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Pârvu, Camil-Alexandru

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Review Article: Deliberative Democracy and Beyond

Reason, Agonism and Rhetoric

CAMIL-ALEXANDRU PÂRVU

The aim of this article is less to provide an exhaustive list of the main recent contributions to the literature on deliberative democracy, as rather to describe and assess a generic theoretical structure of deliberative democratic accounts, as well as of some of the main criticisms mounted against it. Since the number of such accounts is growing at a fast pace, the task of enumerating the latest contributions would inevitably produce a description that would be not only too large but also quickly obsolete. A set of core elements that theories of deliberative democracy[1] generally share can however be identified, along with a certain dominant argumentative structure. Moreover, the criticisms discussed in the second part of this essay usually refer less to particular individual contributions, but rather to such shared presuppositions and to the main theoretical statements commonly made by deliberative democrats.

This does not entail that I ignore the internal diversity and pluralism of approaches *among* deliberative democrats[2]. Yet for the purposes of this article, my aim is to offer an account not as much of this diversity, but rather of the significance of deliberation and of its public character in contemporary discussions of democracy. I compare and assess theories of deliberative democracy in order to better understand where they are situated in the larger field covered by normative political theory.

Furthermore, since my main concern in this essay relates to the main theoretical normative debates, I will not address the increasingly vast and complex empirical literature on how to operationalize the deliberative standards[3]. Besides the importance of empirical tests and their potential for determining conceptual change, the empirical literature is itself an important resource for the work of clarifying and understanding the controversies surrounding the normative analytical statements. Yet the normative and the empirical directions of research in deliberative democracy are still mostly distinct, and the focus of this article is constituted by the former.

In the first part of this essay, I will discuss some of the main elements of public deliberatory accounts. The key theoretical statements in this field point to a set

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[1] James BOHMAN, William REHG (eds.), *Deliberative Democracy. Essays on Reason and Politics*, MIT Press, Cambridge, MA, 1997.

[2] James S FISHKIN, Peter LASLETT (eds.), *Debating Deliberative Democracy (Philosophy, Politics and Society 7)*, Blackwell, Oxford, 2003.

[3] Jürg STEINER, André BÄCHTIGER, Markus SPORNDLI, Marco STEENBERGEN, *Deliberative Politics in Action. Analysing Parliamentary Discourse*, Cambridge University Press, Cambridge, 2004; David M. RYFE, "Does Deliberative Democracy Work?", *Annual Review of Political Science*, vol. 8, 2005, pp. 49-71.

of principles and normative assumptions; I will systematize and contrast these with the alternative "aggregative" visions of democracy, as they are presented in the literature. What is deliberative democracy, why should we take it so seriously, when should we engage in public deliberation, and what kind of reasons may we use in this process: in order to answer these questions, I point to a generic normative-theoretical structure of such accounts.

In the second part, I will formulate what I consider to be the most significant avenues for criticism and evaluation; the task of selecting from the multitude of important challenges is difficult, yet I chose to refer to a series of broad approaches that can qualify as systematic. Some of these challenges are "empirical": they concern, in other words, the degree of feasibility of some of the normative ambitions of deliberative democratic accounts. As long as many recent developments in the literature are aiming precisely to address the current conundrums of democratic societies, with their crises of representation, participation etc., the questions of costs and feasibility are legitimate and helpful.

Yet the more relevant kind of challenges, which I prefer to describe and assess more extensively in this essay, refer to the analytical coherence and normative worth of the theoretical statements that form the core of deliberative democratic political theory. I selected several types of critical approaches that could offer, I contend, significant resources for future normative revitalization. Engaging these powerful critical assessments should give deliberative democrats (and political theorists in general) the opportunity to renew their normative and analytical tools. I list and assess, then, what I consider to be the main "cases against deliberative democracy", aside from the questions raised by the empirical literature.

In a way, these are all challenges that try to question precisely the democratic credentials of public deliberatory accounts: they highlight the problems of exclusion, the inadequate understanding of political participation, representation, and deliberation, as well as of the significance of voting itself. First, I discuss the "case from agonism", the critique developed by Chantal Mouffe, Bonnie Honig and others against what they perceive as the over-moralizing, consensus-oriented conception of political action that characterizes, in their view, public deliberatory accounts. And second, I bring to fore the "case from rhetoric": authors such as Bryan Garsten and Gary Remer have questioned, from separate directions, the sharp contrast – central in contemporary accounts of deliberative democracy – between public, rational deliberation and rhetorical persuasion. They analyze the magnitude of this separation and its contemporary significance, and by proposing that we reconsider the place of rhetoric in normative political theory and contemporary politics, they in effect highlight a serious potential opportunity for reassessing the dominant view on the resources of normativity and the nature of political action.

Several of these critical approaches share among them various qualifications and diagnostics of deliberative democracy, yet classifying them in these three rather distinct categories is both analytically warranted and theoretically relevant. One final introductory note: I use the terms deliberative democracy, democratic deliberation and public deliberation mostly interchangeably; various authors ascribe different meanings among these notions, yet some of these debates go beyond the purposes of this article.

WHAT IS DELIBERATIVE DEMOCRACY?

> "[W]e can define deliberative democracy as a form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenge in the future."[1]

Deliberative democrats construct their theories as answers to the challenge of defining criteria for legitimate decision-making in face of widespread social "reasonable" disagreement among autonomous citizens. As theories of political justification, therefore, deliberative democratic accounts aim to specify the requirements that decision-making processes have to fulfill in order to qualify as legitimate and democratic[2]. Since contemporary societies are characterized by moral, political pluralism, the task of the political theorist is, according to these authors, to formulate the condition in which respect for political diversity is combined with finding the fair terms of cooperation, with setting up a shared basis for justifying political decisions. And, contrary to what they have perceived as representing the dominant approach, within political science, on defining the normative criteria for democratic decision-making, deliberative democrats mainly point to the need for citizens to offer (and listen to) reasons *before* engaging in collective decision-making.

Public debate with free, equal and fair access should thus precede actual voting. In such conversations citizens are supposed to formulate reasons for their preferences, and to assess the arguments put forward by the other participants. Deliberative democracy, then, takes seriously the reasons that individuals have for their preferences, instead of just taking these preferences as given. Moreover, since public reasoning is different from bargaining and interest-based understanding of politics, this means that one of its central tenets is the claim that some reasons are excluded as long as they do not met a number of criteria related to their public character: publicity, accessibility and reciprocity – a set of conditions that will be detailed below.

Deliberation vs. Aggregation of Preferences

One of the shared self-descriptions among deliberative democrats points to the contrast between deliberative conceptions of democracy and what they identify as "aggregative" conceptions of democracy. Ever since deliberative democracy entered mainstream political theorizing[3], this dichotomy has constituted one of the preferred ways to describe and explain the specificity of public deliberatory

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[1] Amy GUTMANN, Dennis THOMPSON, *Why Deliberative Democracy*, Princeton University Press, Princeton, 2004, p. 7.

[2] Joshua COHEN, "Deliberation and Democratic Legitimacy", in James BOHMAN, William REHG (eds.), *Deliberative Democracy*…cit, pp. 67-93.

[3] Benjamin BARBER, *Strong Democracy: Participatory Democracy for a New Age*, University of California Press, Berkeley, 1984; Seyla BENHABIB (ed.), *Democracy and Difference, Contesting the Boundaries of the Political*, Princeton University Press, Princeton, 1996.

accounts. The dichotomy refers to a fundamental, constitutive normative choice, one that informs the subsequent positions and theoretical developments.

Aggregation refers to a series of methods conventionally used in political science to connect a *given* set of preference to a collective choice. In one of the oft-cited essays on this distinction, Jon Elster characterizes social choice theories as follows:

> "(1) We begin with a given set of agents, so that the issue of a normative justification of political boundaries does not arise. (2) We assume that the agents confront a given set of alternatives, so that for instance the issue of agenda manipulation does not arise. (3) The agents are supposed to be endowed with preferences that are similarly given and not subject to change in the course of the political process. They are, moreover, assumed to be causally independent of the set of alternatives. (4) In the standard version, which is so far the only operational version of the theory, preferences are assumed to be purely ordinal, so that it is not possible for an individual to express the intensity of his preferences, nor for an outside observer to compare preference intensities across individuals. (5) The individual preferences are assumed to be defined over all pairs of individuals, i.e. to be complete, and to have the formal property of transitivity, so that preference for A over B and for B over C implies preference for A over C. Given this setting, the task of social choice theory is to arrive at a social preference ordering of the alternatives"[1].

This view, according to Elster, has been extensively questioned by impossibility theorems; yet even if such challenges could, in certain conditions, be mitigated, there is another, more important kind of criticism put forward by deliberative democrats. This is the charge that social choice theories of democracy assimilate citizens with consumers, and the act of voting with the act of purchasing. The sovereignty of the consumer in the marketplace is confounded with the sovereignty of citizenry in a democratic political community. This is the main confusion that theories of deliberative democracy propose to eliminate, by positing the distinct normative context in which collective decisions are made in a democracy.

Again, in face of moral and political conflict, of the "reasonable pluralism" among conceptions held by autonomous individuals as citizens, collective decisions should follow and be based on reasoned deliberations in which citizens engage as free and equals. As such, they would be placed in a relation to each other that is similar not to the marketplace, but rather to the "forum". Mirroring Elster's dichotomy between the market and the forum, Habermas had introduced a contrast between "communicative" and "strategic" action[2], which again aims to emphasize the role of argument and reasoned conversation which need to displace power, bias and interests, as basis of legitimate political decisions.

The task of political philosophy, in this view, is not (only) that of conceiving the most efficient way of aggregating a given set of preferences; questions of justice and legitimacy affect the nature of those preferences themselves, as well as collective decisions, in such a way that these preferences cannot be considered "pre-political", that is, as given. Those individual preferences need to undergo a process

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[1] Jon ELSTER, "The Market and the Forum: Three Varieties of Political Theory", in James BOHMAN, William REHG (eds.), *Deliberative Democracy*…cit, p. 5.

[2] Jürgen HABERMAS, *The Theory of Communicative Action*, 2 vols., transl. by Thomas McCarthy, Beacon Press, Boston, 1987.

of justification, which means that they need to be formulated in terms of reasons that others can accept.

The alternative that consists in a mechanism of filtering inadequate preferences while maintaining some form of aggregative decision-making, could still be possible, yet according to such authors, it cannot be considered as sufficiently democratic. We could, in other words, imagine a more aristocratic setting in which a series of agents filter popular preferences in order to render them acceptable, rational, or compatible, yet such setting would certainly fail most democratic tests today. Deliberative democracy, then, instead of seeking to combine – however fairy or efficiently – the preferences as they happen to be expressed by citizens, aims at subjecting the reasons for those preferences to public scrutiny in an open, deliberative context.

This *deliberative imperative* aims to address another core problem for democratic thought: the risk of tyranny of the majority. In public deliberative settings, collective decisions are not those based simply on what a majority of citizens happens to prefer. Public opinion, as long as this open deliberatory setting is absent, cannot have serious normative weight. Again, deliberative democrats insist that collective decisions need to be reached as part of a justificatory process in which the reasons for those preferences are discursively assessed. The "reason-giving requirement" applies to majorities as well, however large and determinate they are. Instead of the force of numbers, legitimate decisions are reached when they are based on the force of the better argument(s).

According to Gutmann and Thompson, "[t]he general aim of deliberative democracy is to provide the most justifiable conception for dealing with moral disagreement in politics"[1]. Public deliberation is, then, a way of legitimizing collective democratic decision. Several theorists have engaged in further elaborating on the justification of deliberation itself. Already in the works of John Rawls[2], Jürgen Habermas[3] or Joshua Cohen[4], the idea of deliberation is part of a conception of political legitimacy. Citizens should be understood as autonomous agents, or in the words of Rawls, "self-authenticating sources of valid claims"[5]. The meaning of public justification is posited on the requirement of citizens mutually explaining and justifying each other their political choices[6].

The circumstances of public justification, which make sense of the core normative ideal at work in deliberative democracy, are defined by free, equal, autonomous agents and the fact of pluralism[7]. There is a significant body of works that

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[1] Amy GUTMANN, Dennis THOMPSON, *Why Deliberative Democracy*, cit, p. 10.

[2] John RAWLS, *Political Liberalism: Expanded Edition*, Columbia University Press, New York, 2005.

[3] Jürgen HABERMAS, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, MIT Press, Cambridge, MA, 1996.

[4] Joshua COHEN, "Deliberation…cit.".

[5] John RAWLS, Erin KELLY, *Justice as Fairness: A Restatement*, 2nd edition, Harvard University Press, Cambridge, MA, 2001, p. 27.

[6] "In a well-ordered society effectively regulated by a publicly recognized political conception of justice, everyone accepts the same principles of justice. These principles provide, then, a mutually acceptable point of view from which citizens' claims on the main institutions of the basic structure can be adjudicated. An essential feature of a well-ordered society is that its public conception of political justice establishes a shared basis for citizens to justify to one another their political judgments: each cooperates, politically and socially, with the rest on terms that all can endorse as just. This is the meaning of public justification", in John RAWLS, Erin KELLY, *Justice as Fairness*...cit, p. 23.

[7] "So understood, justification is addressed to others who disagree with us […] If there is no conflict in judgment about questions of political justice – judgments about the justice of certain prin-

set out to develop the conceptual and normative connections between the main values at stake in the literature on public deliberation and justification – questions of autonomy, equality and freedom, reason and diversity, among others, – and which cannot be treated adequately in this essay. They point however to different ways of conceiving the nature and especially the justification of deliberative democracy. Some of these debates revolve around the question of whether public deliberation embodies substantive values or corresponds rather to procedural requirements; others are concerned with whether it has instrumental or intrinsic value in contemporary democracies. Others yet, make conceptual inroads in defining and testing the epistemic virtue of public deliberatory settings and of the decisions reached in deliberative democracy[1].

Public Reasons

The reasons that citizens are required to produce – and entitled to listen from others – should be, first and foremost, *public*. This means that citizens should advance only those reasons that could be accepted by others, as "free and equal persons seeking fair terms of cooperation"[2]. In another formulation, only those reasons that others (free and equal persons trying to find fair terms of cooperation) *could not reasonably reject*, can be considered public.

The requirement that others be able to accept the reasons we put forward for our preferences is, thus, a core feature of deliberative democratic theories. It is in this sense that public rational deliberation becomes different than mere bargaining or threats; in public deliberation individuals cannot press their own case by disregarding the others, nor by using their heavier bargaining power in order to impose their preferences. Reason-giving in this sense excludes those preferences that are only "selfish" and cannot be expressed with at least some consideration for the common good[3].

A second sense in which reasons are public refers to their *accessibility*. There are at least three ways in which deliberative democrats insist that reasons advanced by citizens be accessible. Principally in the recent political context of religious disputes, a serious weight has been attached precisely to the role of religious arguments in public debates. Reasons for preferences that appeal to revealed truth, in this perspective, are not accessible to others, and therefore cannot meet the publicity test. For John Rawls, moreover, such appeals are problematic not just because they

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ciples and standards, particular institutions and policies, and the like – there is nothing so far to justify. To justify our political judgments to others is to convince them by public reason, that is, by ways of reasoning and inference appropriate to fundamental political question, by appealing to beliefs, grounds, and political values it is reasonable for others also to acknowledge. Public justification proceeds from some consensus: from premises all parties in disagreement, assumed to be free and equal and fully capable of reason, may reasonably be expected to share and freely endorse", *Ibidem*.

[1] Joshua COHEN, "An Epistemic Conception of Democracy", *Ethics*, vol. 97, no. 1, 1986, pp. 26-38.

[2] Amy GUTMANN, Dennis THOMPSON, *Why Deliberative Democracy*, cit, p. 3.

[3] This consideration for the common good has attracted many of the contemporary advocates of neorepublicanism, who endorse some form of deliberation in collective decision-making. See Philip PETTIT, *Republicanism. A Theory of Freedom and Government*, Oxford University Press, Oxford, 1997, and Richard DAGGER, *Civic Virtues. Rights, Citizenship and Republican Liberalism*, Oxford University Press, Oxford, 1997.

hinder public deliberation, but because they are a latent source of conflict and disruption: the danger is that of an irreducible "clash between Salvationist, creedal and expansionist religions"[1], with their claims grounded on mutually unavailable reasons. In other words, the circumstances of pluralism are, for theorists of public deliberation such as Rawls, still those of the Reformation era: the potential for political violence is maintained by the continued relevance in contemporary democratic societies of religious views in which salvation takes precedence over other political values.

Another sense in which the requirement of accessibility becomes crucial is revealed by the contexts in which collective decisions are taken in absence of relevant information. *Secrecy* is the opposite of open, reasoned conversation that is the substance of public deliberation. Whenever deliberation is hindered by secrecy, and in as much as some participants to the debate are able invoke knowledge of secret data, the reasons they advance are not available to others, and hence not public.

The problematic of secrecy is related, but distinct from that of expertise. The nature and role of expertise in contemporary democracies are not the same with those of secrecy: not only are the conventional avenues for the production of scientific expertise increasingly challenged[2] from activists and alternative sources of claims; but even within academic and experts' communities, peer-reviews, methodological checks and disciplinary boundaries provide some measure of transparency. There still is a "problem with experts"[3] from the perspective of democratic theory, but its nature is conceptually different. Secrecy, then, entails a different kind of non-accessibility than scientific expertise[4].

Deliberative democrats also insist that public reasons are incompatible with the use of rhetoric. This is an aspect that will be taken up in the second part of this essay, since this constitutes, in my opinion, an important potential avenue for conceptual and normative innovation. By choosing a rationalistic and – many have argued – over-moralizing definition of public reason as the only adequate discursive means towards political justification, deliberative democrats have, implicitly or explicitly, re-enacted one of the oldest, classical dichotomies in political philosophy: that between philosophy and rhetoric. Obtaining public reasons and some form of rational consensus by excluding any rhetorical elements from political discourse constitutes an important part of deliberative democrats' normative ideal, but at the same time, it has been argued, the sign of a problematic, skewed conceptualization of the political.

Finally, Dennis Thompson and Amy Gutmann add two other features to the characterization of public reasons. On the one hand, they should be conceived as "dynamic". Dynamic deliberation makes possible decisions even when conversation

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[1] John RAWLS, *Political Liberalism*, cit., 2005, p. xxv.

[2] Michael GIBBONS, Camille LIMOGES, Helga NOWOTNY, Simon SCHWARTZMAN, Peter SCOTT, Martin TROW, *The New Production of Knowledge*, Sage Publications, London, 1994.

[3] Stephen TURNER, "What is the Problem with Experts?", *Social Studies of Science*, vol. 3, no. 1, 2001, pp. 123-149.

[4] To imagine an example, let's suppose the government of a country decides to wage war with another country, or to restrict citizens' liberties, while invoking knowledge of information that cannot be made public. This is not expertise that could be assessed and challenged by anyone with a degree in, say international relations or quantum mechanics. What such governments would claim is not that their reasons are complex and accessible only to individuals who have already undergone a serious formation in the scientific disciplines in question, but rather, that their reasons are based on exclusive information which cannot be shared with anyone.

did not reached a conclusive end; such provisional measures allow political action while deliberation continues and updates with the contexts. Including the reference to this dynamic character allows Gutmann and Thompson to answer to the common objections pointing to the time-consuming and paralyzing effect public deliberation could have on political action.

On the other hand, Gutmann and Thompson add to the deliberative context the recommendation of an "economy of moral disagreement". As a dimension of mutual respect, when citizens deliberate, they should refrain from multiplying the instances of discord; under conditions of reciprocity, they should avoid invoking further values which are in conflict. This economy of disagreement allows then citizens to continue to cooperate and engage in dynamic deliberation, without being blocked by other levels of conflict.

Forums of Deliberation

Where should deliberation take place? When is it necessary to frame our contributions to debates in terms of public reasons? From the diverse answers deliberative democrats suggest to these questions, we can distinguish at least two broad orientations: deliberations should be widespread and concern a large number of issues; or, they should be limited to certain fundamental issues and within precise institutional confines. The first answer is adopted by authors such as Benhabib or Gutmann and Thompson, inspired by Habermas, while the second is suggested by John Rawls.

According to Seyla Benhabib, "[t]he argument that there may be an invisible limit to the size of a deliberative body that, when crossed, affects the nature of the reasoning process is undoubtedly true". Yet the theorists of deliberative democracy do not need, after all, to invoke the fiction of a general assembly of deliberating citizens. The way they conceive their proceduralist model of deliberative democracy allows them to imagine

> "a plurality of modes of association in which all affected can have the right to articulate their point of view. These can range from political parties, to citizens' initiatives, to social movements, to voluntary associations, to consciousness-raising groups, and the like. It is through the interlocking net of these multiple forms of association, networks, and organizations that an anonymous 'public conversation' results. It is central to the model of deliberative democracy that it privileges such a public sphere of mutually interlocking and overlapping networks and associations of deliberation, contestation and argumentation"[1].

Similarly, Gutmann and Thompson maintain that the opportunity for deliberation should not be restricted to "constitutional conventions, Supreme Court opinions, or their theoretical analogues"; rather, they should extend to what they call "middle democracy":

> "It should extend throughout the political process – to what we call the land of middle democracy. The forums of deliberation in middle democracy

[1] Seyla BENHABIB, "Toward a Deliberative Model of Democratic Legitimacy", in IDEM (ed.), *Democracy and Difference*…cit, p. 75.

> embrace virtually any setting in which citizens come together on a regular basis to reach collective decisions about public issues – governmental as well as non-governmental institutions. They include not only legislative sessions, court proceedings, and administrative hearings at all levels of government but also meetings of grass roots organizations, professional associations, shareholders meetings, and citizens' committees in hospitals and other similar institutions"[1].

Political liberalism, as developed by John Rawls, also defines legitimacy as a concept whose content depends on the manner in which we construct a procedure of rational deliberation and argumentation. But where else could these public deliberations take place, beyond this abstract level? For Rawls, the use of public reason in deliberation is doubly restricted: on the one hand, the object of deliberation is limited to what he names as "constitutional essentials" and questions of basic justice, while, on the other hand, the privileged place where such deliberations should take place is not necessarily the society at large and its many associations, parties and groups; rather, this forum is the U.S. Supreme Court. According to John Rawls, public reason should guide the deliberations of the members of the constitutional courts, as well as of those placed in a position to formulate and interpret the ultimate political principles of a political community. Hence, the level at which these deliberations ought to (and could) take place is one where decisions concern those fundamental political arrangements, values and rights that determine the political identity of a nation. In "The Idea of Public Reason Revisited", Rawls extends this understanding of political deliberation, and states that

> "the *ideal* of public reason […] is realized, or satisfied, whenever judges, legislators, chief executives, and other government officials, as well as candidates for public office, act from and follow the idea of public reason and explain to other citizens their reasons for supporting fundamental political positions in terms of the political conception of justice they regard as the most reasonable"[2].

PUBLIC DELIBERATION, BETWEEN INCLUSION AND POWER

One way to understand the contemporary normative significance of deliberative democracy is to view it as part of an ongoing process in which Jürgen Habermas's original concept of public sphere is transformed. But how *democratic* really is deliberative democracy? The main arguments proposed by critics of deliberative democracy revolve around two ways of understanding that question. One way is to point to the exclusionary effects of the requirements for public deliberation. A second way is to explain it by highlighting a perceived incapacity of modern theorists of deliberative democracy to understand the core *political* nature of democratic life. In other words, in the first critique, the criteria and standards of public deliberation are shown to act as conceptual and normative barriers to political participation, counter-incentives and exclusionary mechanisms. The second critique continues this charge by inserting it in a larger account of the state of contemporary

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[1] Amy GUTMANN, Dennis THOMPSON, *Democracy and Disagreement*, Harvard University Press, Cambridge, MA, 1996, pp. 12-13.

[2] John RAWLS, "The Idea of Public Reason Revisited", *The University Of Chicago Law Review*, vol. 64, no. 3, 1997, pp. 765-766.

political theory, in which critics decry the misguided efforts of Habermas and others in their attempt to "eliminate power", overemphasize reason and over-moralize politics.

Many advocates of public deliberation have indeed seemed to overlook the tension that exists between achieving wider political participation and imposing more demanding criteria for admitting citizens' arguments in the justificatory process. These critical reactions contesting the democratic credentials of public deliberation can be summed up in the following way: deliberative democrats' accounts "can't have it all"[1]: political participation, public reason, democratic inclusion, impartiality, motivation, and epistemic validation. The inevitable trade-offs between the values of democratic politics should be not only made more explicit, but actually acknowledged: proponents of deliberative democracy seem, indeed, to disregard the seriousness of the conceptual incompatibilities that their theoretical constructions face.

On the importance of taking citizens' motivation for political participation seriously, the proceduralist key in which this problem is approached in deliberative democratic thought is illustrative. According to Habermas, for instance, a test regarding motivation is already built into the deliberative-justificatory procedure: citizens who consider themselves unable to support a particular norm can simply reject that norm in the deliberation process. Yet, such an answer seems to misunderstand the barrier that deliberative proceduralism itself erects against taking motivation seriously: lack of motivation could simply be assimilated to personal bias and hence excluded from acceptable reasons. But more importantly, Habermas's procedural solution may address the problem of keeping citizens who are *already engaged in the deliberative process*, motivationally involved. Yet it does nothing to explain how and why would citizens adopt and participate to such restrictive deliberative procedures in the first place.

"What is really at stake in the critique of 'deliberative democracy'", according to Chantal Mouffe, "is the need to acknowledge the dimension of power and antagonism and their ineradicable character"[2]. By adopting and elaborating on the Habermasian notion of "public sphere", deliberative democrats have perpetuated the conviction that a rational consensus can be achieved, whereby power and antagonism are purged. By doing that, theories of deliberative democracy deny "the central role in politics of the conflictual dimension and its crucial role in the formation of collective identities". In this sense, these theories are fundamentally "unable to provide an adequate model for democratic politics"[3].

One way in which this antagonism is misunderstood in public deliberatory theories is precisely through their incomplete, because too optimistic, definition of pluralism. Proponents of the "agonistic" view of democracy aim therefore to introduce a "deeper" diversity as constituting the structural feature of contemporary societies.

The reason pluralism is inadequately theorized in theories of deliberative democracy is that they must show that citizens that justify to each other the main norms of a political community, do so by correcting, or filtering out the personal

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[1] Gerald GAUS, "Reason, Justification, and Consensus: Why Democracy Can't Have It All", in James BOHMAN, William REHG (eds), *Deliberative Democracy*…cit, pp. 205-242.

[2] Chantal MOUFFE, "Deliberative Democracy or Agonistic Pluralism?", *Social Research*, vol. 66, no. 3, 1999, p. 752.

[3] *Ibidem*.

bias, unequal power and egoism that the aggregative, interest-based accounts of democracy accept. By authorizing appeal only to reasons that the others, as reasonable and equals, can accept, they in fact presuppose the possibility of a rational moral consensus.

For their critics, the potential for adequately conceptualizing political pluralism is as a result drastically reduced. "Pluralism" becomes either simply "the fact of pluralism", or "reasonable pluralism". The former – fact of pluralism – includes all sorts of disagreements and political diversity; reasonable pluralism refers however only to that set of citizens' conceptions that are reasonable, i.e. include reasons that are formulated in terms that others can accept; such citizens accept each other as partners in reason-giving justificatory procedures and agree to recognize some "political conception of justice" or other basic account of political principles and fundamental institutions. Ultimately, many deliberative democrats share Rawls's conviction that pluralism is essentially destructive and needs to be placed under the firm control of public reason.

While theorists of political liberalism or deliberative democracy have to assume that at least at a certain level there can be a preliminary agreement on the justification of subsequent deliberations, authors such as Bonnie Honig, James Tully and William Connolly point out the contradictory nature of this position: instead of being a *precondition* of politics, any such agreement can only be *the result* of politics[1], forged through continuous negotiations and subject to power and hegemony. "Social objectivity", in the words of Mouffe, "is constituted through acts of power".

In a somewhat similar vein, Wendy Brown laments the moralizing style of contemporary political theory. Writing about "moralism as anti-politics"[2], she distinguishes between morality, with its "distrust" of power, and moralism, which "loathes" manifestations of power: the moralist "inevitably feels antipathy toward politics as a domain of open contestation for power and hegemony", where action and agency become meaningful[3].

The requirements of public reasoning in deliberative democracy could then amount to what Brown refers to as being "speech codes" that, in the end, kill critique. In this sense, they are ultimately anti-democratic, since they foreclose, through the codifications and discursive filters they impose, the opportunities for

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[1] See also, Marc STEARS, "Review Article: Liberalism and the Politics of Compulsion", *British Journal of Political Science*, vol. 37, no. 3, 2007, pp. 533-553.

[2] Wendy BROWN, *Politics Out of History*, Princeton University Press, Princeton, 2001.

[3] "[M]oralistic reproaches to certain kinds of speech or argument kill critique not only by displacing it with arguments about abstract rights versus identity-bound injuries, but also by configuring political injustice and political righteousness as a problem of remarks, attitude, and speech rather than as a matter of historical, political-economic, and cultural formations of power. Rather than offering analytically substantive accounts of the forces of injustice or injury, they condemn the manifestation of these forces in particular remarks or events. There is, in the inclination to ban (formally or informally) certain utterances and to mandate others, a politics of rhetoric and gesture that itself symptomizes despair over effecting change at more significant levels. As vast quantities of left and liberal attention go to determining what socially marked individuals say, how they are represented, and how many of each kind appear in certain institutions or are appointed to various commissions, the sources that generate racism, poverty, violence against women, and other elements of social injustice remain relatively unarticulated and unaddressed. We are lost as how to address those sources; but rather than examine this loss or disorientation, rather than bear the humiliation of our impotence, we posture as if we were still fighting the big and good fight in our clamor over words and names." *Ibidem*, pp. 35-36.

democratic contestation. At the end of the day, such moralizing standards stifle the very essence of democratic politics:

> "[T]urning political questions into moralistic ones – as speech codes of any sort do – not only prohibits certain questions and mandates certain genuflections, it also expresses a profound hostility toward political life insofar as it seeks to preempt argument with a legislated and enforced truth"[1].

RHETORIC, PERSUASION AND DELIBERATION

In recent years the resources of normativity that deliberative democracy theories develop have also been challenged from one the most interesting directions of research: I refer to a certain revival of interest in rhetorical deliberations. As we have seen in the first part of this essay, rhetoric has been excluded, either explicitly or implicitly, by all major theorists writing on public deliberation. In their works, public oratory understood as sourced in its Greek or Roman political contexts, cannot represent a viable context for rational, impartial deliberations. Rhetoric is incompatible with the use of public reason: in the work of Habermas, for instance, it is at best an instance of "strategic" action (hence, normatively mediocre) and at worse, it is assimilated to a "pathology of communication".

Likewise, for Seyla Benhabib the acceptance of rhetoric in public deliberation would have the effect of "inducing arbitrariness" and creating "capriciousness":

> "It would limit rather than enhance social justice because rhetoric moves people and achieves results without having to render an account of the bases upon which it induces people to engage in certain courses of action rather than others […] some moral ideal of impartiality is a regulative principle that should govern not only our deliberations in public but also the articulation of reasons by public institutions. What is considered impartial has to be in the best interest of all equally. Without such a normative principle, neither the ideal of the rule of law can be sustained nor deliberative reasoning toward a common good occur"[2].

Yet a growing number of authors have questioned and ultimately contested the viability of such a sharp contrast between public deliberation and rhetoric. Bernard Yack[3], Bryan Garsten[4], or Gary Remer[5], to name only a few, aim at rehabilitating the analytical worth of rhetorical deliberations and their normative credentials. They start by decrying what they perceive as being an increasingly narrow and

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[1] *Ibidem*, p. 35.

[2] Seyla BENHABIB, "Toward a Deliberative Model…cit.", pp. 67-95.

[3] Bernard YACK, "Rhetoric and Public Reasoning. An Aristotelian Understanding of Political Deliberation", *Political Theory*, vol. 34, no. 4, 2006, pp. 417-438.

[4] Bryan GARSTEN, *Saving Persuasion. In Defense of Rhetoric and Judgment*, Harvard University Press, Cambridge, MA, 2006.

[5] Gary REMER, "Two Models of Deliberation. Oratory and Conversation in Ratifying the Constitution", *The Journal of Political Philosophy*, vol. 8. no. 1, 2000, pp. 68-90 and "Political Oratory and Conversation: Cicero versus Deliberative Democracy", *Political Theory*, vol. 27, no. 1, 1999, pp. 39-64. See also, Benedetto FONTANA, Garry REMER (eds.), *Talking Democracy. Historical Perspectives on Rhetoric and Democracy*, Penn State Press, Philadelphia, 2004.

technical meaning of "deliberation" in recent political theory: the high moral and procedural requirements associated with public reason seem to exhaust in contemporary accounts all the other important senses that deliberation could have. Not only is contemporary political theory notoriously disconnected from the work in intellectual political historians and their periodical reassessments of the classical political terms and institutions; but also, by formally rejecting or ignoring any relevance of rhetorical deliberation for contemporary practices and interrogations, theorists of deliberative democracy appear to be snubbing an important dimension of our normative circumstances.

In *Saving Persuasion*, Garsten reconstructs the main moments in the history of political thought that mark the gradual, and eventually decisive separation of rhetoric from modern political theorizing. He goes on to mobilize these classical and especially modern references in order to rekindle interest in rhetoric as part of a larger plea for a "politics of persuasion"[1]. Persuading citizens, engaging their judgment and opening avenues for mobilization – these are the advantages of placing rhetoric at the core of our understanding of contemporary democratic politics.

As Brian Garsten warns, the imposition of demanding, rationalistic public deliberation standards makes that individual contributions rarify, dogmatize, and radicalize, escaping, in the end, the control and moderating effect of political persuasion, representation, and mediation of democratic institutions. The effect is thus one of individuals withdrawing from political interactions and becoming impermeable to political persuasion. A rhetorical perspective on pluralism attempts instead to enlarge the basis of legitimacy, to free the persuasive potential of politics, and not to reduce it to a narrow definition of abstract criteria of normative validity.

The dilemma of contemporary democracies cannot be reduced, from this perspective of rhetoric, to the dichotomy public reason – irrationality and violence. As long as rhetoric's role is accepted as more than chaos or demagogy, we can return to a reflection on those political regimes in which freedom and rhetoric reinforce each other, and attempt to recover the meanings that those political theories which eliminated rhetoric, have lost.

Bernard Yack and Gary Remer also draw on classical sources of political thought – Aristotle and Cicero – in order to extend the range of meaningful and legitimate political deliberations. From their perspective, contemporary accounts of deliberative democracy look drastically limited, and the various preconditions that these theories institute for acceptable deliberation contribute to a certain normative poverty of political theory today. Drawing on Aristotle's conception of rhetorical deliberation, Yack points to the way in which these constraints might become a threat to the social conditions that make public reasoning viable. "Norms that limit the kind of arguments and proofs that should count in public reasoning threaten this social relationship between public speakers and public listeners", he asserts. This happens because public speakers find restricted numerous means and avenues of persuasion – hence they may "seek more covert or coercive means of getting their way"[2].

Even more concerning, these "rhetoric-limiting norms" imposed by deliberative democracy theories, place us in an awkward discursive position:

> "public speakers will accept our judgments of their arguments and look for ways of persuading us only when we reject their arguments in what they deem

[1] Bryan GARSTEN, *Saving Persuasion*…cit, especially chapter 6.
[2] Bernard YACK, "Rhetoric and Public Reasoning…cit.", p. 429.

> a 'reasonable' manner, which suggests that we may have to defend our rejection of public speakers' proposals, rather than simply declare them unpersuasive"[1].

Since our rejection itself of their arguments must be "reasonable" and formulated in terms of public reasons, this raises the bar for political deliberation and participation in such a way as to make it prone to continuous mutual suspicion.

For Gary Remer, the main reasons for which theorists of deliberative democracy oppose rhetoric is because they identify it as contrary to rational persuasion; "the force of the better argument", central tenet of public deliberation from Rawls and Habermas to Benhabib and Cohen, is hindered by the non-rational dimension of rhetorical persuasion and its acceptance of passions and character. Ultimately, for deliberative democrats rhetoric is not just a "different form of talk"[2] when compared to deliberation (which means that its use, as in the case of bargaining, always has to be authorized deliberatively), but in fact, it tends to be conceived as a form of *coercion*.

The perspective that theorists of rhetorical deliberations advance denies, at its core, that the various guises of the requirement of publicity in deliberation do actually open and make public political interactions. Since such requirements act as preconditions to the access to, and mutual justification of political decisions, and they misconceive the importance and legitimacy of alternative contexts of persuasion. Ultimately, they undermine the rhetorical circumstances of deliberation itself.

Part of the difficulty of the accounts proposed by Garsten and the other political theorists of rhetoric, consists in drawing up viable conceptual boundaries between the various uses of rhetoric, i.e. between a positive, politically enabling use, and a destructive dimension, effect of demagogy. But the merit of this approach is to offer an alternative to the type of analytical context in which the formal requirements and criteria of acceptability of arguments are prescribed by deliberative democrats. What the tradition of rhetoric inspires is a more mobile, flexible, comprehensive approach of the problematic of reducing irrationality in politics.

CONCLUSION

By using such a wide concept of violence and purging rhetoric from normal politics, and thus by removing it from serious considerations, the theories of public deliberation appear unable to provide crucial guidance as to the normative difference between kinds of political arguments and their implication on institutions, regimes, and political transformation. Moreover, by imposing an aseptic, sterilized medium of rational deliberations as the only acceptable context for legitimacy, deliberative democrats give, in the end, the impression of preferring to stop where politics actually begins.

As Michael Saward contends, the fundamental problem of deliberative democratic accounts resides in their reformulation of traditional legitimacy criteria, in such a way that deliberation itself, and not voting, becomes the mark of legitimacy.

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[1] *Ibidem*.

[2] Simone CHAMBERS, "Deliberative Democratic Theory", *Annual Review of Political Science*, vol. 6, 2003, pp. 307-326

In other words, rather than desirable, deliberation *is the source* of political legitimacy for deliberative democrats. And this raises the conundrum that such accounts cannot, for now, answer:

> "Ultimately, can democratic legitimacy exist absent fair popular voting on the basis of universal adult suffrage, in principle regardless of the extent to which the preferences or interests that inform people's votes are shaped by deliberative procedures? If deliberationists answer no – if they give the democratic answer – they undermine their grand claims about deliberation producing legitimacy. If they answer yes, then profound questions must be asked about the democratic credentials of 'deliberative democracy'"[1].

[1] Michael SAWARD, "Less Than Meets the Eye. Democratic Legitimacy and Deliberative Theory", in IDEM (ed.), *Democratic Innovation. Deliberation, Representation and Association*, Routledge, London, 2000, p. 69.