

# A Brief Critique of Deliberative Democracy: Why It's Undesirable and How to Limit It

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My purpose here is to outline a basic critique of deliberative democracy in response to Jon Elster's article "The Market and the Forum: Three Varieties of Political Theory," and Joshua Cohen's article "Deliberation and Democratic Legitimacy." My main argument is that deliberative democracy fails to overcome (or supplement) the shortcomings of the Schumpeterian minimalist conception of democracy for two important reasons: (1) its demand for *reason* and, therefore, its demand for both individual and collective rationality; and (2) its assumption of existence of a common good and the possibility of technical solutions and progress. Building on these two main critiques, I argue that deliberation tends to an anti-pluralistic, elitist and oppressive model that provides a mechanism for establishment and maintenance of hegemony rather than other goods usually associated with democratic government (such as equality, pluralism, liberty).

Nevertheless, even if convincing, this basic critique of deliberative democracy does not lead to rejection of Cohen and Elster's argument for deliberation (and participation) as a mechanism of legitimacy. Ultimately, I argue that this is the reason why deliberation should not be mandated by the government, and in some cases should be limited in order to foster democratic goals, methods, and by-products.

## 1 Individual and Collective Rationality of Deliberative Democracy

Cohen's ideal deliberative procedure is a good starting point for a critique of deliberative democracy. The most radical features of this conception are the idea that institutions should shape preferences, that individuals should not deliberate based on their interests and private preferences but rather on some conception of

a common good, and that deliberation should be essentially apolitical. By apolitical, I mean that Cohen's ideal deliberative procedure is devoid of conflict of fixed and egotistical preferences, devoid of power relations, and unable to alter fundamentally the rules or the assumptions of the procedure itself.

According to Cohen:

When properly conducted, democratic politics involves *public deliberation focused on the common good*, requires some form of *manifest equality* among citizens, and *shapes the identity and interest* of citizens in ways that contribute to the formation of a public conception of common good. (Cohen, 1989, 144)

### 1.1 Cohen's Deliberative Definitions

Five main features of Cohen's deliberative democracy:

(D1) deliberative democracy is an ongoing, indefinite, and independent association;

(D2) free deliberation among equals is the basis for legitimacy as actors agree to norms, institutions and outcomes of deliberation;

(D3) pluralism of preferences and aims, no mandatory preferences, ideals, convictions;

(D4) actors demand manifestation of deliberative method in achieving goals;

(D5) mutual recognition of deliberative capacities (i.e. for public exchange of reasons and action upon public reasoning). (Cohen, 1989, 145-146)

Four main features of Cohen's ideal deliberative procedure:

(I1) It's free: actors bound by result and preconditions of deliberation (no prior norm/authority constraint), result leads to action for all;

(I2) It's reasoned: reason as a metric for justification, acceptable reasons, fit with preferences unimportant;

(I3) It's equal: formal (rules of deliberation) and substantive (power distribution), rights are not constraining except those that establish free deliberation, and rights are subject to deliberation;

(I4) It leads to consensus: rationally motivated consensus from free and reasoned assessment of alternatives by equals, if failed deliberation leads to voting, but results different than when actors not committed to finding reasons persuasive to all. (Cohen, 1989, 146-147)

## 1.2 Collective Rationality, Beginnings, and Change

Cohen responds to four critiques: sectarianism (no one conception of good life put forward by deliberation), incoherence (deliberation makes institutions endogenous to aggregation preferences), injustice (free expression and other liberties are a requirement not only object of deliberation), and irrelevance (direct democracy impossible but no theory that direct democracy is suitable for deliberation). (Cohen, 1989, 149-152)

In effect, Cohen's deliberative democracy is one in which collective rationality is achieved through reason. The inconstancy of this claim is that Cohen assumes that individual preferences are one of the following: irrational, undesirable, unimportant, or already aligned with the common good. In first three cases, deliberation leads to reasoning, or arguably rationalization, of both preferences and identity. In the last one, the procedure reaffirms an individual preference and identity. The question of inconsistency is whether we can expect that individuals will deliberate freely, equally, and according to reason if their individual preferences were irrational, undesirable or unimportant to start with.

The conflict between rejection of a priori individual rationality and fixed preferences one side and collective rationality post-deliberation on the other side leads to the question of beginnings and change. Cohen claims that deliberation procedure is not a de facto method for instituting the deliberative procedure. Also, it is clear that some starting assumptions and rules of deliberation cannot be changed through deliberation (Cohen, 1989, 146). These problems are difficult to respond to in general, not only in regard to deliberative democracy, but it remains important that deliberative democracy does assume one correct method of political interaction that cannot be changed unless democratic ideal is to be undermined (under Cohen's understanding).

## 2 Does the Common Good Exist?

Despite Elster's attraction to deliberative democracy (for its legitimacy through ability to shape preferences), he sees democracy and politics more as instrumental rather than oriented toward attainment of a common good. Elster cites pater-

nalism, time limitations, collective wisdom, unanimity as conformity, and group selfishness as objections to deliberative democracy (Elster, 1986, 133-136). This leads him to conclude that deliberation and participation may be good because of their utility to individuals and the society. The question that emerges from Elster's article is whether we should continue to pursue the common good even if we come to a conclusion (or a belief) that one common good either does not exist or that it cannot be best achieved either through deliberation or majority rule.

### 3 Other Benefits of Deliberation: Self-esteem, Political Action, Group Belonging, Equality?

Through his brief discussion of participatory democracy, and the role of education (as put forward by writers such as Tocqueville, J.S. Mill, Hannah Arendt, Carole Pateman, Albert Hirschman), Elster moves to defend an instrumental view of both politics and democracy. If this is the main argument for deliberation, then it would be useful to go back to Cohen's ideal deliberative procedure that focuses on the attainment of the common good and ask whether in absence of a single common good, Cohen's ideal deliberative procedure is more democratic than other democratic procedures. In absence of a technical solution, and impossibility of social progress that would in fact be progress for all or even for most, should reasoned discussion be used to alter individual's preferences into more rational and collective-oriented ones?

### 4 Limiting Deliberation

Extensions to Cohen and Elster's arguments can be considered under the series of questions that I suggest below: If deliberation is not always desirable, should it be limited to further democracy? How does this suggestion relate to the distinction between public and private sphere that both Cohen and Elster make? Finally, does taking seriously both Habermas and Cohen's commitment to deliberation (and politics) as free from domination defeat the very purpose of design of democratic institutions as a method to mediate power and conflict?

### References

Cohen, Joshua. 1989. Deliberation and Democratic Legitimacy. In *The Good Polity*, ed. Alan Hamlin and Philip Pettit. Oxford: Blackwell pp. 17-34. Reprinted in Goodin, Robert E. and Philip Pettit, eds. 1997. *Contemporary Political Philosophy*. Oxford: Blackwell. 143-155.

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