PETTIT ON DELIBERATIVE DEMOCRACY, AND VICE VERSA

BY

JOHN PARKINSON

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Pettit on Deliberative Democracy, and Vice Versa

John Parkinson

D eliberative democrats and republicans have rarely had much to say to each other. Deliberative democracy has been cast as a liberal or critical enterprise; and has attracted and incorporated criticism from difference democrats of various stripe. But while participatory democrats of the 1970s knew their Rousseau[1] – or at least a selection of his ideas – modern deliberative democrats have kept their distance from modern republicans, and vice versa.

Philip Pettit's *On the People's Terms*[2] opens up space for what could be a productive engagement by placing a variant of public reason and an active, contestatory citizenship at the centre of his 'dual-aspect model' of democracy. Some of Pettit's presentation of deliberative ideas and practices will look a little old-fashioned to deliberative insiders. His model relies at important points on claims in classical deliberative theory which have long been rejected, rendering the model less persuasive than it may once

[1] See Benjamin Barber, *Strong democracy: participatory politics for a new age* (Berkeley & Los Angeles: University of California Press, 1984); Jane Mansbridge, *Beyond adversary democracy* (Chicago: University of Chicago Press, 1983); Carole Pateman, *Participation and democratic theory* (Cambridge: Cambridge University Press, 1970).

[2] Philip Pettit, *On the people's terms: a republican theory and model of democracy* (Cambridge: Cambridge University Press, 2012). Unless specified otherwise, in-text references are to this book.

have appeared. It would be a mistake to dismiss Pettit's work as a result. He asks powerful questions of any democratic system, questions which deliberative democrats frequently avoid; and his model has more in common with modern deliberative theory than he acknowledges.

On the People's Terms builds an argument carefully, layer by layer, claim by claim, each premise explored, each alternative considered, dismissed or selected. As a result, the overall vision of democracy does not emerge until well into the final chapter, as the final blocks are put in place and the overall structure stands before us. It is thus dangerous to offer a critique that focuses on particular elements, and so while this article concentrates very much on the way Pettit uses deliberative democracy, and his model's application to deliberative theory, it tries to keep an eye on Pettit's overall concerns, and the architecture of his scheme. I therefore start by offering a very quick and rough sketch of Pettit's model, showing how that matches in important respects the deliberative systems turn in democratic theory. I then use his claim to be a proceduralist as a lens to focus on a number of broad structural and institutional claims, connecting those observations with his overall analytic approach. I claim that Pettit is not as much of a proceduralist as he makes out; but that his argument for proceduralism and the idea of deliberative norm dispersal could have important impacts on deliberative theory.

It is important to note the obvious at the outset: Pettit's project is not a deliberative one, it is a republican one. His aim is to see what the republican requirement of freedom as non-domination requires of a political system more broadly. And his answer to that question is that the people should *influence* government by checking, contesting and scrutinising through a system of open, transparent institutions, some of which will be elected, others non-elected counter-weights; and should *control*

government through a dual system of long-term deliberative norm dispersal on the one hand, and short-term electoral methods on the other. Pettit's overarching vision is of a large collection of people nudging the state along through a very large number of small, individual pushes which collectively create a direction, a democratic analogue of the invisible hand.

Pettit's 'dual-aspect' model of democracy is his answer to the question of how to organise a democratic system such that it protects republican freedom as non-domination. It is a system which, Pettit argues, gives each individual equal influence on the direction of the state, and equal control over the acts by which the state, necessarily, interferes in our lives. Each of these elements is carefully argued for: the necessity of the state and the necessity of its interference; a step-by-step unpacking of the ideal of individuals' equal participation in the influence and control of that interference; and the systemic features that help ensure each. I will not repeat the whole argument here – Pettit himself does a marvellous job of doing so in the final chapter – but in brief, what guarantees that influence and control over the state is (a) the dispersal of the deliberative democratic norms of equal respect for arguments and the primacy of public reason throughout a society, through use and performative reinforcement; (b) a transparent system of representative government which is dependent on the people's judgements and choices at elections, supplemented by more direct devices as necessary; and (c) a contestatory citizenry willing and able to scrutinise governments and challenge specific policies, demanding and receiving justifications.

Just based on this rough outline, it appears there is much in common between Pettit's scheme and the emerging deliberative

systems approach in deliberative democracy.[3] The approach is in part a reaction against claims that small-scale institutions can possibly embody all the deliberative democratic desiderata at once; partly an insistence on the importance of context (institutional, cultural, political-economic, etc.) in any analysis and normative prescription; and partly an attempt to recover deliberative democracy as a descriptive and normative account of democratic societies, inspired more by Habermas (1996)[4] than Habermas (1984)[5]. The systems move is very new and the contours of various controversies have barely been sketched out, let alone resolved. However, in some variants it too features a relationship between a vibrant, dispersed and normatively prior public sphere – Pettit's contestatory citizenry – and some form of representative policy making institution, itself embedded in a network of transparent and mutually open state and non-state institutions. On this view it makes no sense to label a single institution 'deliberative democracy'; that label refers to a salient characteristic of democracy, just as a 'diesel' describes a salient aspect of a type of vehicle, and does not describe the entire machine. Thus, a deliberative democracy is one that features rather a lot of deliberation, but not *only* deliberation. It includes other things, such as contestation, voting, party competition, the rule of law, and so on.

However, Pettit's route to his vision is a combination of extraordinarily elegant theorising that draws on sometimes-surprisingly conservative examples. This is partly a result of his

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[3] See John Parkinson, and Jane Mansbridge, eds., *Deliberative systems: deliberative democracy at the large scale* (Cambridge: Cambridge University Press, 2012).

[4] Jürgen Habermas, *Between facts and norms: contributions to a discourse theory of law and democracy* (Cambridge: Polity Press, 1996).

[5] Jürgen Habermas, *The theory of communicative action* (Boston: Beacon Press, 1984).

classically analytic approach: the examples from which he extracts principles are very often constructed in small-scale ways – one person helping another to avoid alcohol, a group of people managing a condominium – and the lessons are then applied directly to large-scale groups. But there is a significant danger in this approach: it fails to acknowledge that complexity and scale present their own problems, problems that are not revealed by examples of small-scale dynamics. Compare what in the United States is called the 'family budget fallacy', the misapplication of homely analogies to nation states in which debt plays a very different role. Pettit approaches deliberative ideas in a similar way. While they feature prominently in his model, they are generally drawn from what scholars are calling its 'classical' phase: a set of early statements of principle from Cohen[6], Elster[7] and Rawls[8] to some extent and a (much smaller) set of isolated institutional innovations which some early deliberative democrats claimed best exemplified the principles. This is the deliberative democracy of public reason in the sense of fully comprehensive and consistent reasons for a course of action which all accept, hitched to relatively small-scale practices.

I have already noted the recent move away from the small scale in deliberative theory, but that was made possible by a much earlier abandonment of the strict account of public reason. Scholars in the field favour working agreements for multiple,

[6] Joshua Cohen, 'Deliberation and democratic legitimacy.' In *The good polity: normative analysis of the state*, edited by Alan Hamlin and Philip Pettit (Oxford: Blackwell, 1989), pp. 17-34.
[7] Jon Elster, 'The market and the forum: three varieties of political theory.' In *Foundations of social choice theory*, edited by J. Elster and A. Hylland, (Cambridge: Cambridge University Press, 1986), pp. 103-132.
[8] John Rawls, 'The idea of public reason revisited.' *University of Chicago Law Review* 94, 1997, pp.765-807.

sometimes incompatible reasons;[9] or the more modest requirement of a meta-deliberation on the nature of the issue being faced;[10] or a rejection of Socratic reasoning in favour of something more grounded in everyday experience ;[11] more narrative ,[12] more openness to ordinary communication styles, even less reliance on talk at all;[13] and much more openness to contestatory engagement. These moves were in response to a series of criticisms from critics like Sanders, Young, and more recently Mouffe,[14] who noted the strong exclusionary tendencies of such an approach to collective decision making. One can imagine *deliberation* taking place under the classical, restrictive conditions, in a very small number of suitably-constrained forums, but not deliberative *democracy*.

That might lead deliberative democrats to reject the first part of Pettit's characterisation of public reason, but not the second, 'which all accept'. Recall his aim: a legitimate state that interferes

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[9] Cass Sunstein, 'Argument without theory.' In *Deliberative politics: essays on 'Democracy and disagreement'*, edited by Stephen Macedo (New York: Oxford University Press, 1999) pp 123-150.

[10] John Dryzek, and Simon Niemeyer, 'Reconciling pluralism and consensus as political ideals.' *American Journal of Political Science*, 50, 2006, pp. 634-49.

[11] Simone Chambers, 'Deliberative democratic theory.' *Annual Review of Political Science* 6, 2003, pp. 307-326.

[12] Andre Bächtiger, Simon Niemeyer, Michael Neblo, Marco R. Steenbergen, and Jürg Steiner. 'Disentangling diversity in deliberative democracy: competing theories, their blind spots and complementarities.' *Journal of Political Philosophy,* 18, 2010, pp. 32-63.

[13] Tobold Rollo, 'The Deliberative Ultimatum: Privileging and Abjuring 'Voice' in Deliberative Systems.' American Political Science Association Annual Meeting, Chicago, 29 August - 1 September 2013.

[14] Lynn Sanders, 'Against deliberation.' *Political Theory* 25, 1997, pp. 347-376; Iris Marion Young, 'Activist challenges to deliberative democracy.' *Political Theory* 29, 2001, pp. 670-690; Chantal Mouffe, 'Deliberative democracy or agonistic pluralism?' *Social Research*, 66, 1999, pp. 745-758.

with our lives in a way that is nonetheless consistent with freedom as non-domination. If one is aiming at that target, it is clear to Pettit that one cannot simply treat social justice as a trump card that beats democratic legitimacy every time, because it is the actual, equal, effective direction and control of the state by its members which legitimates action, not its rightness from some external viewpoint. One can imagine a legitimate state which acts unjustly in some instances; just as one can imagine an illegitimate state which acts justly on occasion. As a result, a contracturalist approach, for example, will not do – the state is not legitimised by reasons that all *could* accept if they thought about it hard enough; nor is it legitimised by once-and-for-all constitutional specification, no matter how democratic the initial deliberations that created those documents. Only a proceduralist approach will do, the actual involvement of free and equal citizens in setting the direction of the state and controlling its movement, and thus it is clear that the criterion for public reason from a republican point of view is reasons that 'all accept', not 'all could accept'.

There is one key caveat to Pettit's proceduralism, and that is his 'democratic proviso', something he shares with Walzer.[15] This is the thought that democracy should trump 'the right thing' in every case except democracy itself. It is worth quoting the final words of the introduction to show its force:

> We ought not to recommend that our society should give people an equal share in control of government, provided this proposal is itself democratically endorsed. We ought to recommend that our society should give people an equal share of control, period. This, in Wittgenstein's image, is where the spade turns. This is bedrock.[16]

[15] Michael Walzer, *Spheres of Justice,* (Oxford: Martin Robertson, 1983).
[16] P. Pettit, *On People's Terms,* p. 25.

This, it seems to me, is important for deliberative democrats. By and large, the literature has had a buck each way, insisting on a broadly proceduralist line but on the grounds that good procedures lead to good outcomes. This is asserted more in hope than certainty – the limited empirical evidence is not supportive[17] – while little guidance is provided for cases where substantive and procedural rightness pull in different directions.[18] Deliberative democrats could draw on Pettit's analysis here to help draw that line a little more clearly, to insist on the proceduralism that seems broadly in keeping with deliberative instincts and not flipping so readily to a more perfectionist position when procedures look in danger of delivering a wrong answer.

There is a danger though, related to the point that there is still much debate about what democracy requires. It has become a habitual tic in the democracy literature to claim that there is no agreement about what democracy means, although I think that is wildly to overstate the case.[19] However, the danger is that principles are notoriously slippery things to implement, and so particular institutions come to be seen as the bedrock which must not be touched instead, something we see as Western democracies react to crises of legitimacy and security by declaring their particular electoral or party systems untouchable, and equating the call for their removal with supporting the overthrow of the state, full stop. And thus it behoves democrats of all stripes

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[17] Lucio Baccaro, André Bächtiger, and Marion Deville. 'Small differences that matter: the impact of discussion modalities on deliberative outcomes.' *British Journal of Political Science*, 2014 doi: http://dx.doi.org/10.1017/S0007123414000167.

[18] For a notable exception see Gutmann, Amy, and Dennis Thompson. 1996. *Democracy and disagreement.* Cambridge, MA: Belknap Press of Harvard University Press.

[19] John Parkinson, *Democracy and public space: the physical sites of democratic performance.* (Oxford: Oxford University Press, 2012).

to be more clear on the principles they wish to defend, while remaining open-minded about the particular institutional forms the principles can take. Pettit is well aware of this, and for the most part avoids the problem by arguing at a higher level of abstraction than discussing the particular merits of this minipublic or that parliamentary procedure. However, he does not stay away from institutions entirely, and I argue that Pettit does not apply his proceduralism consistently enough, especially when it comes to conflicts between hypothetical publics over actual, flesh and blood publics.

Consider Pettit's views on the relative roles and merits of citizen forums – minipublics, to most of us – and elected assemblies, which he examines not simply in some formal way, but in terms of the knock-on effects such forums have on the rest of the democratic system. Both feature representation, but Pettit distinguishes between the 'indicative' nature of minipublics and the 'responsive' nature of elected assemblies. As a microcosm of the people, an indicative forum provides evidence of 'the decisions the people as a whole would support, were they able to assemble and deliberate appropriately'.[20] Pettit contrasts that with an elected assembly which, while carrying the danger of creating a caste of decision makers with interests independent from the wider citizenry, has important benefits that the forums lack. In particular, he argues:

- that it allows for more direct control over and accountability for policy making through electoral mechanisms, guarding against mistakes and oversights, where indicative assemblies lack such mechanisms;

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[20] P. Pettit, *On People's Terms,* p. 196.

• that a representative assembly builds up experience and continuity, and thus learns from the past and is more able to hold other state institutions to account;

• that the effective running of elections requires the satisfaction of three basic liberties, namely speech, assembly and travel, which are then generalised throughout the society by virtue of being so central at these highly salient moments.

There is something a little romantic about the account of elected assemblies, a quality reminiscent of Kateb in particular.[21] For one, participation and representation are analysed in dualistic fashion following a standard account of Pitkin;[22] but even if Pitkin herself had not rejected the work of her early days[23] then Mansbridge with her three categories[24] and Rehfeld with his eight have surely shown how inadequate the standard story is.[25] Further, indicative institutions can in principle be accountable, not so much in a performance management sense (although see Roche for an argument which says that an institution can be held

[21] George Kateb, 'The moral distinctiveness of representative democracy.' *Ethics,* 91, 1981, pp. 357-374.

[22] Hanna Pitkin, *The concept of representation* (Berkeley and Los Angeles: University of California Press, 1967).

[23] Hanna Pitkin, 'Representation and democracy: uneasy alliance.' *Scandinavian Political Science,* 27, 2004, pp. 335-342

[24] Jane Mansbridge, 'A 'selection model' of political representation.' *Journal of Political Philosophy*, 17, 2009, pp. 369-398.
Jane Mansbridge, 'Clarifying the Concept of Representation.' *American Political Science Review* , 105, 2011, pp. 621-630.

[25] Andrew Rehfeld, 'Towards a general theory of political representation.' *Journal Of Politics,* 68, 2006, pp. 1-21.
Andrew Rehfeld, 'Representation rethought: on trustees, delegates, and gyroscopes in the study of political representation and democracy.' *American Political Science Review* 103, 2009, pp. 214-230.
Andrew Rehfeld, 'The Concepts of Representation.' *American Political Science Review* 105, 2011, pp. 631-641.

accountable in this way even if the its individual instances cannot)[26] but in a publicity principle sense – the idea that publicity exerts a disciplining force over the arguments that can and cannot be made in public. On the same point, enthusiasts of representative institutions greatly overstate the degree to which elections convey clear policy messages or even policy programmes (p. 284), partly because of the fact that policy manifestos can only ever be aggregations – electoral processes choose governments, not policies. That is in addition to the purely empirical objection that parties campaign these days on the basis of symbols not substance, often for structural reasons to do with communications technology that challenge Pettit's preferences regarding independent media. The idea that elected assemblies build up experience and continuity on some issues relative to indicative institutions might be plausible if one considers them in isolation, but place them in a context of powerful, alternative communication sources, let alone in a context of hegemonic discourses, and then factor in cognitive limits,[27] and assemblies often turn out to be more subject to momentary 'whim' than the allegedly inexperienced indicative assemblies.

Now, that is not to say that minipublics are perfect—I have argued at length that they are not.[28] But it is frustrating that when Pettit appeals to examples of indicative assemblies he tends to point to some of the least appealing and not the most, while doing the opposite for elected assemblies. While Mansbridge may recently have lauded deliberative polls as the 'gold standard' of

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[26] Declan Roche, *Accountability in restorative justice* (Oxford: Oxford University Press, 2003).

[27] John Forester, 'Bounded rationality and the politics of muddling through.' *Public Administration Review*, 44, 1984, pp. 23-30.

[28] John Parkinson, *Deliberating in the real world: problems of legitimacy in deliberative democracy* (Oxford: Oxford University Press, 2006).

deliberative minipublics,[29] critical voices are finally gaining traction.[30] Instead, there is increasing evidence about what sorts of democratic innovations work to shore up which goods in a democratic system more generally, goods which cannot simply be reduced to epistemic ones;[31] and evidence about how a rich variety of contextual factors mute or amplify messages emerging from small-scale deliberative institutions, just as they impact on elected assemblies.[32]

Such empirical objections weaken Pettit's case for the central role of elected assemblies. But there is an important theoretical objection too, which is that the primary role that Pettit assigns such assemblies is in an important sense 'hypothetical'. In the passage quoted above, and in a clear echo of Fishkin[33] and

[29] Jane Mansbridge, 'Deliberative polling as the gold standard.' *The Good Society* 19, 2010, pp. 55-62.

[30] See Genevieve Fuji Johnson, *Democratic illusion: deliberative democracy in Canadian public policy* (Toronto: University of Toronto Press, 2015); Espen D.H. Olsen, and Hans-Jörg Trenz, 'From citizens' deliberation to popular will formation? Generating democratic legitimacy in transnational deliberative polling.' *Political Studies*, 62 (Supplement S1), 2014, pp. 117-133; John Parkinson, 'Rickety Bridges: Using the media in deliberative democracy.' *British Journal of Political Science*, 36, 2006, pp. 175-183.

[31] See Archon Fung, 'Survey article: Recipes for public spheres: eight institutional design choices and their consequences.' *Journal of Political Philosophy*, 11, 2003, pp. 338-367; Graham Smith, *Democratic innovations* (Cambridge: Cambridge University Press, 2009).

[32] Fuji Johnson, *Democratic illusion*; Yannis Papadopoulos, 'On the embeddedness of deliberative systems: why elitist innovations matter more.' In *Deliberative systems: deliberative democracy at the large scale*, edited by John Parkinson and Jane Mansbridge, (Cambridge: Cambridge University Press, 2012), pp. 125-150.

[33] James S. Fishkin, *When the people speak: deliberative democracy and public consultation.* (Oxford: Oxford University Press, 2009).

MacKenzie and Warren[34], Pettit states that their proper role is to provide evidence of the decisions the people as a whole would support, were they able to assemble and deliberate appropriately. But this kind of hypothetical is something that he was so careful to argue against in his discussion of legitimacy and the state: there, legitimacy depended on the actual control of the people (p. 25), not the people bowing to 'recommending force', no matter what its source.

As an aside, few outsiders to the deliberative club take this 'recommending force' claim seriously. As an empirical matter, real minipublics that deliver results contrary to wider public opinion are often dismissed as push polling on the one hand, or the ravings of the demented on the other.[35] Even the lauded British Columbia Citizens' Assembly process failed to deliver the required super-majority to change the province's electoral system[36]—a point Pettit concedes in a footnote—while the attempt to copy that process in Ontario was a dismal failure.[37]

The plot thickens when considering the major role that deliberation is expected to play in the dual-aspect model: not so much direct participation in deliberation but via deliberative norm

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[34] Michael K. MacKenzie, and Mark Warren, 'Two trust-based uses of minipublics in deliberative systems.' In *Deliberative systems: deliberative democracy at the large scale*, edited by John Parkinson and Jane Mansbridge, (Cambridge: Cambridge University Press, 2012), pp. 95-124.

[35] John Parkinson, *Deliberating in the real world*.

[36] Fred Cutler, Richard Johnston, R. Kenneth Carty, André Blais, and Patrick Fournier, 'Deliberation, information, and trust: the British Columbia Citizens' Assembly as agenda setter.' In *Designing deliberative democracy: the British Columbia Citizens' Assembly*, edited by Mark Warren and Hilary Pearse, (Cambridge: Cambridge University Press, 2008), p. 188.

[37] Fred Cutler, and Patrick Fournier, 'Why Ontarians said no to MMP.' *Globe and Mail*, 25 October 2007.

dispersal.[38]   Pettit makes some remarks (p. 268) about the differences between his scheme and deliberative democracy, one of which is a claim about consensus and dissensus which no longer applies, given that deliberative democrats abandonned consensus more than 10 years ago. Many now think of dissensus as an essential part of deliberative systems. The second is more significant: that one of dual-aspect democracy's modes of operation is 'regulation by deliberatively tested norms – that is essential, not the deliberative conduct of decision-making at every site and on every occasion'. The idea here is that what is valuable in a freedom-protecting democracy is that decisions are made in ways that treat others with respect; that treat arguments and evidence as king rather than raw power politics; and that the more those in power operate according to deliberative norms, the more the norms will percolate through a society, becoming the standard modus operandi for any collective decision making process, whether fully 'deliberative' or not. As a result, actual deliberation may fade into the background – the more that deliberative norms take root, the more they are seen as 'the way we do things', the less need there is for special, micro, indicative (to use his term) events.

It is unclear what Pettit means by 'deliberation' at this point. He cannot mean deliberation as inclusive, respectful, argument-focused discussion between equals—that *is* the norm he wants to generalise. Instead, he seems to treat deliberation, deliberative

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[38] Pettit does not cite any of this literature, and uses slightly different terms, but it could be fruitful for deliberative democrats to examine the idea of norm diffusion that originated in constructivist international relations, an idea that has gained significant ground over the last two decades. Park sketches a model to be used in empirical research; clearly related ideas on cultural diffusion and identity formation are available from linguistics and anthropology. Susan Park, 'Theorizing norm diffusion within international organizations.' *International Politics*, 43, 2006, pp. 342-61.

democracy and minipublics as interchangeable, something that few deliberative democrats would do, following the systemic turn. However, if he means that deliberative minipublics would fade into the background as the norms themselves become generalised throughout a society, then that is something more interesting. We might doubt the 'fade into the background' part—how are members of a deliberative society to be socialised into the norms without having the opportunity to practice them? how would such a regime be legitimate in Pettit's own terms if actual deliberation was only practised by our 'betters'?—but still hold onto the idea of deliberative norm dispersal as essential to achieve deliberative (and republican) goals. On this point, compare Boeker[39] who argues that deliberative systems need to pay attention to deliberative cultures—not just a focus on the institutional hardware but the discursive 'software' that brings the institutions to life.[40]

In a different guise, the idea of norm dispersal reappears in a discussion of elections as being not simply means of choosing governments, but promoting key freedoms in the wider society. There is an echo of this idea in some corners of participatory and deliberative democratic writing, something often labelled the 'spillover thesis'[41]: the idea that participation in one small moment of collective decision making—even being invited to participate—increases a personal sense of efficacy, which then

[39] Marit Boeker, 'The (missing) cultural dimension of deliberative systems.' *Scaling and Innovation: Contemporary Difficulties and Future Prospects for Participatory and Deliberative Democracy* (Newcastle, 2014).
[40] Cf. John Dryzek, 'The informal logic of institutional design.' In *The theory of institutional design*, edited by Robert Goodin, (Cambridge: Cambridge University Press, 1996), pp. 103-125.

[41] Neil Carter, 'Political participation and the workplace: the spillover thesis revisited.' *British Journal of Politics and International Relations*, 8, 2006, pp. 410-26.

makes it much more likely that the person will participate in other aspects of collective life. At present, deliberative democrats are rather more focused on the content of communication and the ability of different institutions to transmit that content undistorted, which creates problems for a theory which, in its classical formulations, was explicitly about transformation of views in light of better arguments and evidence, not faithful transmission. What Pettit challenges us to do is to think of democratic practices not just as communicators of content but as content in their own right; that is, as symbols which communicate messages that may or may not reinforce their substantive content. Then we have something very interesting and something inherently systemic to think about.

All this matters because it speaks to the degree that 'the people'—and there is another problematic category, for Pettit and deliberative democrats alike—are able to influence and control their government as Pettit prescribes. His standard might be the right one, but there is an ambiguity in his stance on whether democracy demands actual participation and deliberation of the people or something more elitist than that, an ambiguity that arises, it seems, because he draws on a standard but limited direct participation / elected representation distinction, on a conflation of deliberation and deliberative democracy. And the objections I have pressed here take Pettit on his own terms; they are not even the half of it when it comes to alternative ways of describing the relationship between the state, law-making, representation,

contestation and discourse from the likes of Dryzek[42], Hajer[43], Saward[44], or Tilly[45], for instance.

There is much more that could be said: about the concept of 'the people', for instance and the unusual use of the word 'patriotism'; about the approbation of unelected bodies as counterweights to elected politicians, which further undermines his proceduralism. Two points are worth noting in a little more detail. First, the account of the 'discursive dilemma' is strange because it seems not to be a *discursive* dilemma at all, but an aggregative one, a problem that emerges by constructing the case in Arrovian terms. He acknowledges Mackie's extensive criticism of Arrow and his followers in a footnote (p. 194), but doesn't do anything with those criticisms, which show that deliberation collapses such dilemmas in large part by eliminating and reconfiguring options. Second, while a deliberative democrat would applaud the dismissal of consensus, she would not applaud Pettit's grounds. Yes, veto exposes the group to individual 'whim' (there's a pejorative label). However, majorities can have 'whims' too, and not be effectively exposed to the whimsical nature of their preferences simply by virtue of the fact that they are in a majority. They encounter others' views less often; have their whims reinforced if shared; and discount evidence to the contrary as evidence of unreasonableness.

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[42] John Dryzek, *Discursive democracy* (New York: Cambridge University Press, 1990)

[43] Maarten Hajer, *Authoritative governance: policy-making in the Age of Mediatization* (Oxford: Oxford University Press, 2009).

[44] Michael Saward, *The representative claim* (Oxford: Oxford University Press, 2010).

[45] Charles Tilly, *Contentious performances* (Cambridge: Cambridge University Press, 2008).

Given all that, what remains of fertile ground for conversations between republicans and deliberative democrats? Rather a lot. To deliberative democrats, Pettit offers a powerful argument for proceduralism with a democratic proviso, something that deliberative democrats could usefully deploy to avoid flapping in the breeze whenever good process and good outcome seem to be pulling apart. The arguments for proceduralism can also be usefully deployed when thinking about claims of 'recommending force' of minipublics, as well as to engage the whole epistemic strand of deliberative theory. While I have roundly criticized the limited two-category analysis of representation and assemblies, Pettit challenges deliberative democrats to think much more clearly and systemically than they have done so far about the relative roles of different kinds of representative body—or representative claim makers[46]—especially to think of them as symbolic messages and norm dispersers in their own right, and not just as institutional vessels for what we allege is the 'real stuff' of politics—arguments. Indeed, the idea of norm dispersal merits particular attention—it is a mechanism that deliberative democrats have barely touched on. It could, I suggest, help deliberative democrats avoid the old pluralist trap of viewing everything and anything as somehow 'functional' in a deliberative system[47] and thus failing to notice the more subtle ways in which power operates to distort deliberative systems in favour of particular discourses, particular power relations.

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[46] M. Saward, *The representative claim.*

[47] Jane Mansbridge, James Bohman, Simone Chambers, Thomas Christiano, Archon Fung, John Parkinson, Dennis Thompson, and Mark Warren. 'A systemic approach to deliberative democracy.' In *Deliberative systems: deliberative democracy at the large scale*, edited by John Parkinson and Jane Mansbridge, (Cambridge: Cambridge University Press, 2012), pp. 1-26.

In the other direction, Pettit's scheme and the deliberative systems approach have rather more in common that Pettit allows, focused as he is on early statements of deliberative principle and practice without noticing the important shifts in deliberative theory over the last 15 years; especially the last five. Deliberative democracy has become systemic; is no longer so obsessed by minipublics; embraces contestatory citizenship (indeed, gives it normative priority); and is beginning to think about the relationships between representative institutions of a variety of stripes, the 'wild' public sphere, and policy and law making. Modern deliberative democracy challenges Pettit to look beyond small-scale institutions and small-scale examples, and thus present something more thoroughly in keeping with his own aims—a philosophy of democratic systems that is less reliant on the philosophy of small engagements writ large.

University Griffith, Brisbane

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