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Why Deliberation Cannot Tame Globalization

*The Impossibility of a Deliberative Democrat**

Abstract: How is it possible for individuals to exercise any control over a political order that is supranational and multilayered? This key question must be answered if we are to reconcile democratic principles with the requirement of global justice as well as with the cosmopolitan political institutions that play an ever-increasing role in our world. The leading answer to this question, at present, is that of Juergen Habermas and his followers: deliberative democracy. This article, however, argues that theories of deliberative democracy fail to take seriously both the problems and the opportunities of large-scale societies and so cannot provide adequate conceptual foundations for deepening and globalizing democracy. In particular, the participatory requirements of Habermas's normative theory can be met only by making assumptions about human cognitive capacities and institutional capabilities that are not remotely plausible in any pluralistic society.

1. The Scale of Politics

In recent years, many political theorists have devoted much time to developing accounts of moral as well as institutional cosmopolitanism. We have argued, one way or another, that a post-national and perhaps post-statist political authority structure is necessary to satisfy the universalist requirements of justice. But, in the face of what is bluntly labelled globalisation, these theories confront a peculiar worry: that the inclusive scope of cosmopolitan institutions would be *incompatible with democracy*.

The underlying idea can be put simply and seemingly plausibly as follows: the larger the social group among which decision and deliberation must take place, the less the political power or autonomy of the individual. At a certain size (which?), talk of democracy is misguided. This idea has a long historical pedigree, and finds its apotheosis in the argument—often attributed to Aristotle and then Rousseau – that democracy is impossible except in small groups (see Rousseau 1968, IV, 149–187). Indeed, the association of genuine democracy with small groups tends to dominate our imaginations, perhaps because of the resonant image of the Athenian forum (*agora*).

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Implicit in this primal romantic vision is a certain idea of inclusion: the more direct each person's input into a political process the better its outcomes embody his or her wishes, interests, and/or will. This idea gains political currency in the hands of those who favour non-cosmopolitan institutions of government (e.g. a system of states) on the grounds that such institutions are more democratic than larger ones, since each person's views and interests can count more. I have long disputed the idea that scale undermines political representation and decreases citizen control over political decisions (see, for example, Kuper 2000). But recently I have come to a more disturbing conclusion: that, ironically, this pernicious idea gains much force from deficiencies internal to deliberative democratic theory. This conclusion is disturbing because deliberative democracy is at present the leading normative democratic theory and is thought by many to supply the conceptual foundations for democratisation of the global order. Given the disorder, dangers, and democratic deficits that exist in our world already, we cannot afford such false prescriptions.

My route to establishing these strong conclusions is the natural one: I begin with an explication of deliberative theory, largely as articulated by its most prominent exponent, Jürgen Habermas. I then show that Habermas and his deliberative democratic followers fail to take seriously the problems and opportunities of scale, and that this theory cannot provide firm foundations for deepening and globalising democracy. It is particularly important to focus on Habermas because he himself is not opposed to a strong role for large and encompassing institutions, and he does think they can be democratised (Habermas 1998, 126–7, 146–51). However, Habermas's conceptual schema still succumbs to the mirage of the forum: he conceives of actual, real-time institutions of public reasoning as attempts to maximise or model direct participation in public decision-making. This creates insuperable difficulties for his theory as soon as it confronts problems of numbers, time, information, and understanding—problems that arise in any remotely large-scale and pluralistic society.

In order to rescue the theory, deliberative theorists turn to five modified conceptions of deliberation; but each fails because representation continues to be understood as an attempt to 'mirror' direct participation. I argue that this conception of democracy is metaphysically overblown, epistemologically deficient, psychologically overly demanding, and operationally unfeasible. But I shall argue that there is hope: by taking account of the metaphysical, epistemological, psychological, and operational constraints relevant to public reasoning, it may be possible to jettison deliberative democracy, and develop a better conception of representation to orient the democratisation of great and global institutions.

2. Does Habermas Demand Too Much of Persons and Institutions?

Democracy "is one (very broadly defined) form of being ruled. ... It is not, and cannot be, an alternative to being ruled" (Dunn 1999, 342). It could not be otherwise: government exists because of a shared need to make collective,

binding decisions—democracy is a way of meeting, not removing, this need. Decisions will not be binding unless those subject to them can be coerced to comply; thus the question of what makes a form of government legitimate is not whether we can do without coercion (*pace* anarchism), but rather how such coercion can be justified.¹ Habermas puts this well when, following Kant, he maintains that it is a precondition of legitimate law that those subject to it are able to view it and be motivated by it under two perspectives, the factual and the normative:

“They can either consider [legal] norms merely as factual constraints on their freedom and take a strategic approach to the calculable consequences of possible rule violations, or they can comply with legal statutes in a performative attitude, indeed comply out of respect for results of a common will formation that claim legitimacy.”²

Democracy is not the only interpretation of the last part of this statement. Almost every form of government purports to be the most suitable mechanism for forming and acting on the common will; and democratic governments are hardly distinctive in claiming to represent this will. From Solon to Kim Il Sung, it is difficult to find a government that does not make the normative claim that it is “acting in the best interests of the public, in a manner responsive to them”—to cite Hannah Pitkin’s memorable definition of representation.³ So what then is distinctive about democracy, and in what special sense is its contemporary form supposed to be representative?

This question is complicated and lent an unprecedented urgency by two striking historical facts mentioned in my Introduction. First, democracy is now the most widely accepted form of legitimation for modern political rule, even while the theoretical underpinnings of purportedly democratic regimes are markedly at odds with their practices. Second, the issues and institutions that impact on the world’s inhabitants increasingly transcend, bypass, and even overwhelm the state—the traditional formal locus of democracy. This is why, in our time, the pressing set of problems becomes not only *what* democracy is and ought to be but also *where* it is and ought to be.⁴

¹ Justification of the latter kind does not remove the fact that addressees *must* comply (whether they wish to or not). Rousseau is often, rightly or wrongly, taken to be the villain of the piece (and the peace) for obscuring the fact that justifying coercion does not eliminate it. This elision achieves particular poignancy where human judgements and interests are irreconcilably plural and often conflicting (that is, if Isaiah Berlin is to be believed at all, almost everywhere and almost always).

² Habermas 1998, 255. Habermas’s interpretation of the Kantian conception of legality is however a far cry from Kant’s own conception of legality; see O’Neill 2000, 65–80.

³ Pitkin 1969, 210. I thank Eric Hobsbawm for pointing out a notable exception: theocratic governments do not necessarily claim to represent the collective will.

⁴ This increased problematisation of the location of democratic rule constitutes part of a third stage in the development of democracy. A rough institutional history might be outlined as follows: In the first stage, until the eighteenth century, *laws and policies* are selected, and subject to amendment, by those governed within a *city state* (see Elster 1999; Skinner 1992). In the second stage, from the eighteenth to the late twentieth century, emphasis is placed on how *rulers are elected* and subject to regular re-election by the governed, within a *nation-state*

Deliberative democratic theory is presented by its major exponents as a consistent answer to both sorts of problems.⁵ In the next section, I argue that because of irremediable flaws in its conceptualisation of democracy, deliberative theory is a misleading and inadequate aid to identifying the proper loci of democratic rule. But in the present section I first provide a general outline of deliberative theory in what I and many others take to be its most sophisticated (Habermasian) form. Only then is it possible to offer a critique of deliberative theory that does not—as is all too popular—caricature its form and force.

Since communicative ethics in one or another form provides the historical and conceptual basis for deliberative democratic theories, we can begin by delineating its basic features. Exponents of communicative ethics share with cosmopolitan liberals the view that the moral community is universal: the ambit of moral concern includes everyone who could be capable of practical reasoning. The crucial difference is that, on the Habermasian interpretation, we cannot discern our own interests or those of others or our common interests, nor can we discover the appropriate collective action norms through which to realise those interests, unless we engage in actual public discussion oriented towards reaching mutual understanding and agreement.

The argument for this conclusion elaborates the following propositions: (i) No transcendental and universally agreed foundation for reason and morality can be discovered. (ii) In order to validate our value-orientations and norms, we can only draw on unavoidable features of common practices that we already share. (iii) Since persons under modern conditions of pluralism do not already have any notion of the good in common, those shared features “shrink to the fund of formal features of the performatively shared situation of deliberation”. (iv) Primary amongst the formal presuppositions of such rational discourse is that it is pragmatic in the sense that it aims at being comprehensible and convincing to all participants, motivating them to act on its results. (v) Rational discourse motivates agents not via sanctions or incentives to behave in one way or another, but rather via “the illocutionary binding/bonding effect (*Bindungseffekt*)” of speech acts that constitute “offers” of intersubjective recognition of

(see Habermas 1998, 105–126; Maier 1992). In the third, presently emergent stage the idea seems to be that the governed subject public institutions and rulers to multiple ‘accountability regimes’ within a system of ‘global governance’ (see Held 1995). Each stage might be seen as superseding the last even while incorporating some of its central components: election retains voting, but voting becomes predominantly a mechanism for selecting legislators rather than laws directly; accountability regimes retain election, but elections are treated predominantly as indirect mechanisms, for regulating institutions (e.g. political parties) through which rulers as role-players are in turn constrained. It should be obvious that these three stages are not entirely distinct from one another in practice but are analytic tools for distinguishing certain political modes as more valent than others.

⁵ Here I am thinking particularly about Jurgen Habermas, Thomas McCarthy, Joshua Cohen, Seyla Benhabib, James Bohman, and James Fishkin. That they have attempted to answer both sorts of problems is not a function of mere intellectual over-inclusion or ambition. Given the historical story outlined in the previous footnote, which shows democratic conceptions and practices to be closely tied to the locus of legitimate rule, it would be odd indeed if an important contemporary theory of the nature of democracy provided little guidance on the location of democracy.

validity claims.⁶ (vi) Therefore, where normative statements could prove acceptable to every participant in rational discourse, they can be presumed to be valid (comprehensible, convincing, and motivating) action norms. Hence the *Discourse Principle*:

“Only those norms can claim validity that could meet with the acceptance of all concerned in practical discourse.” (Habermas 1998, 39–46)

The discourse principle explicates the point of view from which norms for action can be impartially grounded. But it is not clear yet why “the justification of norms and commands requires that a *real discourse* be carried out and thus cannot occur in a strictly monological form, i.e. in the form of a hypothetical process of argumentation occurring in the individual” (Habermas 1990, 68; my italics). Habermas offers two connected reasons. First, other people—even ideally motivated others—tend to have a distorted conception of one’s wants and interests, the best remedy to which is one’s actual participation in articulating those interests. Second, at the same time, the terms in which each person perceives and asserts their wants and interests within such a discourse must be open to actual criticism, since wants and interests are always understood against real, intersubjective background practices that an individual cannot interpret and revise on his or her own.⁷ In short, since I as well as others can be ‘mistaken’ about my wants and interests, it is an error to privilege either first-person or third-person discernment and description. Instead of “subject-centred notions of practical insight” (Rehg 1994, 15), reliance is to be placed on

“the rules of discourse and forms of argumentation that borrow their normative content from the validity basis of action oriented to reaching understanding. In the final analysis, this normative content arises from the structure of linguistic communication and the communicative mode of sociation.” (Habermas 1996, 296–7)

We might of course be concerned that the actual acceptance of norms is sometimes the result of misinformation, confusion, incapacity, inequalities of power, or some other circumstance of vulnerability. Habermas attempts to address this concern by positing the idea of an ideal speech situation, in which every participant in the discourse is willing and able to act in certain ways: to offer reasons

⁶ Actors make three kinds of claims to validity: to truth (about states of affairs in the ‘objective’ world); to rightness (about intersubjective relations in the ‘social’ world); and to truthfulness (about an individual’s ‘subjective’ world of experience to which he or she has privileged access). I will not discuss Habermas’s views on language, motivation, and social integration at any length here. See Habermas 1990, esp. 58–68.

⁷ Habermas 1990, 67–8. “From the very start, communicative acts are located within the horizon of shared, unproblematic beliefs. ... The constant upset of disappointment and contradiction, contingency and critique in everyday life crashes against a sprawling, deeply set, and unshakable rock of background assumptions, loyalties, and skills.” (See, for this marvellously mixed metaphor about the relation between discourse and lifeworld, Habermas 1996, 22.)

for claims as well as to express his or her “attitudes, desires, and needs”; to consider the reasons offered by others for their claims; to modify claims solely on the basis of the better argument; to seek an agreed decision; and to comply with the results (Habermas 1990, 89). It is a condition of this discourse that participants are free from constraints both external (e.g. the threat of force) and internal (e.g. debilitating neuroses), such that “there is a symmetrical distribution of chances to select and employ speech acts ... an effective equality of opportunity for the assumption of dialogue roles” (McCarthy 1978, 306). Habermas is *not* suggesting—as some critics have supposed—that this situation is ever achieved in reality.⁸ Rather, the ideal speech situation functions at once as the unavoidable supposition of discourse and as an epistemic device: all actual modes of discourse aimed at justifying norms must presume and be judged against this *counterfactual* ideal.⁹

Deliberative democracy is only one way in which this ideal is to be “operationalized”; in this case, so that it can orient “the deliberations of political legislators”. The distinction is crucial. The discourse principle can and must be “interpreted” and “applied” in different ways depending on the subject matter (e.g. law versus morality).¹⁰ Communicative ethics, then, offers a general answer to the question “how is any norm validated?” whereas deliberative democracy, although guided by that answer, responds to a more specific question: “how can the people make the law?” The task of the deliberative theorist is to elucidate the ideals as well as the communication procedures and institutions that could best approximate the ideal speech situation in actual conditions where the aim is to derive ‘valid’ legal and policy norms.¹¹

Deliberative theorists evoke three ideals that seem to best approximate the ideal speech situation—“rational legislation, participatory politics, and civic self-governance” (Bohman/Rehg 1997, ix)—each of which can be understood more particularly as follows. First, each citizen must be prepared to give publicly accessible reasons for favouring certain political outcomes, they must be open

⁸ These critics are not entirely to blame, however: they have been misled in part by Habermas’s promiscuous use of the term ‘deliberation’ to refer both to this epistemic level and to actual public reasoning in a real world democracy.

⁹ The idealisation is supposed to serve as a “methodological fiction in order to obtain a foil against which the substratum of *unavoidable* social complexity becomes visible” (Habermas 1996, 323). The question, of course, is whether Habermas can make good the claim that a tension between ideal discourse, on the one hand, and a requirement for actual dialogue, on the other, is revealing rather than destabilising when it comes to public reasoning.

¹⁰ The Discourse Principle is “operationalised” with respect to the particular subject matter of *morality* via the Principle of Universalisation: “(U) A norm is valid when the foreseeable consequences and side effects of its general observance for the interests and value-orientations of each individual could be jointly accepted by all concerned without coercion.” (Habermas 1998, 45–6) The latter principle has been emphasised increasingly by Habermas in his later work, in part to avoid the problems and misunderstandings that beset the ideal speech situation (discussed below). But (U) is not directly applicable to *political* or *legal* norms. Indeed, the latter are supposed to compensate for “the cognitive indeterminacy, motivational insecurity and the limited coordinating power of moral norms and informal norms of action in general” (Habermas, cited in Bohman 2000, 13).

¹¹ Habermas insists that this is “just *one* action system among others,” such as the economic system; the political system is neither “the peak nor the center, nor even ... the structuring model of society” (Habermas 1998, 251).

to revising these views in the light of reasons and criticisms offered by others, they must attempt to offer reasons persuasive to all and thereby to arrive at a consensus, and—failing that—they must be prepared to forego the application of their convictions unless and until a majority concurs.¹² Second, citizens must be substantively equal in an extensive sense:

“Everyone with the deliberative capacities has equal standing at each stage of the deliberative process. Each can put issues on the agenda, propose solutions, and offer reasons in support of or in criticism of the proposals. And ... the existing distribution of power and resources does not shape their chances to contribute to deliberation, nor does that distribution play an authoritative role in their deliberation.” (Cohen 1997, 74)

Third and finally, citizens regard themselves as bound only by the results and conditions of this process of exchanging reasons. Since citizens already accept the preconditions of the actual attempt to come to an understanding, and its implications, and since citizens are able to put forward any validity claims and subject any validity claims to critique, there is adequate reason for contributing to and acting on the norms that are produced and confirmed by this deliberative process. Thus motivated and constrained, members of an ongoing, pluralistic association are thought to be able to freely and collectively generate norms that are also—precisely for that reason—authoritative. Deliberative theorists take it that in this way they have revealed a necessary “internal relation” between sovereignty (understood as the making of authoritative legal norms) and democratic will formation (Habermas 1998, 253–64).

Some deliberative theorists, and some of their critics, have understood the three ideals above as unmediated bases for political action; again, this is to caricature deliberative theory. We must distinguish the three ideals—which constitute an interpretation of the discourse principle so that it applies to the political system—from the actual communicative processes and institutions through which the three ideals are operationalised in any particular social context. (Habermas is particularly critical of Rousseau for conflating “the introduction of a new principle of legitimacy” with “proposals for institutionalizing just rule” (Habermas 1979, 186).) These actual mechanisms operate in two domains: “informal networks of the public sphere” and “institutionalised deliberation in parliamentary bodies”. A brief characterisation of these domains brings us directly to the problems I want to consider.

Habermas has lamented the disintegration and deformation of the public sphere, and pursued its reinvigoration as the central political task, ever since his *Habilitationsschrift*. Here he shares with many champions of ‘civil society’ the aim of characterising and ‘mobilising’ a domain of interaction that voids or avoids

¹² Habermas speaks of a “conditional consensus” and cites Frobel: “Certainly one does not require that the minority, by resigning their will, declare their opinion to be incorrect; indeed, one does not even require that they abandon their aims, but rather ... that they forego the practical application of their convictions until they succeed in better establishing their reasons and procuring the necessary number of affirmative votes.” (Habermas 1997, 47)

especially the unequal power relations of 'state' (legal) and 'market' (exchange) "action-systems," and that operates as a regulative and countervailing force to those systems. In its most recent formulation:

"The public sphere can best be described as a network for [freely] communicating information and points of view (i.e., opinions expressing affirmative or negative attitudes); the streams of communication are, in the process, filtered and synthesized in such a way that they coalesce into bundles of topically specified *public* opinions."¹³

It is not, then, an "institution" or an "organisation" or even a "framework of norms with differentiated competences and roles"; nor is it reducible to "forums, stages, arenas ... concrete locales where an audience is physically gathered." The public sphere is in fact only constituted to the extent that information and points of view "are uncoupled from the thick contexts of simple interactions" so as to "extend to the virtual presence of scattered readers, listeners, or viewers linked by public media". In this "abstract" public sphere, and in more "episodic" and "occasional" interactions—from "coffee houses" to "rock concerts"—information and arguments can then be "worked into focused opinions" about how we should live together:

"What makes such 'bundled' opinions into *public opinion* is both the controversial way it comes about and the amount of approval that 'carries' it ... [but] only if ... [that approval is] preceded by a focused public debate and a corresponding opinion-formation."¹⁴

All this seems very far from a description of current societies, but we might begin to be suspicious that it is not even a plausible description of and prescription for *any possible* large-scale and pluralistic society, confronted with a need for decisions. For one thing, under conditions of cultural and social pluralism, as Habermas acknowledges, "a common will is produced ... not just [via] ethical self-clarification but also [via] the balancing of interests and compromise, the purposive choice of means, moral justification, and legal consistency-testing" (Habermas 1998, 244–5). Habermas assures us that there is nothing to worry about: there is a place in his account for "representative" legislative and judicial institutions that generate actionable and enforceable decisions.

These institutions enable more contained and constrained forms of public reasoning, by a smaller number of agents, structured in a more hierarchical fashion—in a situation where some ethical "interests and value-orientations ...

¹³ Habermas 1996, 360. On the early history of Habermas's conception of the public sphere, see McCarthy 1978, esp. 381–3.

¹⁴ Habermas 1996, 361–2 and 373–4. The public sphere plays two major roles: (a) "the [joint] detection, identification, and interpretation of problems affecting society as a whole," and (b) the generation of what Habermas calls *ethical* self-understanding, by discerning and clarifying the interests and value-orientations of participants as members of shared forms of life—"a particular nation, ... a community or a state, ... a region, etc., which traditions they wish to cultivate, how they should treat each other, minorities, and marginal groups, in what sort of society they want to live." (Habermas 1998, 240–5)

conflict with one another within the same polity without any prospect of consensual resolution".¹⁵ It is merely that the resulting decisions are legitimate because such reasoning "incorporates", "proceeds from", and "lead[s] back to" the reasoning of citizens in the public sphere (McCarthy 1978, 15). Notice that this is not a mere requirement that decision-making *procedures* and *actors* are to be selected by citizens (although it is that too); the requirement is far, far stronger. Citizens must endorse the substantive ends and means chosen:

"The enlightenment of political will can become effective only within the communication of citizens. For the articulation of needs in accordance with technical knowledge can be ratified exclusively *in the consciousness of the political actors themselves*. Experts cannot delegate to themselves this act." (Habermas 1971, 75; italics in original)

It is at this point, with this strong participatory requirement, that deliberative theorists run into the problems of scale. Any attempt to identify actual procedures and institutions that enable ideal deliberation faces constraints on numbers, time, and distance; these become pressing practical problems in any remotely large-scale and pluralistic society. A quick calculation from Robert Dahl makes the deliberative ideal seem grievously optimistic even in a tiny state:

"if an association were to make one decision a day allow ten hours a day for discussion, and permit each member just ten minutes—rather extreme assumptions ... —then the association could not have more than sixty members." (Dahl 1970, 67–8)

Athenian democracy has perhaps come closest to satisfying such extreme assumptions; but it is not necessary here to rehearse its many failures, its unrepeatability, and its inappropriateness as a model for vast and pluralist modern societies.¹⁶

What 'representative' institutions and procedures bridge the gap between public sphere and legislative decision? For instance, in what way does the communicative action and situation in legislative institutions 'correspond to'—to use another elusive Habermasian phrase—that of citizens in the public sphere? Here deliberative democrats have to respond with a plausible *institutional* account that meets the demanding criteria of being both workable and structured by the three ideals of rational legislation, participatory politics, and civic self-governance. It is of course true that the relevant institutions will differ depending

¹⁵ The paradigm case of such intransigent disagreement for Habermas, as for Rawls, is religious conviction. It is not at all clear that the use of religion as the prime exemplar serves us well, since religious action tends to (indeed, is often designed to) conflate the notions of practice, culture, tradition, and institution. A much better—more differentiated and revealing—case here may be that of architecture; see Emmerich 1999.

¹⁶ Most notably, slavery and the subordination of women were necessary conditions for the propertied men to be at the forum, deliberating. (On the severe limitations of Athenian democracy see Dunn 1992, 239–66, and Elster 1999. Habermas himself is critical of Republican ideas that presume that the whole people in a modern society could be assembled together, Habermas 1998, 239–52.)

on the social-historical context; but we need to know whether such institutions *could ever exist* in pluralistic societies of any scale.

A popular move by deliberative democrats, when confronted with dangers of impracticability, is to try to head off this line of inquiry entirely by saying something along the following lines: "But Habermas acknowledges that the formal, administrative sphere is necessarily characterised by hierarchical relations, which make government role allocation and decision possible. He is simply saying that 'the definitive institution of democracy' is the public sphere, while 'rights, representation, voting, and balances of power ... are important ... primarily as means of enabling public spheres' (Warren 1995, 171). And what is implausible about the argument that all individuals can and should participate in that informal sphere? Many of us already do participate actively in something like it."

This defensive theorist might continue: "As for the exact representative institutions and procedures, Habermas presents what seems a familiar institutional picture:

"Informal opinion-formation result[s] in institutionalised election decisions and legislative decrees through which communicatively generated power is transformed into administratively utilizable power."¹⁷

An extensive system of rights, a separation of powers including judicial review, support for various aspects of civil society, and a deep attachment to constitutionalism and constitutional courts (all explicated at great length by Habermas in his tome *Between Facts and Norms*) will enable this process in contemporary conditions." (Habermas 1996, esp. chapters 7 and 8, 287–387) Joshua Cohen put the point as follows: Don't all normative theories of democracy face the same issue, namely how to understand and design electoral procedures and representative structures that convert citizens' informal judgements at elections and between elections into authoritative formal decisions?¹⁸

I think the answer here is a resounding "no". Many of the terms used in the last quotation from Habermas no longer mean what we normally take them to mean—they are much more demanding. "Opinion", for instance, now means not any views we come to hold but the set of views that arises and survives after a stringent process of interactive reasoning in which there is potentially 'universal' participation. And, as we have seen, the 'decrees' issuing from legislative institutions can only derive their justification by first incorporating and expressing the 'validating' communicative rationality of the public sphere. That is precisely what is unique about deliberative conceptions of democracy, in contrast to liberal conceptions—as Habermas is at great pains to point out.

On liberal conceptions, according to Habermas, the "focus is not so much [on] the input of a rational political will-formation but [on] the output of successful administrative accomplishments".¹⁹ Representatives identify and pursue what

¹⁷ Habermas 1998, 249–51. This institutional picture will seem remarkably familiar to theorists and observers of German social democracy; and, ironically, much less familiar to theorists of radical democracy.

¹⁸ I thank Josh Cohen for pressing me on this (paraphrased) point.

¹⁹ Habermas 1998, 247. For Habermas, the liberal conception involves the input of whatever

they take to be citizens' interests, and citizens decide—generally in retrospect—whether the basic judgements and overall efforts of representatives were adequate, and whether they are likely to remain so. On deliberative conceptions, in contrast, the interests that are pursued and the judgements that are made by representatives must be recognisably those that citizens have themselves *already* discovered, interpreted, and confirmed. In order for this demanding interpretation of sovereign popular decision to be achieved, it is necessary to show that citizens could in fact give their assent to legislative and policy norms in some way.²⁰ Otherwise, the three ideals that purportedly interpret the Discourse Principle (so that it is applicable in the domain of politics) run the risk of being lovely but misleading fantasies.

The next section concentrates on five basic strategies adopted by proponents who wish to rescue deliberative democracy as a realistic ideal to be instituted in contemporary conditions. All these strategies are aimed at enabling citizens' deliberations and decisions to be incorporated into public decisions by actors in representative institutions. If all of these strategies fail, as I argue they do, then we must find another regulative ideal—one that, I shall show, includes a thicker conception of representation and a different conception of knowledge about interests—in order to avoid misdirecting efforts at global democratisation. While deliberative democratic theory contains some useful insights, the theory as a whole must be abandoned if it cannot avoid making the purportedly 'best' the enemy of the right.

3. The Deliberative Hall of Mirrors

"O, that deceit should dwell in such a gorgeous palace!"

Shakespeare, *Romeo and Juliet*, III. ii.

Can the deliberative idea of a highly active role for citizens in generating and validating public decision be redeemed in practice? The last section made it clear that attempts to fob off the criticism of institutional impracticability won't do. If deliberative theorists are as unconcerned as they claim, why are they—as will become evident—spilling so much ink on trying to develop mechanisms that satisfy a requirement of practicability? The answer is that if it could *never* make any sense at all to talk of a public decision to which all in a large society could actually assent in the ways deliberative theorists suppose, then there is no prospect of the fully shared identification and interpretation of interests that

individuals happen to *prefer*—an understanding of liberal democratic representation that is evidently caricatural.

²⁰ Shifting modality from "could" to "would" does not solve the problem. For instance, Thomas McCarthy writes: "The point is, rather, to find in each set of concrete circumstances institutional arrangements that justify the presumption that basic political decisions would meet with the agreement of all those affected by them if they were able to participate without restriction in discursive will-formation." (McCarthy 1978, 332) It must be shown that this last clause is not nonsense (e.g. the clause must not require agents who are not at all like human beings).

deliberative democracy posits. For deliberative theorists would then be claiming what is in effect a contradiction: that validation takes place through a potentially fully inclusive process but in which not all citizens could ever actually be included. Either citizens play the primary generative role of identifying and interpreting norms for the purposes of action, or they do not; it cannot be both ways. If inclusion does not have the strong sense suggested here, then deliberative theorists are saying virtually nothing different from liberal democrats.²¹ Deliberative theorists cannot, therefore, avoid the need to redeem a claim of practical possibility. They must supply an account of mechanisms by which inclusive deliberation can be achieved, not just in the public sphere but by having citizens' decisions there worked up through representative institutions and procedures into public decisions.

In this section, I begin by identifying five strategies for rescuing deliberative democracy as a relevant ideal. Here I follow the fivefold classification of Robert Goodin, himself a deliberative democrat.²² I then show how each strategy fails in turn. Each failure provides us with a lesson as to the constraints on participation, and as to how these constraints form broad parameters for a more adequate account of representation.

The first two strategies aim to reduce the number of people deliberating together. Strategy one is *serial deliberation*: Have citizens deliberate directly—as Aristotle suggests—“not all in one body, but by turns”, thereby reducing the number of citizens with whom each citizen has to engage at any one time (Aristotle 1984, IV, 122–8). Each small, partial, and overlapping group or association makes separate judgements that then serve as inputs both into other similar groups' deliberations and into a decisive 'meta-deliberation'.²³ The outcome of that meta-deliberation is purportedly representative.

Strategy two is *substitute deliberation*: As J. S. Mill suggests, replace deliberation between all citizens with that between a subset of participants that accurately reflects the demography and range of views of all (Mill 1991). The decision of this 'microcosm'—for instance, of a citizens' jury—is thought to be binding because it identifies what decision everybody would have made if fully inclusive deliberation had been feasible.²⁴ Since the deliberators are a fair sample of the citizenry, the decisional outcomes are purportedly representative.

²¹ They would of course be saying the same things as liberals in different terms. This leads to implausible formulations at times, such as 'expert legislative subcommittees are merely a part of the conversation'.

²² Goodin offers a friendly criticism of four strategies, designed to make room for his fifth alternative to supplement them. I am greatly indebted to his excellent analysis (indeed, this article was initially subtitled "Response to Habermas and Goodin"). However, I try to show not only that his alternative strategy fails to rescue deliberative democracy, but that a critique of the four other strategies can cut much deeper than he thinks, undermining the idea of deliberative democracy as a regulative ideal altogether. My labels for each kind of deliberation also diverge from Goodin's, in the interests of what I hope is clarity. See Goodin 2000, 81–109.

²³ For versions of serial deliberation, see Cohen/Sabel 1997; Young 1995; Dryzek 1996; Cohen/Rogers 1995.

²⁴ Here the most prominent institutional mechanisms are legislatures or representative assemblies, but recent theory and practice have revived citizens' juries and deliberative polling. See Fishkin 1991 and 1995. For a positive assessment of citizens' juries, see Coote/Lenaghan 1997. For a highly critical evaluation, which concludes that "juries promote not so much a

The third and fourth strategies aim to reduce not the number of synchronic deliberators but rather how much they communicate. Strategy three is *restrictive deliberation*: Place limits on what information is admissible, thereby reducing the range of issues to be discussed and the considerations relevant to each issue. This strategy typically involves quantitative criteria (e.g. restrictions on the length and number of speeches) and qualitative criteria (e.g. rules of germaneness), combined with more or less independent application of these criteria by intermediaries²⁵.

Strategy four is *selective deliberation*: Create an intermediary forum (such as a journal or internet site) where people can post notices and reply to one another's notices. There will then be 'selective uptake' by participants, with those issues and arguments that are most salient percolating to the top. The outcomes from this strategy, as for strategy three, are purportedly representative in that participants have considered the restricted class of relevant information and arguments.

The final strategy is *internalised deliberation*: Enable each deliberator to undertake separately 'empathetic imagining' of potential interlocutors' points of view, which serves as a supplement or substitute for actual engagement with others.²⁶ Practical approaches include educating citizens' sensibilities—for example, through public subsidies for the arts, and by encouraging people to read great works of fiction. Much deliberation can then supposedly be processed in the 'forum' of a mind sensitive to competing reasons and not in the public domain itself. The claim is that this eases both the informational and the numerical burdens of deliberation; and, since participants consider each other's reasons fully, the results of voting include consideration of everybody and are 'representative'.

We have, then, five purported solutions before us: serial deliberation (in turns), substitute deliberation (by a microcosm), restrictive deliberation (limiting information), selective deliberation (limiting uptake), and internalised deliberation (empathetic imagining of interaction). Many of these ideas and mechanisms must play crucial roles in large-scale democracies, but they face insuperable difficulties *as mechanisms and models of inclusive, rational deliberation* of any scope. I now want to elaborate these difficulties by tracing them to a common source: a failure to take seriously the nature of and constraints on actual communication.

There is a bad way to approach this topic. Many writers about politics have gone seriously wrong by arguing that real conversation is a good model for discursive procedures that aim to generate political decisions. In several ways, it is not. Conversation tends to have some kind of expressive or aesthetic function—to edify, to entertain, to console, to show social recognition, and so

critically detached view as a particular evaluative framework suited to the bureaucratic idiom of social welfare maximisation," see Price 2000.

²⁵ Intermediaries such as international negotiators and parliamentary speakers might filter out everything from insults to exaggerated demands in order to facilitate productive discussion and perhaps bring parties to an agreement; see Young 1967.

²⁶ The central purpose of Goodin 2000 is to develop this strategy.

forth—which is not intrinsic to the objectives of a public political institution.²⁷ Conversely, conversation lacks the fundamental objective that is the generative source of public institutions: no potentially coercive, collective decision has to be made. This to some extent explains the structure of conversations: they tend to range unsystematically over a wide range of issues, often without seeking or finding any resolution for differences in viewpoint. Conversation involves more allusive ‘loose talk’, aimed at describing, illuminating, rehearsing, etc., rather than necessarily at bringing about assent to the truth of propositions.²⁸ Public reasoning is often, and always ought to be, more strictly continuous and consistent: coercion raises questions of justification, to which only some kind of systematic and presumptively conclusive reason-giving is adequate (Rawls 1999, 576–7).

All that said, conversation and public reasoning do share important features and constraints that imperil the inflationary deliberative account of democracy. Talk can never be rid entirely of its looseness: even a deductive argument has to be ‘completed’ or ‘made sense of’ by the listener or reader, who must interpret the ‘implicatures’ contained in the speaker’s utterances.²⁹ (Where the listener or reader cannot do so, confusion results: consider Alice’s befuddlement in *Wonderland*.) Yet in order to do so, the listener must assume that the utterances of the speaker or writer proceed from a more or less coherent nesting of background propositions; she must further supply the outlines of this unexpressed background, either by simulating what it is like to be ‘inside’ the other’s mind or by adopting a folk psychological theory of some of its contents (see Davidson 1984). Such interpretative action is required whether or not those others are understood in terms of “generalised” roles or “particular” viewpoints.³⁰ In the context of large-scale linguistic interaction, this need for a construal of other minds becomes extremely—and worryingly—demanding. Habermas, for instance, insists that it is a precondition of moral and political justification that

“everyone is required to take the perspective of everyone else, and thus project herself into the understandings of self and world of all others ... from this interlocking of perspectives there emerges an ideally extended ‘we-perspective’ from which all can test in common whether they wish to make a controversial norm the basis of their shared practice; and this should include mutual criticism of the ap-

²⁷ There is of course an important sense in which a social ethos of conformity or fearful silence does reduce public participation; but there is strong empirical evidence that—even in the absence of a hostile environment of this kind—discussions amongst friends and family and the like are driven by concerns and modes of interaction that are very different from the kinds of considerations and argument even vaguely appropriate to legislative decision. See Scheufele 1999; also Wyatt/Kim/Katz 2000.

²⁸ The term “loose talk” is from Sperber/Wilson 1986. On differences in the structure and purposes of speech acts, see Austin 1962.

²⁹ See Grice 1989, 22–40, 138–44, 269–82; and Lewis 1979. For further discussion, see Goodin 2000, 93–4.

³⁰ The distinction between generalised and particular others is that of S. Benhabib, “Liberal Dialogue vs. a Critical Model of Discursive Legitimacy”, in Benhabib 1992.

propriateness of the languages in terms of which situations and needs are interpreted.” (Habermas 1998, 58)

How feasible is such deep and inclusive intersubjective justification at any sort of scale? It seems beyond improbable that any person, let alone all persons, could construct the divergent sets of background assumptions necessary in order to make each and every other interlocutor intelligible. Clearly a person could not understand a thousand, never mind a million or a billion, people’s utterances pretty much simultaneously under conditions of pluralism. The main problem is that if such deliberators *could not* even begin to understand one another, how could they possibly *integrate* all divergent views into the shared ‘ideally extended “we” perspective’ that Habermas claims is necessary to generate valid normative political decisions? But—assuming we don’t want to be anarchists, a position profoundly antithetical to the Habermasian project—perhaps one or all of the five strategies above can help the deliberative account along.

Reducing the size of the group seems a promising way to ease the cognitive burdens, until we notice what is lost in serial and substitute deliberation. Goodin points out one serious problem:

“Given the path dependency of conversational dynamics, and the sheer creativity of conversing agents, it beggars belief that any one group would come to exactly the same conclusions by exactly the same route as any other.” (Goodin 2000, 89)

But the most serious problem has to do with a divergence not of routes and destinations but of starting points: one of the major claims made in favour of deliberative democracy is that it is necessarily “reflexive” and always keeps open the possibility of “transcending” the initial terms of the question.³¹ Indeed, it will often be the mark of successful deliberation that a change in the question occurs. Yet conversations can contingently proceed in any number of directions, and this has several crucial consequences. In the case of serial deliberation, reflexivity and contingency together imply that *the conclusions reached by each group in turn will be answers to different questions*. It is, further, difficult to see how answers to all these somewhat different questions could be combined, unless the meta-deliberation involves considering which formulation of the question to accept. Yet even in that case, *whichever* formulation or synthesis is accepted, it will not be the question upon which almost all the initial groups decided and judged.³²

One might argue that the problem can be solved by careful ‘agenda setting’, but this raises questions of who sets the agenda.³³ Any reply must of necessity vindicate a large degree of discretion for some person or group to decide upon

³¹ A central purpose of Benhabib 1992 is to establish this claim. For a critical analysis of these kinds of ‘transcendence’ and ‘emancipation’ claims, see Geuss 1981.

³² Arguments about which meta-deliberative mechanism is best, although important, risk distracting us from this deeper problem.

³³ Protess/McCombs 1991. The issue at this point would change dramatically; it would become ‘who is entitled to constrain the reflexive capacities of the demos and on what grounds?’

a fairly firm question. If there is to be no *infinite regression*, the formulation of that firm question cannot itself be subjected to popular deliberation. The needs for discretion and agenda setting (subject to only limited contestation) exist quite apart from the difficulties of dividing people into groups, making those groups typical, and ensuring that everybody gets a say. This in turn eliminates much of the distinctiveness—for example, the “openness” and “non-hierarchical character”³⁴—claimed for the deliberative account. It is necessary for us to constrain to a significant extent the reflexivity *allowed* to us as the demos when it comes to *public* reasoning about any one decision. It is not enough to say ‘nobody will be involved everywhere, but everyone will be involved somewhere’: a much stronger demand for practical possibility has to be—and is not—cashed by deliberative democrats.

In the case of substitute deliberation, things are no better. The reflexive conclusions of a microcosm are *different answers to different questions* from those that the demos as a whole *would* ultimately have pronounced upon. For one thing, there is no such thing as what the demos as a whole would have decided; we have seen that deliberation at this scale is impossible for human beings. Limited as we are, we are not attempting to resolve the problems of democracy for a society of gods. For another, even assuming that the notion of ‘mirroring’ a vast deliberation is intelligible, this purported ‘accurate reflection’ would quickly dissipate. Debate is a dynamic process:

“The question is whether people who started out being representative ... are also representative of that wider community in the ways in which they *change* over the course of the deliberation.” (Goodin 2000, 88; see also Scarry 1995)

There is no way to ensure such dynamic direct representation. Consider the two kinds of representational device that could be adopted—numerical and non-numerical. In the former, each person in the microcosm is taken to represent a specified group of people throughout the discussion. But this would effectively preclude members of the wider community who wish to change or merge their group identifications from being represented—unless they changed in conjunction with the initial group as a whole. They cannot in this model change group identification as a result of individually persuasive argument. Yet in reality, partly because actual people construe the background of utterances differently, not everybody will be convinced by the same arguments. It is not just that this restriction risks essentialising group identities, but that this kind of model is profoundly anti-democratic insofar as it rules out free thought and free association. However, on any form of non-numerical representation, the majority achieved in a microcosm might well be a minority in the demos. Yet we have seen that it is a precondition of deliberative justification that decisions not be endorsed unless and until a majority of those affected concurs or would concur. It follows that a proportionate representation of initial (pre- or proto-dialogic) attitudes is just that, and nothing more: even if a microcosm does allow for articulation of initial

³⁴ See, for example, Benhabib 1992, and the “Introduction” to Benhabib 1996.

views, it is not a strictly representative way of *coming to* or *making* decisions (for a different argument to similar effect, see Pitkin 1969, 60–91). Ironically, this deliberative conception is in an important sense anti-proceduralist.

But perhaps—says the foundering deliberative theorist—all these disjunctions between the demos and the microcosm should not bother us; surely the questions and answers agreed upon by a microcosm are at least those that the demos *could* have settled on? I believe that it should bother us immensely. In shifting modality, from actual to hypothetical to possible agreement, we are no longer talking about anything that can be recognisably called democracy. We are entitled to ask: The populace could imaginably agree to many things, but would or do they?!³⁵

Since limiting the *number* of deliberators won't work, perhaps it will help to limit the *amount* that they communicate; so let us turn to strategies three and four. There are several reasons to think that these strategies are bizarre and misguided in cutting down how much information may be supplied, in the interests of making a decision more democratically legitimate. Goodin argues, correctly, that restrictive deliberation—limiting informational inputs—would at times exclude informational inputs that are relevant to decision-making, leaving our cognitive capacities “undernourished,” and governance at risk of becoming a “democracy of sound bites” (Goodin 2000, 90). It seems to me that if we cleave to the deliberative ideal, this is not a risk but a certainty. At scale, and where time is limited, it turns out to be impossible for any except a very tiny portion of the population to utilise their opportunity to speak, internalise, and respond to reasons at any statistically significant length. This is the case regardless of how little information is fed into the system. My optimistic calculation is that—even in one of the smaller of present states, and with only one in 50,000 people expressing views—there would be less than one and a half seconds for each response.³⁶ Such extreme limits on both the number and the length of contributions makes a mockery of the ideas of inclusive and rational deliberation—especially where issues are complicated. Indeed, I may have a better chance of winning the lottery under such conditions than of meeting the popular participation requirement on public deliberation.

³⁵ It is a serious mistake to confuse Kantian moral justification (‘could’) with democratic political legitimacy (‘do’). Whether or not the problems of liberal constitutionalism can be solved using devices of hypothetical consent (e.g. Rawls 1971; 1993) or possible consent (e.g. O'Neill 1989; 1996), these devices are generally out of place when it comes to political decision in a large-scale representative democracy.

³⁶ Let us make some outrageously optimistic assumptions: assume each person could make intelligible and retain the views of sixty others; assume that finding agreement after that is unproblematic; assume that these exhaust the range of viewpoints. Now assume that each person is a member of only four groups, and there is no overlapping membership of groups, and there is no problem of changing questions and answers between groups; and assume that every person is able to work at ‘taking the perspective of everybody else’ for ten hours a day. In two days of deliberation, agreement could be achieved between 12,600,000 people (this is on the small side for a state). But *only* if every person has only five minutes to put her point, internalise, and reply to everybody else! Let's continue to assume, wildly, that only one in fifty thousand others' opinions are forthcoming and are opinions to which other citizens wish to respond. With five minutes to respond to around 250 opinions, each interlocutor has about 1.2 seconds to rationally discuss each other interlocutor's views.

Selective deliberation—limiting the amount of uptake—fares no better as a strategy to rescue the ideal of rational and inclusive deliberation. For one thing, ‘posting notices for all to read’ is very different from the give and take of reasons involved in actually ‘talking to one another’ (just think about College notice boards!) (Goodin 2000, 91). For another, even if selective uptake were adequate for informal discussion, it would not be a good source for making nor route to making authoritative decisions. In formal public reasoning, the quality of reasons plays some role in their being taken into account (reasons must at least be put through a structured process of exchange) rather than their being taken into account primarily because they are interesting to discuss. Proponents of this fourth strategy therefore fall into the trap of modelling public reasoning on conversation. This is quite apart from the fact that strong limits on interchange between decision-makers are likely to undermine the quality of public reasoning, and with it the normative ground of coercive authority.

Finally, there is Goodin’s suggestion that public reasoning could be modelled by retreating into the inner citadel of the imaginative, empathic mind. This seems to me to be the least promising of the lot. If it is difficult to elaborate a structured external procedure to combine multitudinous, plural reasons, it seems even more difficult to conceive of a mind capable of judicious combination of this kind. The cognitive burdens would be immense; indeed, it seems contradictory to talk of a *human* being who develops and holds such an encompassing ‘we-perspective’. At the very least, the human mind is not as structured as the forum in giving equal sway to competing considerations: if ‘public’ reasons were largely processed internally, they would be under-articulated and half-formed on the whole, dismissed before they could be properly developed and evaluated. I seriously doubt, for instance, that the internal dialogues of George W. Bush, Hu Jintao, and Atul Vajpayee (respectively, the rulers of the USA, China, and India in 2004) could ever be at all similar. It is not at all plausible to think that they or any of us can justifiably assume the authority to internally represent most or all others. An inner dialogue, even if it is imaginative, highlights issues and treats them idiosyncratically, depending among other things on their resonance with each person’s own life history and social roles; it is very far from public deliberation.

Further, while sensitivity to others’ perspectives is something devoutly to be wished in a populace, it is by no means clear that literature and the arts are going to do the job. It is a commonplace that Hitler was freely elected, in the country of Goethe and Mann, by a comparatively well-read populace. Literature and the arts may improve us, but are we sure they make us more moral? (Consider, as the extreme and disturbing case of quite the contrary, Martin Heidegger.) In fact, as Habermas himself points out, there is more reason to think that the effectiveness of some kind of public engagement conduces to sensitivity to other perspectives than that the causal story operates the other way around (Habermas 1975, 108; see also Warren 1995). But even if the two are mutually supportive, this sensitivity must ultimately take the form of an external articulation of reasons if it is to serve as an input into authoritative decision.

The constraints on numbers and time discussed above are still extreme, and the many problems with the external deliberative ideal remain.

4. Representation Contra Deliberation

The failure of all of the five strategies above renders deliberative democracy highly impracticable. No institutional account can redeem the requirements that flow from the conceptual structure and ideals of deliberative theory. Its flaws can be summarised now across four dimensions that together show the impossibility of any such agent as a deliberative democrat. Each criticism along the four dimensions applies to most or all of the five versions above.

Metaphysically, the idea of a we-perspective postulates agents who are capable of simultaneously understanding and integrating the views of huge numbers of interlocutors. These agents would have to be gods, or at least very far from human in their capacities and limitations; but we are not attempting to solve the problem of democracy for gods.

Epistemologically, there is no such thing, and no way to get at any such thing, as what the public in a large and pluralistic society would actually choose. As Madison put it,

“if the opinions of the people were to be our guide, it would be difficult to say what course we ought to take. No member of the convention could say what the opinions of his constituents were at this time; much less could he say what they would think if possessed of the information and lights possessed by the members here; and still less what would be their way of thinking six or twelve months hence.” (cited by Pitkin 1969, 197)

This is no mere technical or technological failure, but a function of the disjunction between the knowledge (of ends and means) required for making public decisions, on the one hand, and deliberative demands that such knowledge be derived from an all-inclusive intersubjective process, on the other. The deliberative requirement that interests, and ways to pursue those interests, must be discerned through citizens’ interaction thus has no chance of being met; but if it is not met, all legitimate legislating becomes, on a deliberative account, strictly impossible.

Psychologically, the idea of participative validation demands a clarity of imagination and of unexpressed reasoning—whereby the views of ‘everyone else [are made] “imaginatively present”’—that is attained perhaps by a few great thinkers but is unattainable for all others (and is perhaps undesirable, on the grounds that the contemplative life is not the only good one).³⁷ Note that even such thinkers do not meet the criteria for being deliberative democrats: a reasoner

³⁷ This requirement also seems to place onerous demands on the time and efforts of citizens—creating an “overload of obligation” which would scupper many of their other important life-projects and even their capacity to engage in basic economic activity. On the notion of an overload of obligation, see Williams 1988.

who cannot engage the rest of the population on equal terms such that they come to share his or her “we-perspective” is no Habermasian deliberator.

Operationally, deliberative theory either (a) presumes that people who initially hold similar viewpoints will be convinced by the same arguments thereafter, and thus change perspective and association only when all other members of the group do; or (b) avoids such a failure to model free thought and free association by modelling deliberation in a way that allows a minority to be determinate over a majority for no good reason. Hence, to the extent that deliberation is ‘operationalised’, it is anti-democratic.

There is a remarkable irony in all this: from Chaucer to Tolstoy to Nabokov, a dominant theme in great literature has been how mental reflexivity—the fount of freedom—is closely linked to our limitations in understanding and to our “relationship to time” (Tolstoy 1998, 976; see also Chaucer 1992, and Nabokov 2000, esp. 18–19). Yet those who claim to emphasise reflexivity in politics the most are least careful to keep these fundamental constraints in view. We must seek a more realistic ideal. And here there are important lessons to be learned from the failure of the five strategies—lessons that set broad parameters for any adequate account of representation.

From the failure of serial deliberation, we learn that public reasoning, since it has to lead to administrative decision, requires firm and discretionary agenda setting by a group or groups of agents much smaller than the demos as a whole. From the failure of substitute deliberation, we learn that there is no process of simulation that directly mirrors the actual deliberations of citizens; what is ‘in the best interests’ of citizens on each issue will have to be determined by reference to citizens’ judgements but will in large part have to be judged by the smaller group of agents. (At this point we have gone some way to characterising the role of liberal representatives.) From the failure of restrictive deliberation, we learn that since that group is smaller, it can be empowered better to make informed decisions on the basis of cumulated knowledge and extended discussion. From the failure of selective deliberation, we learn that that group must communicate in a way that is properly constrained so as to ensure that the group tends to concentrate on publicly relevant reasons; at the same time it must not be too constrained when it comes to access to information and time to consider arguments. From the failure of internalised deliberation, we learn that that reasoning must be made explicit and publicly scrutinisable. (At this point we have gone some way to characterising the features of a representative assembly.)

From these lessons flow some large and familiar questions: What kinds and degrees of discretion should representatives have? How is the group of representatives to be appointed, empowered and constrained in order that they make good judgements as to the interests of citizens and the means to realising those interests, and act responsibly on those judgements? If representatives fail to discharge their obligations or perform their tasks well, how are they to be sanctioned and/or removed from office? How are citizens’ active judgements to be elicited and taken into account, such that they exercise adequate control over representatives and political decisions? What sorts of publicity should be required?

There is a long and rich liberal tradition in thinking about these matters, and we do wrong to repudiate so much of it in the face of false gods. I have discussed these questions at some length elsewhere (Kuper 2004; 2002). What I have sought to establish here is that a thicker conception of representation than could ever be supplied by Habermas and his followers is a necessary part of any adequate democratic theory. Deliberative democracy is neither a coherent nor practicable alternative for the global transformations we seek.

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