Gutmann and Thompson: What Deliberative Democracy Means

COM 31800: Prin. Of Persuasion

Deliberative democracy posits that an action made by a people and their representatives need to be justified.

All actions must be justified to the people when made by representatives, and vice versa.

But not all decisions need be deliberated. Deliberative democracy makes room for other forms of decision making, such as bargaining among groups and secret operations. However, justification must still be made.

A deliberative process’s most important characteristic is its reason-giving.

Reasons that are posited by both groups of people and representatives should appeal to values that individuals who are attempting to negotiate fair terms can’t reject reasonably.

The reasons are not merely procedural (because the majority favors war) nor substantive (because the war promotes the national interest or world peace).

They are reasons which should be accepted by free and equal persons seeking fair terms of cooperation.

This reason-giving process is common to many conceptions of legislation for democracy.

A person is not some object to be ruled, but an autonomous agent who takes part in self-governance and the governance of their own society, directly or through representatives.

These agents in a deliberative democracy take part by presenting and responding to reasons or by demanding that their representatives do so, with the intent of justifying the rules that all of these agents must live abiding by.

These reasons are intended to create a justifiable decision and express value of mutual respect.

Logrolling and referendums are not valid methods of determining the course of action in times of war or unease. When a reason is discovered as false or deceptive, a government’s decisions and respect for its people is questioned.

Deliberative democracies should provide reasons for some action to all whom is affected or to those whom the reason is addressed. This is a due that is owed for ruling over others.

The senses under which a reason must be public are two-fold. The first declares that deliberation must be public, in contrast to Rousseau’s paradigm where one would reflect on what is best and then come to assembly and vote in accordance with their will.

The second sense is in regard to content. A deliberative justification does not begin if those who are addressed do not understand the essential content. Without mutual understand, there can be no deliberation and this could be considered deception.

While many citizens must rely on experts these days, citizens can justify this by relying on experts that can relay the basis for their conclusions in layman’s terms.

This is also reliant on the reason for which citizens trust an expert or for why that expert is trustworthy.

At times when secrecy must be upheld for some action, it does not violate the requirement of accessibility. This is especially so if opportunities to challenge the evidence is provided later.

The third characteristic of deliberative democracy is that its process aims at producing a decision that is binding for some period.

The participants of this deliberation argue to influence a decision the government will make, or a process that will affect how future decisions are made. Although, at some point the deliberation must cease and leaders must make a decision.

The continuation of debates illustrates the fourth characteristic of deliberative democracy. It is a dynamic process.

Although deliberation moves toward a justifiable decision, it does not presuppose that the decision at hand will in fact be justified, let alone that a justification will suffice for the indefinite future.

Deliberative democracy will keep the possibility of continual deliberation open. However, the decisions made will stand for some length of time. It is provisional in the sense that it must be open to challenge in the future. This aspect is neglected even by proponents.

Allowing decisions processes to remain open through recognizing the provisional nature of the results is important for two reasons.

First decision-making processes and human understanding upon which they are dependent are imperfect. Thus our choices today may not be the proper ones tomorrow, they may even seem more improper in the future with new evidence.

Second, in politics most decisions are not met with consensus. Most citizens and representatives who disagreed with an original decision are more likely to accept it if they believe they have a chance to rescind or alter that decision in coming arguments. This is also likely to happen if they are given the opportunity to continue establishing new information and points.

The dynamics of deliberative democracy is that the continuing debate adheres to moral disagreement. When establishing points and stances, deliberators should attempt to minimize the distance between their own stances and their “opponents”. Most deliberators do not intend for a perfect or even imperfect agreement to be met.

It is important to capitalize on the disagreements to produce solutions which are based on common ground.

These four factors produce a model of deliberative democracy that depicts a system of government in which free and equal representatives, justify decisions in a process in which they provide each other with justification for actions that are mutually acceptable and generally accessible, with the purpose of producing outcomes that are binding at the present on all citizens but open to discussion in the future.

Pericles on discussion: “Indispensable preliminary to any wise action at all.”

Aristotle argues that people discussing some issue works better than experts reaching an argument alone.

Philosophers and theorizers have constantly believed that the most educated should lead these deliberative discussions.

What purposes does deliberative democracy serve?

The general aim of deliberative democracy is to provide the most justifiable conception for dealing with moral disagreement in politics.

Four related purposes for the above general aim

1. Promote the legitimacy of collective decisions

Hard choices made by politicians should be more acceptable, even to those who receive less than they deserve, if the decision has been made based on the weight of everyone’s claim’s and their merit rather than on trade deals and fiscal power.

1. Encourage public-spirited perspectives on public issues.

Limited numbers of people will elect to be altruistic when they are in heated debate regarding contentious issues of public policy. This can be countered through the promotion of taking broader perspectives on questions of common interest.

Deliberation is most likely to succeed in the case where our deliberators are most informed and well equipped. Citizens are most likely to do well and establish broader views in situations where moral reasons are traded rather than political power.

1. Promote mutually respectful processes of decision-making.

It is impossible to reconcile all moral values even in an abundant state. Deliberation cannot make incompatible values compatible, but it can help participants recognize the moral merit in their opponents’ claims when those claims have merit. Deliberators can also distinguish the imbalance in ideals that is borne from truly incompatible values from those that can be more resolvable than they may seem. This can make moral disagreement economies more robust and develop mutual respect.

1. Correct the mistakes of incorrect corrective solutions.

This is a response to the fourth source of disagreement, incomplete understanding.

Give-and-take in discussion allows corss-learning to occur between participants and to recognize misapprehensions, and develop new policies which withstand critical scrutiny.

Bargain and negotiation may create shrewd deliberators, but true deliberation expands their knowledge including both self-understanding and their collective understanding.

Forsaking deliberation ruins the possibility of producing a genuine compromise but also ruins the most defensible stance we have for maintaining an uncompromising position: that we have fairly tested our views against those of others.

Aggregative vs. Deliberative

First and second order theories

First order – seek to resolve moral disagreements through maligning alternative theories and principles.

The aim of each is to be all-encompassing and the only capable of solving such disagreements.

Most familiar – Utilitarianism, libertarianism, liberal egalitarianism, communitarianism.

Second order theory (deliberative democracy) – focused on other theories in that these other theories can have differences resolved. They make room for continuing moral conflict that first-order theories purport to eliminate.

These theories can be held without rejecting a wide range of moral principles expressed by first-order systems. The rival to deliberative democracy is aggregative theories.

Deliberative concepts:

Considers reasons that all give for expressed preferences.

Requires justifications for such reasons.

Aggregative concepts:

Preferences are given (some forms correct these preferences based on misinformation)

Seeks to combine these preferences fairly and efficiently.

Some prefs. May be rejected and discounted.

Principles of deliberative democracy

Reciprocity – citizens own another justification for policies and rules which bind them.

Aims of seeking agreement based on principles which must be justified to others who share the aim of reaching an agreement.

First-order moralities accept reciprocity inherently, but most do not elevate it to a key role like deliberative stances do.

Reciprocity is not as foundational in deliberative democracy as principles such as utility or liberty are foundational within first-order systems.

Not some value that is used to distill justice, but one which governs ongoing processes through which the parameters and content of justice are determined in certain cases.

Reciprocity works like replication within the field of sicence, but for political sciences.

Truth in science is contingent on replicability, justice in political sciences

Deliberation is not sufficient for establishing justice but deliberation at some point is necessary.

Deliberation seeks mutually justifiable reasons and reaching mutually binding decisions based on those reasons.

Encourages citizens to invoke substantive standards to understand, revise, and resolve moral conflicts in politics.

Conflicts though, may not be totally resolved in terms of single substantive theory.

Non-instrumental values are key for deliberation and are a distinct part of justification within deliberation.

Citizens show respect to one another by recognizing their obligation to justify to another the laws and policies that govern their public life.

Mutual respect between those who disagree is a value inherently and produces value.

Produced value – economy of moral disagreement, when political opponents seek to economize on their disagreements, they search for fair terms of social cooperation although they are mired in fundamental disagreements.

This is done through justifying preferred policies which are most morally tenable. However, this must also minimize the latitude of rejection for reasonable positions posed by the policies that they oppose on moral grounds.

By practicing an economy of moral disagreement, citizens who disagree on some issue are more capable of cooperating on issues and for causes which all groups share.

Principle of publicity requires reason-giving be made available to all citizens which are addressed, this way it is mutually justifiable.

Accountability indicates that officials making decisions as a medium for some group should be accountable to that group, despite the status of the group as electoral constituents.

Mutually binding conclusions are not mutually justified if officials aren’t also accountable to their moral constituents.

These moral constituents consist of those whom the decisions of an official affects, and those who are bound without possibly having made a contribution deliberatively.

The principles which define the conditions of deliberation resemble some of the principles that procedural theorists put forward. Like some theories, deliberative democracy is second-order, however in spite of that is not procedural, thus it ma claim two advantages over proceduralism.

1. No problems with majority decisions being posited as wrong, even after deliberation.

Majority acts which violate basic liberties are morally corrupt, especially in the case that minorities must worship as the majority does.

In the case that some law is passed which does this, a procedural theory would accept it as just. This justification is not true, since it violates the minority’s self-respect. Reciprocity is not upheld.

1. When procedural theories accept or reject an outcome favored by a first-order system, they do so for reasons which are external to that system.

That systems and it’s justification is not considered and appeals to social stability and fairness win out.

Moral claims that disagree are not considered nor challenged. Thus opponents to some stance are not respected morally in the manner that reciprocity would require. Opponents to procedural theories leave advocates in the same position as they started.

Deliberative democracy does not encounter such pratfalls, through inclusion of first-order principles.

However, this purportedly causes issues for deliberative democracy. Objections to the inclusion of religious freedom within a democratic theory is one core issue believed to be had. While religious freedom is a basic right, the inclusion in a democratic theory is flawed in their eyes. This issue is more definitional than substantive, democracy’s core ideas refer only to procedures.

Is this narrow definition justified? There is no dissonance between defensible democracy defending religious freedom and other basic liberties and that it must also find a fair method for deciding among competing values when they conflict.

Substantive principles are key to assessing political practices through the eyes of deliberative democracy. This assessment can target procedural outcomes and those procedures themselves.

The three principles that provide the content of deliberative democracy – basic liberty, opportunity, and far opportunity are a result of reciprocity. Laws aren’t mutually justified if they violate the integrity of individuals. The principle of basic liberty calls for protecting integrity for every person through protections of speech, religion, and conscience, and due process and equal protection under the law.

Institutions and laws which violate the basic opportunities necessary for making choices among good lives cannot be mutually justified.

This can range from health care, education, security, work, and income.

These are necessary for making a good life and choices amongst good lives. Basic opportunity calls for giving individuals the capacity to make choices among good lives by providing basic opportunities that give them such a capacity.

Fair opportunity calls for nondiscrimination in the distribution of social resources that are valued but not essential to a good life.

This principle rests on the reciprocal claim that discrimination against individuals on morally irrelevant grounds can’t be justified those discriminated against.

While similar to first-order theories, the substantive content of deliberative democracy inherently shares moral sources with other systems and mirrors many of the same issues that are contested by those systems.

First-order theories also share the aim of mutual justification, at least implicitly. They only appear to reject the aim if they provide some justification for why reciprocity can’t be met in certain circumstances.

If they reject the aim fundamentally, how can coercive rules be enforced on those who reject them morally?

Many democratic speakers and theorists emphasize disagreements with rivals.

Deliberative democrats stress agreements initially. Fundamental conflicts among theories are noted, convergence between these competing first-order theories are substantial.

Most theories will ward the liberties of the individual. However, most theories also claim that if that system’s principles are enacted, all citizens will experience secure opportunities and freedoms.

These points of convergence provide initial content for substantive principles of deliberative democracy.

While some may aim for this convergence, deliberative democrats are best equipped to produce it. They do not attempt to appropriate merely that which is viewed as valuable in rival theories. However, neutrality is not claimed amongst all first-order theories.

Deliberative democrats also do not require that first order theories be rejected.

Substantive principles have a different status in deliberative democracy: they are morally and politically provisional in ways that leave them more open to challenge and thus more receptive to democratic discretion.

Deliberative democracy is different from other theories because it contains within itself the means of self-revision. Its provisional status invites ongoing challenge to its own principles as well as those of other theories. It constructively embraces – without exalting – the moral conflict that pervades contemporary politics.