Where can Democracies Deliberate?

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How can the ideal of deliberative democracy be put into practice? A collective work analyses the "deliberative turn" in theories of democracy and outlines pathways for how deliberation could be implemented in mass democracies where public opinion continues to be shaped by the media and political parties.

The "deliberative turn" refers to a theoretical shift in the study of democratic institutions which took place in the 1980s at the instigation of figures such as Jürgen Habermas, Bernard Manin or Jon Elster (to name but a few[1]). Its aim was to shift attention from the study of voting towards that of the discursive shaping of citizens' political will, and to offer a more solid foundation for democratic legitimacy. The idea was that more legitimate decisions would emerge out of a kind of *inclusive and constant* deliberation, the practical forms of which would need to be determined. The deliberative approach thus first rejects the reduction of democracy to the simple counting of votes and to the authority of numbers. But it also, in most of its incarnations, challenges the reduction of citizen participation to a delegation of power

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[1] See the anthology that brings together several pioneering works in this field, edited by Charles Girard and Alice Le Goff: *La démocratie délibérative. Anthologie de textes fondamentaux*, Paris, Hermann, 2010.

through election, since the dialogue between representatives and the people they represent must be constant.

The aim of this collective work, edited by Loïc Blondiaux and Bernard Manin, is to provide an analysis of this deliberative turn and to highlight the fields of research that remain to be explored. Through various excellent contributions, some of which had already been published in English, it allows us to see how the deliberative turn was an extremely fertile theoretical shift, but that its practical implications are not yet entirely clear, even if much progress has been made over the course of time.

A Fertile Theoretical Shift

One of the most stimulating aspects of the deliberative approach is that it aims to improve democratic institutions. While the realist trend, which dominated the theory of democracy for a long time, "underlines that voters frequently vote on the basis of flawed or even nonexistent information, and confused or incoherent desires" (Introduction, p. 11), encouraging us to give up on our most idealist and emancipatory democratic aspirations, the deliberative approach "looks for ways of remedying these obvious failures in the shaping of desires" (*ibid.*).

Decisions that are preceded by inclusive deliberation do indeed stand a good chance of being more rational and more just. More rational, for a start, because deliberation allows people to pool and thus increase the amount of information they have at their disposal at the moment of making a decision (Introduction, p. 14). And also because the contradictory aspect of the debates, of which B. Manin's chapter highlights the considerable importance, allows us to expose mistakes in our thinking and correct them, and is thus liable to reduce the risk of collective errors being made. In addition, these decisions stand to be more just because the inclusion of the widest range of social perspectives reduces the risk of decisions being made that are biased towards certain groups[2]. They are also likely to be more just because, as Jon Elster explains (p. 99-115), public deliberation puts a certain pressure on us to favour arguments of public interest, which grant equal weight to each person's interests. This will not of course magically make selfish preferences disappear, but it does contribute

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[2] This is an important contribution made by the works of Iris Marion Young (in particular *Inclusion and Democracy*, Oxford University Press, 2002), which is a little neglected in this book.

to delegitimising them, and to somewhat shifting the attention of citizens and their representatives towards questions of public interest.

The issue is not however only to increase the quality of processes of collective decision-making, but also to make them more inclusive and egalitarian, by ensuring that all social perspectives can be included and heard in any deliberations. Even if we are certainly unequal in terms of our deliberative abilities, the deliberative approach is not elitist. At least, it is not intrinsically so, as is evidenced by there being both elitist and anti-elitist trends in the interpretations of its practical implications.

What Practical Implications?

Among the institutional applications of deliberative theory, the most well-known and discussed is the deliberative mini-public. Dissatisfied with the confinement of deliberation to elitist (and in practice, often not very deliberative) institutions such as parliaments or constitutional courts, theoreticians such as James Fishkin or Yves Sintomer have vested their hopes for a more deliberative democracy in randomly-selected citizen assemblies. However, this soon raised the question of how to structure the connections between these mini-publics, the general public and collective decision-making.

As Luigi Bobbio reminds us, the aim of the deliberative surveys[3] that were developed by J. Fishkin was not collective decision-making; it was rather to refine the opinions of participants. But as the use of randomly-selected citizen assemblies becomes more widespread, we can well sense that the question of its impact on decision-making is becoming more pressing. Many citizens, associations, and a certain number of theoreticians express a kind of frustration towards these sham public debates as studied in Jean-Michel Fourniau's chapter (p. 280-286), where they are only given an extremely weak power of influence or opposition.

The recent example of the Citizens' Convention on Climate in France provides a good illustration of the issues at play here. If this citizens' assembly produced in-depth deliberative work, should its recommendations not weigh heavily on public

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[3] This is a kind of randomly-selected citizens' assembly aiming to reflect collectively on a topic of public interest, after hearing experts and stakeholders, and including phases of guided discussion between the participants.

decision-making, as was initially promised by Emmanuel Macron, and as its participants would wish? This conclusion is challenged by Charles Girard and Hervé Pourtois in their respective chapters, as well as by B. Manin in his introduction. C. Girard insists on the fact that no mini-public can claim to be a substitute for the general public, mainly because the conclusions it comes to are likely to vary from one mini-public to another[4] and cannot be compared to what would emerge out of a deliberation involving the entirety of the people. And it is indeed the deliberation of all citizens that constitutes, according to him, "the ultimate foundation of legitimacy in a democracy" (p. 70). What is more, according to H. Pourtois, "random selection does not create any link between the represented and their representatives" (p. 169). This last claim is probably a little overblown and empirically questionable. For example, we saw the members of the Citizens' Convention on Climate attempt to connect with the general public – an approach that was essential in terms of legitimising such a process, according to Rémi Barbier and Clémence Bedu (p. 272)[5]. But it is undeniable that random selection offers fewer means for the general public to steer its representatives than election.

H. Pourtois thus draws the conclusion that the deliberativists have been wrong to neglect electoral processes. Rather than sidestepping elections, the aim and programme of their research should be, according to him, to "imagine how we might increase the deliberative character of electoral democracy" (p. 174). This implies, as C. Girard calls for, a reflection on *mass* deliberation. But as he emphasises, such a deliberation must be strongly mediatised and scattered, since everybody cannot be brought together in one single forum (p. 72). And we must also accept that its logic would unavoidably be distinct from that of face-to-face deliberations[6].

The media thus play a central role in mass deliberation. However, they have often been neglected by deliberativists, as is lamented by J. Mansbridge and his co-

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[4] This thesis is implicitly challenged by Rémi Barbier and Clémence Bedu, who believe that "citizens juries", at least when they formulate unanimous recommendations, can produce legitimacy on the basis that "everyone has strong reasons to believe that, were they to be asked to constitute, together with other people, a collective capacity of inquiry and discernment, they too would have been led towards the same common judgment, under the combined effect of the same procedures that allowed for the analysis of the same case in light of a set of parameters which, while they may not be identical, are nevertheless sufficiently similar in terms of exigency, principles, values and worldviews" (p. 270). Thus, everyone can feel virtually included ("through identification", they suggest) in the decision-making process without even having effectively been so in person.

[5] Though it does not necessarily imply that they effectively managed to create a link with the general public.

[6] This is the thesis at the heart of his recent book, *Délibérer entre égaux. Enquête sur l'idéal démocratique*, Paris, Vrin, 2019. https://booksandideas.net/Thinking-in-Common

authors. The systemic approach to deliberation that they have initiated intends to correct this failing, by viewing the media "as a means of connecting the different parts of the deliberative system" (p. 53). This does not of course prevent them from having a clear-eyed view of the deliberative flaws of contemporary media, of which they deplore, at least in the North American context, a form of excessive partisanship, at times in defiance of truth (p. 55). The segregation of different types of publics into hermetic bubbles of information is also part of the flaws which must be remedied by a theory of mass deliberation. In order for the media to become a place where contradictory views can be confronted with each other, we must find ways for all citizens to be exposed to a diversity of perspectives. The fairness doctrine – which, from 1927 to 1987, obliged American media to present a range of points of view on controversial subjects in an impartial manner, and which is mentioned by B. Manin – could no longer be applied, as he himself recognises (p. 130), to the Balkanisation that characterises the contemporary media landscape, in the United States as in France and elsewhere. We thus still need to find functional equivalents.

Can we rely on our elected representatives to deliberate?

Thinking beyond mini-publics and the media, can we rely on our elected representatives and political parties to adopt deliberative attitudes? Electoral competition seems to tend more to invite people to caricature and discredit their opponents than to take their suggestions and objections seriously. And if truth be told, little deliberation takes place during parliamentary assemblies. As Clément Viktorovitch shows through an empirical study, genuinely deliberative moments – when some people's arguments are taken seriously by others, possibly leading to a change of position – do occasionally happen (in particular in the Senate or behind closed doors), but we are talking here about "a few small islands in the ocean of parliamentary debates" (p. 237). This does not prevent partisan discussions from serving a deliberative function in more systemic terms: by structuring public debate around a reduced number of coherent alternatives, they can help citizens form their own opinions. But as Dominique Leydet explains, if members of parliament do not listen to each other and have no incentive to take seriously any objections from the opposing camp, the debates will tend to be dominated by a "plebiscitary", manipulative rhetoric rather than the "deliberative" rhetoric based on reason which several contributors call for, following the works of Simone Chambers. It would thus

be appropriate to think about ways of improving the deliberative quality of parliamentary debates, in particular by encouraging dissidence within parties (D. Leydet, pp. 192-196).

Still, the fact remains that political competition and the strategic uses of communication that it engenders are difficult to reconcile with the deliberative ideal. What is more, as Mark Warren suggests in his contribution, these strategic uses of language have the highly concerning effect of undermining the confidence of citizens. Indeed, language is often used in politics as a tool to manipulate or trick people (p. 137), which has the effect, according to him, of "radically calling into question the existential guarantees [in particular, confidence in the sincerity of one's interlocutors] which people rely on in their daily lives" (p. 149). Nevertheless, M. Warren does not believe it is desirable to give up on electoral competition, but he sees here a reason "to increase the number of *reliable mediators of information*" (p. 153), starting with citizens' assemblies.

We thus come back to citizens' assemblies or deliberative mini-publics. There is no question that too much of the literature on deliberative democracy has focused, in recent years, on these mini-publics to the detriment of a series of other doubtless more important issues. Some have even gone to the extent of mistakenly assimilating deliberative democracy to mini-publics. In this regard, the systemic turn and the present book should have salutary effects for the the deliberative approach. But it also seems that randomly-selected assemblies have an important role to play in the deliberative system, given the need to establish non-partisan spaces of deliberation alongside parties and more or less partisan media. However, this role still largely needs to be defined.

Beyond Deliberation: Decision

We come to the last major point of discussion, one which is at the heart of this book: how should we bring deliberations to an end? Theorists of deliberation have shifted attention so much from the moment of voting towards that of the shaping of people's will that they have come to neglect this conclusive moment (H. Pourtois, p. 168; M. Paoletti and L. Morel, p. 201; L. Bobbio, p. 309).

Here, the question of legitimacy comes up again, as raised by H. Pourtois: "who can assume responsibility for taking the major public decisions that affect the *demos* in the latter's name?" (p. 167). When citizens' assemblies are designed to be a reliable source of information, as they are in M. Warren's view, they are not intended to make decisions, but rather to feed public opinion. But if political parties play the role of litigators, as D. Leydet suggests, they may not be the best judges either. Should we try to imagine a system where the parties present contradictory arguments to a citizens' assembly, whose function would be to rule on them and decide in good conscience? Or should we rather favour, as a complement to electoral representation, citizens' initiatives that would go through the deliberative filter of a randomly-selected assembly before being submitted to a popular vote? Marion Paoletti and Laurence Morel highlight to what extent the referendum has been neglected in deliberative approaches. However, it cannot be rejected for the sole reason that its deliberative potential is supposedly too weak. Given the inclusive and legitimising potential of referenda, we should rather be asking ourselves how to make them more deliberative (pp. 215-220).

Conclusion

It is difficult for a short review to do justice to such a rich piece of work. Its two main virtues are, first, that it offers an overview of the main works that have influenced theories of deliberative democracy, and second, that it opens up a great number of new avenues for research. Let us mention in particular the place and roles that can be taken by citizens' assemblies in the deliberative system, ways of regulating the media, of weakening party discipline, of turning political parties into places of internal deliberation, and finally of making electoral and referendum processes more deliberative. The deliberative approach to democracy seems to still have a long life ahead of it.