liberal constitutionalism, and in so doing it has lost its edge. More specifically, it has harnessed itself to an institutional model under which the point of politics is to translate fixed individual interests into collective outcomes. When it has rejected liberal politics, however, deliberative democracy has gone too far in altogether excluding private interests from the public forum. Accordingly, discursive democracy is meant to improve on deliberative democracy standardly understood (henceforth, deliberative democracy) by being more flexible with respect to legitimate modes of discourses and interests, and by affording civil society, and the various groups, associations and individuals that constitute it, central importance: some collective decisions, Dryzek avers, are best

Contact address: Dr. Cécile Fabre, London School of Economics and Political Science,
Department of Government, Houghton Street, London, WC2A 2AE.
Email: c.fabre@lse.ac.uk

taken by (a part of) civil society, not by the state. As a result, discursive democracy can deal better with the main challenges that the world has to face today, namely, the social and economic problems posed by globalization and environmental issues. In a nutshell, Dryzek claims to have articulated a different, more innovative and more effective understanding of democracy. As I shall argue here, I doubt that he has succeeded.

Preferences and Reasons

According to Dryzek, then, discursive democracy differs from liberal constitutional democracy and from deliberative democracy with respect to the kinds of preferences citizens advance in the public forum as well as to the ways in which they should justify advancing such preferences. Deliberative democracy requires that arguments, and only arguments of a certain kind (as captured in the idea of public reason), be provided in defence of collective decisions (11). By contrast, although discursive democracy recognizes that arguments play a central part in translating preferences into collective decisions, it nevertheless allows other modes of communication, such as rhetoric and story-telling (5off.). Moreover, whereas liberal democracy merely seeks to aggregate fixed private individual interests into a collective outcome (12, 21) and deliberative democracy seeks to rule out the expression of those interests in the public sphere (169), discursive democracy allows, more realistically, that collective decisions can be a mixture of private and common interests (169–70). It also insists that citizens' private preferences can change through debate and discussion, and that voting is not the only way, indeed is not the privileged way, in which decisions should be made. The latter two points, according to Dryzek (and to deliberative democrats) are important steps towards rebutting social choice theorists' claim that it is impossible to aggregate, through voting, citizens' private preferences into a collective decision.

Deliberative democrats' responses to social choice theorists are familiar enough for me not to rehearse them: indeed, in Chapter 2, Dryzek gives us a useful overview of that debate. Instead, I want to focus on the contrast he draws between liberal and discursive democracy, on the one hand, and between deliberative and discursive democracy, on the other. The first thing to note, here, is that even if he is correct to describe liberal democracy as that regime where citizens seek to have their private, individual preferences turned into collective and binding decisions, it would not follow that liberal democracy does not thereby recognize that citizens' preferences and opinions might be shaped and transformed through public debate: after all, by listening to others, whether they agree or disagree with me on what should be done, I can arrive at a better understanding of where my own interests lie.

Moreover, and more fundamentally, Dryzek invokes a conception of liberal democracy, as a foil to his discursive ideal, which is so narrow that it cannot withstand the barest scrutiny. For a start, it is clearly false that citizens' or their representatives' opinions, in a liberal democratic regime, are not influenced by other people's views and arguments; it is also clearly false that citizens and representatives only act, in politics, with a view to furthering their own, individual, private interests. Of course, Dryzek is right that such a conception is dominant in a certain philosophical literature, in particular in that strand of political science which assumes that *homo politicus* acts in exactly the same ways as *homo economicus*. However, there are alternative liberal conceptions which eschew many of the

central tenets of the deliberative ideal (such as the emphasis on public reason), and nevertheless do not assume that citizens' preferences are fixed before the vote takes place, or that citizens are solely motivated by the desire to advance their self-regarding goals. Ronald Dworkin, for example, argues that a democracy is that regime where citizens treat one another with equal concern and respect, which in turn requires that they do not violate one another's fundamental liberal rights; he also welcomes the thought that, in a properly construed democratic regime, citizens' opinions will be shaped through public debate.² Dryzek, here, is vulnerable to the charge that his own preferred model of democracy is made stronger only for being contrasted with an utterly implausible understanding of liberal democracy. Of course, Dryzek would probably reply, at this juncture, that Dworkin's conception of democracy is too tame, too reliant on the state and neglectful of civil society, too submissive to standard modes of discourses. I shall tackle those points in the next section. Suffice it to say that, even if he is right on those counts, he errs in assuming that liberal democracy, by definition, overlooks the importance of public debate.

How does discursive democracy fare, in comparison with standard conceptions of deliberative democracy? Dryzek's project aims at redefining deliberative democracy in the light of a number of criticisms deployed against it, most notably by critical theorists and difference theorists. The problem with deliberative democracy, according to Dryzek, is that it has accepted the liberal constitutionalist paradigm whereby citizens' collective decisions are made through state mechanisms, and whereby some fundamental liberal rights are protected. In so precluding some outcomes as well as some reasons – e.g. racist and sexist reasons – for decisions, deliberative democracy has opened itself to two sets of criticisms. The first criticism, articulated by critical theorists, holds that deliberative democracy, in so far as it is reliant on the state, is in fact powerless to challenge capitalism, since state agents have to take on board the impact of their decisions on major corporations, on pain of risking a flight of capital from the country and its attendant adverse consequences (28–30). The second criticism, deployed by difference theorists, holds that deliberative democracy forces minorities to adopt liberal constitutionalists' mode of discourse, which is characterized by reasoned and rational arguing. According to difference theorists, this in effect disenfranchises groups and individuals who are incapable, or unwilling, to engage in such discourse and who favour other ways of communicating (63ff.).

I shall leave Dryzek's response to the critical theorists' objection until the next section, and focus on his handling of the difference theorists' objection. He concedes that deliberative democrats place too much emphasis on argument as the privileged mode of communicating one's preferences and opinions to fellow citizens, and endorses difference democrats' view that other communicative modes, such as story-telling and rhetoric, should be allowed. On his view, any mode of communication should be allowed, provided that it is not coercive and that it can move from the particular to the general (68). Now, it is important to see that Dryzek does not merely restate the difference democrats' requirement that rational arguing not be the only possible justification for wanting to transform one's preferences into a collective decision; he also seeks to show that allowing different modes of communication enables discursive democracy to deal, better than other conceptions of democracy, with the non-human world and with the claims it makes on us. Communication, in short, need not have a human source (140). Admittedly, this goes further than what difference democrats argue for. Yet, it is rather implausible. For

reasoned arguments, in the end, are given by Dryzek himself a privileged place in justifying collective decisions, since rhetoric, story-telling, indeed other modes of communication, on their own do not suffice and have to be backed up by argument (168). Accordingly, even if all communication need not be human, and need not be couched in the form of arguments, it is hard to see how the non-human world can compete on an equal footing. Of course, it can have spokespersons to make claims on its behalf (150). If so, though, why cannot liberal democracy properly construed not deal with such claims as well? Dryzek claims that liberal democracy cannot recognize the non-human world, on the grounds that 'non-human entities cannot have preferences that we could easily recognise' (152). This flies in the face of legislation passed in some countries which prescribes the human killing of animals and bans experimentation on animals for non-medical purposes. Far be it for me to suggest that liberal democracies' record in that area is spotless. But such record, as it is, does show that we have some awareness of the needs of the non-human world. It remains very unclear why discursive democracy would do much better.

Dryzek does not merely claim that various *modes* of communication should be allowed. He also avers, and this is a crucial point, that no discourse should ever be excluded from the public forum on the grounds that it is, for example, racist, sexist, homophobic. After all, as he puts it, 'a model of deliberative democracy that stresses the contestation of discourses in the public sphere allows for challenge of sectarian positions, as it allows for challenge of all kinds of oppressive discourses' (169). Dryzek, here, opens himself to the following objection. In so far as he believes in the importance for individuals of controlling, as much as possible, the environment within which they conduct their lives (this, after all, is the impetus behind the project), he could not allow the claim that, as Blacks and women have low intellectual capacities, they should not be granted civil and political rights: *some* views have to be ruled out at the beginning, if only when deciding *who* takes part in the deliberative process. Racist and sexist discourses, in short, cannot be accepted at this stage. If that is the case, though, why should they be acceptable at a later stage, once the boundaries of the demos have been settled on? Dryzek seems to argue the following: a white supremacist's preference for a white-only democratic assembly and his rationale for that preference cannot be taken on board; by contrast, one must allow him to express the view, in the democratic forum, that Blacks have, genetically, a lower IQ and that it is therefore pointless to give special funding to schools in disadvantaged Black neighbourhoods. This seems inconsistent.

At that point, Dryzek would, I think, reply that discursive democracy can protect the very conditions for its existence and can therefore disallow arguments to restrict participation on grounds of race and gender; by contrast, arguments to the effect that Blacks should not be given better educational opportunities on grounds of their lower IQ do not threaten democracy itself, and can therefore be allowed (171–2). But I do not think that this reply would succeed here. For the rationale for discursive democracy and for extending the franchise to all members of the polity must be, roughly, the following:

Any adult who has the capacity to make important choices concerning his way of life, occupations, relationships, etc. should be given the power to control, with others, the environment in which he makes those choices. In so far as the capacity to make personal choices does not depend on race, gender, physical disability, and sexual orientation, the right to participate in political decisions should not be granted on such bases. That is not amenable to discussion.³

If that is the case, however, if, that is, you rule out the possibility of arguing for political discrimination in the public forum, it is hard to see how you can allow for other forms of discrimination on grounds of lower IQ, lower moral status, etc. since individuals who are subject to those other forms of discrimination (in the marketplace, in the penal system, etc.) have very little, or much lesser, control on their environment.

Dryzek's hope, in fact, is that

. . . there are mechanisms endogenous to deliberation that can effectively protect those values that liberals enshrine as rights. In particular, deliberative democracy can be made responsive to the interests of all those entering the forum, rendering these entrants less in need of protection in the form of rights. The fact of participation in deliberation generally leads individuals to call to mind interests beyond their own. (172)

I have quoted Dryzek at length, here, so as to bring out the extent to which he is reliant on participation, and deliberative modes of discourses, as a way to protect the disadvantaged. To many, such confidence in individuals' ability to move from the particular to the general might seem misplaced. More fundamentally, though, Dryzek is hopeful that it is possible to rebut racist and sexist views, through the use of reasoned arguments, of evidence aimed at showing that those views rest on false empirical facts, and so forth. But suppose the racist and sexist, presented with empirical evidence showing that women and Blacks do not have inferior intellectual capacities, nevertheless retorts: 'look, I accept that some Blacks and women are very clever; but the bottom line is that I don't *like* Blacks, and I don't see why I should treat them with respect'. In such cases, there is very little one can do by way of argument to convince him otherwise, not so much because he is too resistant to rational argument, but because ultimately, it is simply impossible to prove that we should treat one another with equal concern and respect.

To conclude, I have argued that discursive democracy is much less attractive than it seems, when compared with a more plausible conception of liberal democracy than Dryzek describes. I have also argued that discursive democracy's reluctance to exclude from public deliberation oppressive and sectarian reasons for collective decisions poses more problems than it solves.

State vs Civil Society

At the outset of this review I noted that, in Dryzek's view, discursive democracy, unlike its liberal and deliberative counterparts, regards civil society as a crucially important locus for collective decision-making. When a group of individuals want to have an impact on their social and economic environment, they must decide which kind of action would best foster their goals, and assess whether acting within state structures would threaten the democratic fabric of the group (82). In cases where the group's goals are not already part of the state's core activities and are not fully recognized by the state as important objectives to pursue, it is better to act through civil society (84-7). To take but a few examples: households headed by single women are disproportionately affected by poverty. Yet, in so far as women are generally powerless, and in so far as their plight does not directly affect the middle classes (to put it crudely), their demands are unlikely to be satisfied by state agents. They are more likely to find remedies in civil society, through churches, self-help groups, charities, etc. (99). Similarly, and to reiterate a point already made, state agents, in

liberal democracies, have to be sensitive to the impact of their decisions on private companies, and especially on multinational corporations. Accordingly, they are very unlikely to pursue environment-friendly policies, or to challenge the international economic order, for as long as those corporations themselves dictate (28–30). So challenges to the existing order are best made through civil society. More generally, Dryzek stresses in Chapter 5 that liberal and deliberative democracy's excessive reliance on state structures as the main locus for decision-making is misguided in a world where environmental issues are becoming increasingly prominent and where the economy is global. In such a world, decentralized, flexible, transnational structures are required. International institutions are powerless: instead of waiting for reforms, it is better to use more informal channels of decision-making.

Now, this, really, is where Dryzek's book is at its most innovative. Deliberative democrats who seek to strengthen their conception of democracy routinely argue that it is necessary to revitalize public and civic life. Dryzek takes the deliberative enterprise into a different direction, by emphasizing the need for deliberation among all those affected by any given problem or decisions, beyond and outside state boundaries if necessary. However, there are several problems with Dryzek's argument. For a start, although non-governmental organizations, charities and informal associations can take some decisions better than the state, the state will have to adjudicate conflicts that arise among them, or between them and, say, multinational corporations or particular individuals. Politics, in short, broadly construed as shaping the society and environment in which we live, cannot be privatized. Dryzek would not deny that, of course. He would not deny, that is, that the state should retain its monopoly on the use of violence, and should remain the ultimate arbiter of conflicts. But then one can wonder how radical his emphasis on civil society is.

Second, and relatedly, a decision made by a political or economic actor in response to activist actions taken by a part of civil society may have profound and far-reaching consequences on other groups or individuals who, for various reasons, have not taken part in the decision-making or lobbying process, or who have done so but whose concerns have not been heeded. To give a recent example: in the autumn and winter of 2000, Britain suffered from a very severe epidemic of foot and mouth disease. Millions of animals (cattle and sheep) had to be slaughtered; many parts of the countryside had to be closed off to traffic. When dealing with the social and economic consequences of the epidemic, the government focused on the plight of the farming industry (which had already been considerably weakened by the BSE crisis) and overlooked the plight of the tourism industry, partly because the former is much more organized, and centralized, than the latter, and is therefore better able to influence policy. From the point of view of the farming industry, the generous compensation package they received from the government is a good example of how a section of civil society can shape public policy. From the point of view of the tourism industry, the government's actions are a good example of their inability to dominate the public discourse. Of course, Dryzek is not so naive as to think that the various groups that make up civil society stand on an equal footing and are equally able to influence public opinion. But to claim that voting for policy proposals and electing representatives 'are not the only possible means of transmission of public opinion to the state, or even necessarily the most important ones' (171) rides roughshod over the importance of ensuring that there is a strong, formal, connection between what citizens want and what is actually done. Dryzek may be right that in practice, elections and voting do not have the

importance democrats believe they do; whether it is right that they should not have that importance is another matter. More fundamentally still, to praise civil society for its ability to deal with transnational issues on the grounds that it needs no constitution and need not settle on who belongs to the *demos* (116) rides roughshod over the fact that settling on the contours of the *demos* is necessary precisely so as to determine whether those who are most affected by a given decision will take part in its making.

Dryzek, here, would point out that to confer on voting too much importance not only fails to do justice to the rich and multifaceted ways in which political, social and economic actors interact; it leaves one open to criticisms standardly deployed by social choice theorists, to the effect that voting simply cannot aggregate individual preferences into collective decisions without violating undemanding conditions such as unanimity (any unopposed individual choice should be incorporated) and unrestricted domain of preferences (no restrictions on individuals' preferences across available alternatives). And indeed, the deliberative democrats' project is, in part, an attempt to deal with such criticisms, by showing that collective decision-making cannot be reduced to voting. The difficulty, of course – a difficulty which Dryzek does not really solve – is that voting cannot but remain important, if the state and its agents are to remain accountable. As I pointed out, at the domestic level, the state in the end is the ultimate arbiter of conflicts. At the global level, many decisions are, in the end, taken by international bodies, which adjudicate conflicts of interests between different states, or between states and other actors. Dryzek doubts that those international institutions can be reformed in such a way as to be more democratic, which is partly why he wants to resort to civil society as an important, indeed as the privileged locus where decisions with transnational consequences are being taken: when the hardware (in that instance international institutions) is defective, the software (in that instance discourses already present in civil society) becomes all the more important (122). Well, perhaps. But however much you may be able to improve your software, if the hardware does not work, you will not be able to use that software effectively. More generally, to contrast traditional, conservative international institutions with civil society without really tackling the accountability problems raised by the latter is unlikely to convince the sceptic. Furthermore, the sceptic will always point out that some important, large-scale problems will have to be tackled by states, through fairly standard political mechanisms, so as to avoid collective action problems.

The foregoing point, incidentally, is true of environmental issues, *pace* Dryzek's remarks to the contrary. Dryzek claims that liberal democracy cannot deal with the environment because it is dominated by capitalist interests, which restrict the influence of other interest groups, and as a result do not in any way guarantee that environment-friendly policies will be pursued. Furthermore, liberal democracy cannot achieve the high degree of coordination which is required to solve the complex problems posed by the environment, as it must reward the most economically powerful groups, and tends to disaggregate those complex problems on the basis of those groups' interests (143–4). Once again, all of this may be true in practice. But the questions are whether liberal democracy can be reformed so as to do better, and whether discursive democracy, with its reliance on civil society, can avoid acceding to capitalist interests when dealing with the environment. Outlining a reformist agenda for liberal democracy is beyond the scope of this review. It is within its scope, though, to point out that, as long as multinational corporations remain as dominant as they are, there is no reason to think that civil society will successfully

challenge them (piecemeal concessions on the part of those corporations, such as Shell's decision, in response to Greenpeace's pressure, to close off its Brent Spar oil platform in the Atlantic, cannot be taken as a powerful and long-term success for the Green lobby). The problem is particularly acute in all those cases where, in the end, the state does have final say, through legislative and judicial controls. Moreover, it is unclear how activist actions taken by civil society organizations, be they as powerful as Greenpeace and Friends of the Earth, can solve such complex issues, and get around collective action problems. To give but one example, British roads are amongst the most congested in the industrialized world, which is due, in part, to the very poor state of public transport: a very complicated environmental issue, if there is one. A decision will have to be made, indeed has to be made now, between building yet more and larger motorways, or improving train, tube and bus services. Ultimately, the government, and no one else, will have to make that decision: environmental groups, alongside, say, motorist associations, can only hope to influence it, not to control it.

Conclusion

In this book, Dryzek hopes to show that discursive democracy is conceptually different from liberal democracy and deliberative democracy, and succeeds where they fail, in particular when environmental questions and the problems posed by globalization are at stake. I have argued here that discursive democracy may look more appealing than liberal democracy narrowly understood, but does not appear so convincing when contrasted with more plausible interpretations of the liberal ideal. I have also noted that discursive democracy's permissive attitude to non-argument based modes of communication and to illiberal discourses does indeed differ from the approach taken by deliberative democrats, but is not devoid of problems. Finally, I have queried the extent to which civil society can be as important a locus for decision-making as the state. The claim that it can, and should, is a salient feature of Dryzek's democratic ideal. In the end, though, Dryzek cannot but concede that, although some collective decisions are best taken by and within civil society, the state must retain its monopoly over the legitimate use of violence and its position as ultimate arbiter of conflicts. In short, his central thesis on the relationship between state and society seems to be the following: there is space for non-state organizations and associations to improve people's lives and to influence economic and political actors, within the constraints of the law. I cannot think of any liberal or deliberative democrat who would disagree.

Notes

I am grateful to Cillian McBride for very helpful comments on an earlier draft of this article. All page references in the text are to Dryzek's book.

1. J. Rawls (1999) 'The Idea of Public Reason Revisited', in J. Rawls, *Collected Papers*, ed. S. Freeman. Cambridge, MA: Harvard University Press. J. Habermas (1996) *Between Facts and Norms*. Cambridge, MA: MIT Press. A. Gutman and D. Thomson (1996) *Democracy and Disagreement*. Cambridge, MA: Harvard University Press. J. Cohen (1989) 'Deliberation and Democratic Legitimacy', in A. Hamlin and P. Pettit (eds) *The Good Polity: Normative Analysis of the State*. Oxford: Blackwell. J. Cohen (1996) 'Procedure and

Substance in Deliberative Democracy', in S. Benhabib (ed.) *Democracy and Difference: Contesting the Boundaries of the Political*. Princeton: Princeton University Press.

2. See R. Dworkin (1987) 'What is Equality? Part IV: Political Equality', *San Francisco Law Review* 22: 1–30. (1990) 'Equality, Democracy and the Constitution', *Alberta Law Review* 28: 324–46. For similar views of democracy, see T. Christiano (1996) *The Rule of the Many: Fundamental Issues in Democratic Theory*. Boulder, CO: Westview Press. B. Barry (1989) *Democracy, Power, and Justice: Essays in Political Theory*. Oxford: Clarendon Press.
3. The rationale for discursive democracy which I offer here is not one which Dryzek explicitly deploys; in fact, Dryzek is rather vague on the normative underpinnings of discursive democracy. Nevertheless, I believe that my proposed rationale is one that he would endorse.