

# Deliberative Citizenship: The Deliberate Democrats' Response to the Hegemony of Classical Liberalism

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## Abstract

Classical liberalism's hegemony in the public discourse seems to be based on the fact that it demands and expects so little. Its guiding assumption tell us that people are the same, always and everywhere, and we can get the best by assuming the worst. Let's just assume humans are simple automatons, it seems to say, and then we can arrive at elegant and simple conclusions about how society works and, more importantly, should work. Humans, then, are rationally self-interested and to get the best outcomes we should let these simple automatons interact in the market. The central point that comes from the deliberative democrats—and that they might do better to elaborate more explicitly—is that to assume simple rational self-interest and thus the impossibility of genuine democratic decision-making is really to miss the point. If we take a more realistic and complex view of human motivation, the deliberative democrats tell us, we recognize that individuals act in all sorts of different ways and are capable of developing and refining new and complex motivations. If the deliberative democrats are willing to acknowledge this important space for conflict and disagreement, what they have recovered from Tocqueville and Mill is an alternative program to Smith's classical liberalism. What that program needs now are public champions willing and able to present this alternative way of thinking about the social world to members of society. What is needed is a revolution in ideas.

## Introduction

In contemporary Western society, most notably in the United States, what one might call the "classical liberal project" has achieved a certain ideological hegemony. If not hegemony, then that project has at least achieved ideological predominance. That is, though those participating in public discourse generally do not appeal to the rigorous classical liberal formulations worked out in Adam Smith's *The Wealth of Nations*, nor even to cruder, less rigorous formulations, like those advanced in Milton Friedman's *Capitalism and Freedom*, the values, beliefs, and assumptions of the classical liberal tradition predominate in elite and lay circles alike: society can be understood

as a collection of atomistic individuals, each engaged in a rational pursuit of maximum utility. Such egoistic behavior, as Smith so eloquently argued, promotes a better, more satisfactory outcome for all.

When the core assumptions of classical liberalism are stated in *such* stark terms, perhaps we should not be surprised if many people deny subscribing to *such* notions. After all, those assumptions portray the individual as quite cold and heartless; even if “rationally maximizing utility” can be twisted to mean “engaging in social or altruistic acts,” do those assumptions really describe why one might be motivated to engage in such acts, or describe how each individual relates to every other individual in society? Despite this somewhat unsettling feeling one might get upon facing up to classical liberalism’s key assumptions, that tradition has achieved ideological *hegemony* precisely because those key assumptions are taken for granted in our discourse and, outside of certain academic circles, are rarely challenged or called into question. We accept, almost without question, the notion of “human capital”—that individuals can be valued in terms of the market returns they can be expected to earn; we accept, almost without question, the notion of incentive-based pay—that better and more committed performance is contingent upon increased wages and benefits; we accept, almost without question, the right to unlimited material accumulation. If one steps back from those notions for a moment, one will see that undergirding them all are certain assumptions about the individual and society—the assumptions of the classical liberal tradition.

Western society, *however*, also maintains a commitment to democracy—the notion that public questions should be resolved through some process of collective decision-making. Market-oriented classical liberalism, *however*, exists in fundamental tension with the conscious, collective decision-making of democracy. Market outcomes are so bountiful, Smith argued, precisely because they are *not* consciously controlled; it is the activity of the self-interested, rationally-calculating individual in interplay with the activity of every other self-interested, rationally-calculating individual that promotes the best possible collective outcome. Nearly any attempt to distort such individual activity through conscious, collective decision-making, so the classical liberal argument goes, will prevent the optimal social outcome from being achieved.

How should society deal with this fundamental tension? Smith’s answer in the 18<sup>th</sup> century is echoed by many contemporary classical liberals: give the market the greatest scope possible and let the sovereign state power deal with any issues that the market cannot resolve. For these Smithian classical liberals, democracy is not a real alternative because they assume that all individuals, always and everywhere, are rationally self-interested. When individuals can only be expected to pursue self-interested ends, democratic decision-making inevitably culminates in chaos. Politics for them

then necessarily implies coercion, whereas the market place is the realm of freedom. Given this pessimistic view of political possibility, classical liberals insist on maximizing the scope of market activity.

Another strain in classical liberalism, however, holds that some sort of democratic decision-making is possible. This sort of thinking comes out most clearly in the work of Anthony Downs. Yet the notion of democracy promoted by Downs simply takes the basic assumption of rational self-interest and applies it to the political sphere: Politicians simply do whatever it takes to win elections and voters simply vote for those politicians whom they expect to secure them the biggest payoffs. Though Downs calls the political sphere “democratic,” Downsian democracy is really just an extension of the market.

Both the Smithian denial of democratic decision-making and the narrow, limited, and circumscribed notion of Downsian democratic decision-making exist in direct contrast, however, to the dominant strain in contemporary democratic theory—deliberative democracy. The deliberative democrats—notably Amy Gutmann and Dennis Thompson, John Rawls, and Joshua Cohen—promote an active, engaged citizenry committed to the resolution of a whole host of public issues. Most simply, they envision citizens and political elites alike engaged in a give-and-take of reasons and arguments concerning public affairs. Ultimately, some sort of binding vote must follow deliberation, but the alternatives supported by the most compelling reasons should win out.

The development of this strain of democratic theory is highly promising. The emphasis on active, engaged citizens working together to resolve a whole range of public issues revives the notion prevalent in John Stuart Mill and Alexis de Tocqueville that challenges the central supposition of Smithian classical liberalism: Conscious, collective decision-making ensures more optimal outcomes than those provided by the market. That is, bottom-up control over public issues is a genuine possibility and is our *best* recourse for resolving those issues. Additionally, the real possibility of a process of deliberative reason-giving calls into question the Downsian notion of democracy as a mere political marketplace.

The central notion that the deliberative democrats recover from Mill and Tocqueville is that the *simple* assumption of humans as rational maximizers with immutable preferences and opinions is *simply* misguided. A more realistic and complex understanding of human motivation forces us to admit that deliberation is necessary either for the discovery of previously non-existent preferences and opinions, or, alternatively, for the sharpening and amendment of previously held preferences and opinions. This discovery, sharpening, and changing of preferences and opinions is an essential step in the arrival to optimal collective outcomes. Given this more complex and realistic understanding of human nature, the deliberative democrats also

importantly borrow from Tocqueville and Mill in recognizing that consequential deliberation can change the values and commitments of individuals; since human motivation is dynamic, the very practice of deliberation can transform human motivation, inculcating the very orientation necessary for successful deliberation. The deliberative democrats thus hold that the successful resolution of public issues cannot come about from throwing together individual preferences and hoping that a market mechanism spits out satisfactory outcomes. Citizens actually have to consciously think about what is in their best interest and pursue the goals that they decide upon.

The deliberative democrats, however, are quite worried about the possibility that deliberative decision-making could devolve into chaos, as the Smithians would expect to be the inevitable outcome of deliberative decision-making. To prevent the breakdown of democratic deliberation, the deliberative democrats limit both the scope of democratic decision-making—what issues are up for debate—and the form of democratic decision-making—what sorts of reasons and arguments can be utilized. Yet putting artificial limits on the scope and form of deliberation in order to stifle conflict and disagreement defeats the entire purpose of the deliberative project. That is, to foster genuine solidarity among citizens, they must be allowed to work through genuine conflict and disagreement. Acknowledging that conflict and disagreement are essential to developing a commitment to democratic decision-making also implies that non-deliberative forms of political activity founded in conflict and disagreement are critically important; non-deliberative activities can promote solidarity, pave the way for further deliberation, and settle scores once deliberation has been exhausted.

### **The Classical Liberal Project**

Most fundamentally, classical liberalism holds that the narrow pursuit of material self-interest by each individual gives the optimal collective outcome. That is, the individual pursuit of self-interested ends ensures, in the words of Adam Smith, “that universal opulence which extends itself to the lowest ranks of the people.”<sup>1</sup> Part of what makes Smith’s formulation of this central principle of the classical liberal framework so jarring is that it goes against intuition. It is more intuitive to argue that conscious effort towards the achievement of the common good is what is actually necessary to bring about the socially optimal outcome. But such conscious effort towards the achievement of the common good is *precisely* what Smith—and the classical liberal tradition that grew out of his work—fears. Everyone in society, from the lowest laborer to the mightiest capitalist, Smith argues, would be worse off if we began with intentions of maximizing the common good.

Undergirding this entire framework, as might be apparent by now,

are a few simple assumptions about human nature. Smith and the classical liberals assume that humans are self-interested rational maximizers. That is, each individual essentially does whatever he can to “better his condition.”<sup>2</sup> When making decisions, then, the individual generally weighs the costs and benefits of the various alternatives and, in turn, pursues the alternative that gives him the highest expected payoff. Given this assumption that humans are more or less self-interested creatures, they tend to have a propensity to exchange various goods and services. This self-interested impulse towards exchange in turn encourages specialization in the production of goods and services; specialization allows individuals and firms to produce better goods and services at lower costs. Specialization, however, begets ever-more specialization because each producer needs to produce a better and cheaper product than all his competitors, and this increase in quality and decrease in cost will only come about via greater specialization. The market is the impersonal, self-regulating system that promotes increasing specialization in production. What is really fundamental in Smith’s argument is that each producer produces for any given consumer willing to buy, and the consumer rationally makes his buying decision based solely on an evaluation of the good’s quality and price. In the marketplace, according to the classical liberal argument, traditions, customs, manners, and mores do not and should not interfere; each individual can be reduced to a self-interested, completely rational buyer and seller of goods and services.

The impersonal mechanism that regulates this entire system of completely rational buying and selling is price. Smith defines the natural price of any good or service as the sum of the various wages paid to the laborers in the productive process, the profit extracted by the capitalist who owns the means of production, and the rent demanded by the landlord.<sup>3</sup> Contemporary economists would probably call Smith’s notion of “natural price” the equilibrium price in the market, as Smith argues that the market price—the price actually paid by the consumer for the good or service—will tend to gravitate around the natural price.<sup>4</sup> This equilibrium price emerges in the market in a completely *impersonal* manner. That is, all producers are *forced* to sell at that price because if they sold at a higher price nobody would buy their product—consumers would simply buy from a competitor selling at the equilibrium price—and if they sold at a lower price they would be losing money—their costs would be greater than their revenues—and they would be forced out of business.

Any attempt to interfere with the price mechanism would cause the entire system to ‘short circuit’; with conscious interference in a system of rational self-interest, producers would no longer feel the pressure to produce better and cheaper goods and services, productivity would slacken, and society would fail to realize the optimal outcome. That is, with any active interference in the market, market discipline would break down resources

would be inefficiently allocated, and the consequences would reverberate throughout society. The capitalists who own the productive resources and the wage-laborers who work on their behalf would both be left worse off, in general, in a situation of market interference.

If optimal collective outcomes are dependent upon an impersonal, self-regulating market system guided by price signals, what space might be left for conscious, collective decision-making? Smithian classical liberals reply that no space at all should be left for conscious decision-making. Given the assumption of rational self-interest, the Smithians contend that any attempt at conscious decision-making would culminate in chaotic violence. Milton Friedman, a Smithian classical liberal writing in the second half of the 20<sup>th</sup> century, contends that deliberation “tends toward ineffectiveness and fragmentation...If it goes so far as to touch an issue on which men feel deeply yet differently, it may well disrupt the society.”<sup>5</sup> Smithian classical liberals, like Friedman, thus hold that democratic decision-making is dangerous precisely because it might result in disagreement. The next logical step from disagreement is violence. As Friedman puts it, “The religious and civil wars of history are a bloody testament to this judgment.”<sup>6</sup>

Given that democratic decision-making inevitably culminates in chaotic violence, Smithian classical liberals think there are only two possible ways to structure society. As Friedman puts it, “One is central direction involving the use of coercion...The other is voluntary co-operation of individuals—the technique of the market place.”<sup>7</sup> Politics for the classical liberals is thus inevitably top-down coercion. To the extent that we are going to have politics and avoid chaotic violence, it *must* involve coercion. Freedom, then, cannot be achieved in the political sphere. Freedom, for the classical liberals, increases to the extent that politics is avoided and decisions are made impersonally in the market place. For the classical liberals, freedom increases the more we move to the market not so much because the market promises to settle disagreements, but rather because the market mechanism simply ignores those very conflicts and disagreements. As Friedman puts it, “The wider the range of activities covered by the market, the fewer are the issues on which explicitly political decisions are required.”<sup>8</sup> Fewer “explicitly political decisions” are required not because the market promises to satisfactorily settle disagreements, but precisely because the market tends to ignore those disagreements or give an outcome that is “impersonal” and thus supposedly “just.”

What duties, then, do Smith and Friedman believe should be left to a sovereign state entity? Simply those things that the market cannot adequately address. Smith identifies only three duties that fit this description: Protection from external attack, internal security, and the provision of public goods. Tolerable security—the protection of property from both external and internal attack—thus emerges in the Smithian argument as a necessary and



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fundamental *precondition* for the entire market system. As Smith puts it, “It is only under the shelter of the civil magistrate that the owner of that valuable property, which is acquired by the labour of many years, or perhaps of many successive generations, can sleep a single night in security.”<sup>9</sup> Friedman likewise envisions some sort of state security apparatus to undergird the whole functioning of the market system. Friedman expects the government to simply be a “rule-maker and umpire.”<sup>10</sup> That is, members of society can agree on the rules governing private property rights, and then the state is responsible for interpreting those rules and for enforcing “compliance with the rules on the part of those few who would otherwise not play the game.”<sup>11</sup>

The necessity of a state security apparatus comes out when we consider Thomas Hobbes’ argument from *Leviathan*. Hobbes makes essentially the same assumptions about human nature as Smith and Friedman—humans are self-interested, rational maximizers—but, beginning from these assumptions, his vision of society is quite different than theirs. Hobbes concludes that a rationally self-interested individual would attack and steal from every other individual, resulting in a typical life that he calls “solitary, poore, nasty, brutish, and short.”<sup>12</sup> Why do Smith and Friedman, if they begin with the same assumptions, argue that rather than “solitary and poor,” self-interested man’s life has the opportunity to be optimal? It is because their whole market system depends on a precondition of security—that there will be some state entity around to enforce property rights and enforce the fulfillment of contracts. While arguing that the market system gives the best possible outcomes for everyone in society, Smith is still cognizant of the fact that these outcomes will still be vastly unequal.<sup>13</sup> In order to prevent the vast mass of people from simply ransacking those that derive the greatest benefits from the market system, there needs to be a security apparatus in place to ensure that property rights are respected and contracts are enforced.

In addition to providing the security that is a necessary precondition for the whole market system, Smith and Friedman identify one other primary duty for the state entity. That duty is the provision of public goods or, as Smith puts it, “The duty of erecting and maintaining certain publick works and certain publick institutions, which it can never be for the interest of any individual, or small number of individuals, to erect and maintain.”<sup>14</sup> The sorts of goods that Smith and Friedman have in mind here are those goods—like national defense or transportation infrastructure—that, once provided, are open to every member of society’s use and enjoyment. Since every member of society will be able to make use of those goods, regardless of whether or not each member of society pays his fair share for the production of those goods, no private entity would ever have any incentive to provide those goods. In these textbook instances of “market breakdown” and *only* in these instances, Smith and Friedman argue, government should step in and provide the good. But so long as there are no market breakdowns—so

long as producers have a self-interested incentive to sell high and consumers have a self-interested incentive to buy low—then the sovereign state entity should defer to the market place (or, at the very least, only provide the security that permits market activity).

Certain thinkers in the classical liberal tradition, however, are willing to acknowledge democracy as an alternative to either the market place (backed up by a sovereign state apparatus) or complete top-down sovereignty. Nevertheless, this strain in the classical liberal tradition maintains the same fundamental assumption as the rest of the classical liberal tradition: Individuals are rationally self-interested maximizers. It takes that simple assumption, however, and applies it to the political sphere, depicting democratic decision-making as just another sphere for the pursuit of rational self-interest. This strain of classical liberalism comes out most clearly in Anthony Downs' influential book *An Economic Theory of Democracy*. Downs tells us that his rational man, much like Smith and Friedman's, confronts all the various choice alternatives, ranks each of those alternatives, and then chooses that alternative that he ranks the highest.<sup>15</sup> In Downs, unlike in Smith or Friedman, these choices can be political choices, with "choice" being equated to "vote." The voter, then, can be equated to the consumer in Smith's model, while the politician (or political party) can simply be equated to the producer. Each of these parties has already decided what it wants before any interaction between the two takes place: The voter *simply* wants to vote in those politicians that will maximize his welfare, while the politician *simply* wants to receive as many votes as possible in order to win election. The mechanism here that enforces market discipline is the election: Each individual has one vote to cast in the election, so politicians should adjust their behavior in order to win as many of those votes as possible. Joseph Schumpeter, though a skeptic (like Smith and Friedman) of the very possibility of *any* form of democratic decision-making, gives a polemical description of the Downsian model:

Politically speaking, the man is still in the nursery who has not absorbed, so as never to forget, the saying attributed to one of the most successful politicians that ever lived: "What businessmen do not understand is that exactly as they are dealing in oil so I am dealing in votes."<sup>16</sup>

Schumpeter's summation of the Downsian argument is helpful because it makes clear the motivation that is assumed to be at the base of democratic decision-making: Politicians pursue votes in the same way that businessmen pursue profits; voters pursue utility from the political market place in the same way that consumers pursue utility in the market place of goods and services.



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## The Deliberative Democrats: Reviving the Classical Promise of Democracy

The deliberative democrats—notably Rawls, Cohen, and Gutmann and Thompson—would find common ground with two of the classical theorists of democracy, John Stuart Mill and Alexis de Tocqueville, in the identification of the fundamental flaw in the classical liberal argument, in both in its Smithian and Downsian versions. The classical liberals, as we have seen, simply *assume* that individuals are rational maximizers with immutable preferences for every possible choice situation. Yet what the deliberative democrats want to signal is much what Tocqueville and Mill signal about individual preferences and opinions: they are often non-existent, and therefore depend on deliberation for their discovery. And even when they do exist, deliberation is essential in the process of sharpening and revising those previously held preferences and opinions. Given this more realistic and complex understanding of human motivation, both the classical theorists of democracy and the deliberative democrats want to argue that we cannot simply expect to arrive to optimal outcomes through the interplay of immutable preferences and opinions in a market place. Deliberation is a *necessary* first step in the development and revision of opinions and preferences and, consequently, cannot simply be separated from the arrival to collective outcomes. The classical liberals—and those engaged in the public discourse that increasingly clings to its basic assumptions—simply abstract away from the very real complexity that is involved in the resolution of *real* public issues and therefore miss out on what is really essential. Downs, somewhat surprisingly, seems to be aware of this central problem in his tradition's approach: "Even though psychological considerations have a legitimate and significant place in both economics and political science, we by-pass them entirely."<sup>17</sup>

Mill, in his classic work *Considerations on Representative Government*, importantly recognizes that human nature is complex and fickle. He tells us, "It is what men think, that determines how they act..."<sup>18</sup> Rather than just simply assuming that men, always and everywhere, are rational maximizers with immutable preferences and opinions, he emphasizes that the individual's motivations are contingent on the influences that he receives from the social world around him. That is, by changing those very social influences, man's motivations—his values, his beliefs, his orientations—change in turn. Mill continues:

And though the persuasions and convictions of average men are in a much greater degree determined by their personal position than by reason, no little power is exercised over them by the persuasions and convictions of those whose personal opinion is different, and by the united authority of the instructed.<sup>19</sup>

What Mill is getting at here is precisely what the deliberative democrats insist upon, and importantly reintroduce into democratic theory against the creeping predominance of the classical liberal perspective. Mill is explaining that one extremely important element in the formation of the individual's values, preferences, and opinions is the sum of the various arguments and ideas to which he is exposed. Deliberation, by forcing the individual to engage with "persuasions and convictions" that differ from his own, compels the individual to clarify, sharpen, or amend his own views. Mill emphasizes the very real influence that contrary beliefs and ideas can have over previously settled preferences when he tells us, "Opinion is itself one of the greatest active social forces." What Mill seems to want to get across is that we cannot really say that a person holds a genuine preference or opinion until he has been exposed to a whole range of preferences or opinions. The formation of the individual's preferences and opinions, then, depends on engagement in a deliberative context. The classical liberals, by making simple assumptions that take them to elegant conclusions, miss out on this realistic but fundamental complexity.

The deliberative democrats pick up on this same sentiment, insisting on the complexity of human nature. This complexity, they argue, makes deliberation—a give-and-take of reasons and arguments concerning a given public issue—a necessary part of most successfully dealing with any given public issue. Gutmann and Thompson are quite direct in their refutation of the simple assumptions at the core of the classical liberal project:

Citizens and officials sometimes—even often—act on self-interest, but there is no warrant for assuming, as a theoretical postulate, that they always, or even generally, act on this basis. Self-interested behavior is not in any nonvacuous sense presumptively rational. We should not regard the assumption of self-interest as the default position of deliberative democracy.

Part of their argument here is that to simply assume rational self-interest rejects what mere observation can tell us: people often engage in acts that are altruistic or, at least, do not have any clear connection to what we might call self-interest. If the classical liberal responds that those altruistic or other-serving acts were themselves ultimately, in one way or another, "self-interested actions," then the notion of self-interest "loses its critical content..." The notion of self-interest, in that case, would be reduced to a mere tautology.

Additionally, a more fundamental part of their refutation of the simple assumption of rational self-interest has to do with their conviction, like in Mill, that preferences and opinions are contingent on deliberation itself. They argue that deliberation has the "capacity to encourage citizens and

officials to change their minds..." Much the same comes out in Rawls when he contends that citizens must have "a capacity to form, follow, and revise their individual doctrines of the good." By engaging in constructive debate about a public issue, Gutmann, Thompson, and Rawls want to say that the somewhat hazy preferences and opinions of an individual can be given full shape; or, if the individual brings firmly held preferences and opinions to the deliberative forum, engagement with a whole host of alternative views and perspectives undoubtedly holds out the hope of modifying those preferences and opinions. According to this complex understanding of human nature, we cannot really talk about genuine preferences and opinions until individuals are engaged in deliberation with one another.

This notion of mutable preferences and opinions, revived among the deliberative democrats, comes out most clearly in Cohen. He insists that being forced to air one's previously held preferences and opinions in a deliberative forum can result in the discovery that there are no good reasons to support those preferences and opinions. As a result, those preferences and opinions must be abandoned. Cohen proceeds to argue that the best preferences and opinions are those that survive a deliberative process oriented around the common good:

The relevant conceptions of the common good are not comprised simply of interests and preferences that are antecedent to deliberation. Instead, the interests, aims and ideals that comprise the common good are those that survive deliberation, interests that, on public reflection, we think it legitimate to appeal to in making claims on social resources.

The sentiment here seems to be that once people in the deliberative forum are thinking in terms of alternatives that best promote the common good, the preferences and opinions that are most compelling after deliberation has taken place are the ones that command the most support. What is really fundamental here—and not brought out so clearly in Gutmann, Thompson, and Rawls—is that Cohen is insisting that often the best, most convincing preferences and opinions might not even exist prior to deliberation—they are not "antecedent to deliberation." That is, to arrive at the best outcomes—to arrive at the most convincing and compelling reasons—we need deliberation. We cannot simply assume that all the possible preferences and opinions are already out there. Deliberation, Cohen insists, plays a fundamental role in either bringing out previously non-existent preferences or opinions, or at least clarifying ones that had only been developed in a partial and incomplete form in the minds of individual persons.

### **The Deliberative Democrats: Reviving Tocqueville and Mill's Notion of Citizenship**

The deliberative democrats' argument—their refutation of the classical liberal project and promotion of a deliberative decision-making

process—goes even deeper, however. At this point, the classical liberals might retort that Cohen’s argument considered above depends on an orientation around the common good. How can we simply assume that participants in deliberation will be committed to achieving the common good? The response from the deliberative democrats—reviving central notions in Tocqueville and Mill—would be that such a counter-argument is valid, to a point. That is, they would agree that we cannot simply *assume* or expect a commitment to the common good, in the same way that we cannot simply assume or expect rational self-interest. That being said, like Tocqueville and Mill and like I have signaled above, the deliberative democrats are committed to a more complex and realistic understanding of human nature: Human nature is mutable and depends on the individual’s interactions with his or her social context. The deliberative democrats, then, believe that genuine citizenship—a genuine willingness and ability to commit to a process of collective decision-making oriented around the common good—is possible. Participation in deliberation itself—active engagement in the deliberative process that culminates in consequential decisions that affect people’s life outcomes—allows individuals to *develop* a commitment to the common good and a skill set that makes them better able to delineate and arrive at that common good. By reviving this notion of active citizenship from Tocqueville and Mill, the deliberative democrats are promoting the notion that not only can meaningful deliberation help the individual identify, sharpen, or amend preferences and opinions concerning particular issues, but also, and more importantly, they are promoting that such deliberation is central to the cultivation of a certain orientation: a commitment to deliberative, democratic procedure oriented around the common good. When such an orientation is possible, the entire edifice undergirding the classical liberal framework crumbles away; outcomes arrived at “impersonally” in the market are no longer satisfactory to genuine citizens. A fundamental part of what is involved in arriving to the *optimal* outcome is consciously thinking about and deciding upon that outcome.

To understand the possibility of genuine citizenship it will be helpful to begin with an examination of the notion of citizenship in two of the classical theorists of democracy, Tocqueville and Mill. By getting a sense of what these two theorists mean by “citizenship” and what they think is necessary to bring it about, it will be easier to recognize a revival of this same notion among the contemporary deliberative democrats.

Tocqueville contends that the cultivation of genuine citizenship—the development of what he would call the mores of citizenship—is a genuine possibility, but not a possibility that we can simply assume or expect. Citizenship, for Tocqueville, is something that must be *actively* cultivated and maintained. Taking this complex, realistic view of human motivation, Tocqueville acknowledges that another certain orientation that

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approximates what the classical liberals would call rational self-interest is a very real *possibility*. Tocqueville denotes this orientation—this way of approaching the social world—“individualism,” and defines it as “a calm and considered feeling which disposes each citizen to isolate himself from the mass of his fellows and withdraw into the circle of family and friends.”<sup>27</sup> Though individualism is not the same as rational self-interest—Tocqueville, after all, distinguishes individualism from mere egoism<sup>28</sup>—the two are similar understandings of human motivation: They both describe individuals who are primarily concerned with private affairs and outcomes who neglect to participate in cooperative social endeavors. It is important to note, however, that Tocqueville does not simply *assume* individualism in the way that classical liberals simply assume rational self-interest. Understanding human nature as mutable and fickle, Tocqueville recognizes that the development of individualism, like the development of all other forms of human motivation, is dependent upon the individual’s social context.

Tocqueville sees the development of individualism fundamentally as the result of the breakdown of the aristocratic social order. In the aristocratic age, individuals felt an obligation to work cooperatively—though not necessarily democratically—with other members of their same class since each class formed “a little fatherland for all its members.”<sup>29</sup> There were certain social norms and expectations that demanded, for instance, that peasants in the same village provide communal support to each other. Additionally, there were ties among unequals that linked “everybody, from peasant to king, in one long chain.”<sup>30</sup> The growing social, political, and economic equality in the modern age, according to Tocqueville, has largely erased differences in rank and class, concurrently erasing these horizontal and vertical ties that at one time pulled people out of isolation and demanded communal activity. The resulting individualistic orientation—the resulting orientation that emphasizes private self-interest instead of communal activity—is itself self-reinforcing. A big part of what Tocqueville is saying is that if people are isolated and self-interested—if they really have come to approximate the atomized rational maximizers that the classical liberals envision—it is precisely *because* they have been left to be isolated and self-interested. If they are not pulled out of isolation, if they are not *forced* to work with those outside of their small circle of family and friends, the values and commitments that undergird isolated self-interest become solidified and entrenched. As Tocqueville puts it, “They form the habit of thinking of themselves in isolation and imagine that their whole destiny is in their own hands.”<sup>31</sup>

But, Tocqueville contends, individualism or rational self-interest or any other framework of human motivation is subject to transformation. That is, even if we observe atomized, self-interested individuals—even if we concede that during a given moment in time individuals are

rational maximizers—that does not have to be the fate to which they are consigned. Observing individualism or rational self-interest does not mean that we should simply assume that people, always and everywhere, fit those motivational categories. What is subject to change, then, is what Tocqueville calls “mores,” or “the whole moral and intellectual state of a people.”<sup>32</sup> That is, people’s values and orientations can be transformed. If individuals are currently solely concerned with narrow self-interest, they can undergo a process that changes their fundamental values, orientations, and commitments, compelling them to look beyond self-interest towards the common good.

This transformation process is far from easy. At root in this process of transformation is active, engaged participation in political and social institutions that demand individuals to concern themselves with issues that are not merely private or personal and that force individuals to listen to and respond to the concerns, opinions, and ideas of others. What is involved in the cultivation and refinement of the mores of citizenship is participation in the very process of democratic deliberation that culminates in binding decisions that have real effects on other people’s life outcomes. That is, the very way to inculcate the spirit of the citizen is to *not* permit that the market simply give us outcomes, but rather to *insist* that people engage and *deliberate* with others in the process of resolving public decisions and coming to collective outcomes. When individuals are given real power—the ability to affect lives other than their own in powerful and meaningful ways—they are forced to learn the art and necessity of listening to various and divergent perspectives and opinions, of appealing to the interests of other people, of trying to find consensus or common ground. At the very least, when individuals are forced to advance arguments in deliberative forums, they come to learn the necessity of thinking about the interests of others and appealing to those very interests if they are to have their own perspectives taken seriously. Being forced to think about the interests of others in turn carries out the promise that individuals will come to acknowledge their shared interests and concerns. What is involved, then, in the development of the mores of citizenship is not only an increased commitment to the process of conscious decision-making, but also an increased skepticism about outcomes that are simply “spit out” by an impersonal market. The sharing of divergent perspectives and opinions can make clear to citizens that market outcomes are not satisfactory and that conscious decision-making provides more favorable outcomes. Deliberative engagement, then, can inculcate a commitment to the common good and a greater capacity to recognize what that common good might actually be.

The development of this orientation—this transformation in mores—only comes about, then, when there are certain institutional frameworks in place that force individuals to work cooperatively together. One good example that Tocqueville examines at length is the institution of the jury trial. The



jury trial provides the proper institutional framework for the development of the mores of citizenship because “it puts the real control of affairs into the hands of the ruled...”<sup>33</sup> By “real control” Tocqueville means that the results of the deliberation that goes on among the members of the jury have real, *meaningful* consequences in the life of someone else. The members of the jury, then, are authentically exercising power: Their deliberation has genuine and *meaningful* consequences, and they know it. By providing the framework for a *meaningful*, consequential give-and-take of reasons and arguments—by giving the framework for what the deliberative democrats would hold as an ideal process of deliberation—jury trials have a peculiar affect on the commitments and values of jurors. Tocqueville elaborates:

Juries invest each citizen with a sort of magisterial office; they make all men feel that they have duties toward society and that they take a share in its government. By making men pay attention to things other than their own affairs, they combat that individual selfishness which is like rust in society.<sup>34</sup>

By being given the opportunity to deliberate over the fate of another living, breathing human being—the opportunity to deliberate and then cast a consequential vote—individuals are compelled, or even forced, to take seriously interests and concerns outside of their own immediate interests and concerns. They are molded and shaped to think about the common good and to take it seriously. Contra the classical liberals, Tocqueville knows that human nature is dynamic. If given the proper institutional framework, certain values, commitments, and orientations can undoubtedly be brought out.

Mill, like Tocqueville, regards the classical liberal assumption of rational self-interest, always and everywhere, as naively simple. He recognizes that we cannot simply assume rational self-interest because he knows that any sort of human motivation is dependent on particular social experiences. Thus when Mill tells us that “it is what men think, that determines how they act,”<sup>35</sup> he is not *just* telling us that participation in processes of deliberative decision-making can change or sharpen our preferences and opinions on particular issues, but, more importantly, he is telling us that deliberation can change mores—our moral and intellectual values and commitments. Thus Mill, like Tocqueville, recognizes that particular social experiences have the potential to develop and reinforce a motivational disposition that approximates the classical liberals’ notion of rational self-interest. If individuals solely concern themselves with private interests and concerns,

if they are not forced out of isolation, he tells us that “good government is impossible.”<sup>36</sup> That is, if individuals *do* develop the values and orientations of classical liberalism, individuals *do* develop the values and orientations of classical liberalism, then deliberative decision-making is really impossible. Allowing such individuals to engage in processes of self-determination would actually result in the chaos that Hobbes predicts and Smith and Friedman fear.

Yet Mill, like Tocqueville, understands that human motivation is dynamic: If individuals are given the proper institutional framework then the mores of citizenship can be developed and refined. Mill describes the powerful effect that participation in a jury or fulfilling a role in local government can have on the participant:

He is called upon, while so engaged, to weigh interests not his own; to be guided, in case of conflicting claims, by another rule than his private partialities; to apply, at every turn, principles and maxims which have for their reason of existence the common good...<sup>37</sup>

When individuals are forced to consider the conflicting claims and arguments of others, they cannot help but begin to orient their whole approach to their social world—their whole way of thinking and acting—around the good of the collectivity. As in Tocqueville, Mill emphasizes that this whole transformation in mores can only come about if the deliberation culminates in a binding decision that has real ramifications in the lives of others. That is why Mill insists that even though political discussion—deliberation, that is—is essential to the development of a commitment to the good of the collectivity, “political discussions fly over the heads of those who have no votes...Their position, in comparison with the electors, is that of the audience in a court of justice, compared with the twelve men in the jury-box.”<sup>38</sup> Mill is emphasizing here precisely what Tocqueville emphasizes: Deliberation is well and good, but it can only have a transformative impact on mores if the deliberation culminates in binding decisions that have real effects on other people’s lives. That is, those who *merely* listen to deliberation as a *mere* pastime—those in society unable to vote or those in the court audience, for instance—will come to feel neither a real responsibility to take divergent perspectives and opinions seriously nor a real responsibility to appeal to the interests of the group. The development of this responsibility—the development of this commitment to the good of the greater community—only comes when the individual knows that deliberation will have real consequences. By providing the institutional framework that demands responsible deliberation, Mill, like Tocqueville, insists that human motivation can change. Individuals can come to feel a real commitment to the common good, fundamentally rejecting the simple

assumption guiding the entire classical liberal project.

The contemporary deliberative democrats recover the notion from Tocqueville and Mill that genuine citizenship is a real possibility. Like the classical theorists of democracy, they insist that the proper institutional framework can help foment a commitment to the deliberative resolution of public issues oriented around the common good. Because they revive this important notion of citizenship, they reject the classical liberal project in both its Smithian and Downsian forms. Contra Smith, the recognition that the spirit of the citizen is a real possibility provides a real and preferable alternative to a simple decision between either the marketplace or centralized, top-down sovereignty: Conscious, collective decision-making carried out by genuine citizens can assure us more optimal and more equitable outcomes than either an impersonal market or a centralized sovereign. Contra Downs, a classical liberal who at least acknowledges the possibility of some form of democratic decision-making, the deliberative democrats argue that applying the assumption of rational self-interest in the political sphere would lead us to outcomes that might actually be unsatisfactory to most or all of the participants involved; preferences and opinions *require* deliberation among citizens in order to be discovered, refined, and amended. The deliberative democrats insist that a deliberative process that changes specific preferences and opinions *and*, more importantly, inculcates entirely new commitments and values is a necessary step before we can even consider the aggregation of votes.

Rawls, Cohen, Gutmann, and Thompson all, in one form or another, recover Tocqueville and Mill's notion of genuine citizenship in the face of the growing predominance of the classical liberal project. Rawls, however, assumes too much. In the same way that we question classical liberalism because of its naive assumptions, perhaps we can also charge Rawls with likewise making simple assumptions about the prevalence of the mores of citizenship. In any case, it will still be helpful to note the presence of genuine citizenship in his deliberative account. Gutmann Thompson, and Cohen do a better job of more clearly bringing out the fundamental relationship between process and mores. They recognize that forcing citizens to engage in consequential deliberation is what is essential to actually bringing out a commitment to the common good. Recognizing this possibility of genuine citizenship, they promote a much more realistic and complex alternative to the naively simple classical liberal project.

Rawls' account of democratic deliberation hinges on a notion that is also central in Gutmann Thompson, and Cohen—the notion of reciprocity. Reciprocity demands that when citizens advance reasons and arguments, they should endeavor to appeal to the interests, values, and beliefs of their fellow citizens. As Rawls puts it, “They should be ready to explain the basis of their actions to one another in terms each could reasonably expect that others might

endorse as consistent with their freedom and equality."<sup>39</sup> That is, the process of deliberation should always be based in taking divergent preferences and opinions seriously. Citizens should try their best to reach consensus and find common ground in the resolution of public issues. This approach, after all, is what is involved in "understanding how to conduct oneself as a democratic citizen."<sup>40</sup> Rawls, then, recognizes the *possibility* of genuine citizenship: it involves a commitment to the conscious, collective resolution of public issues. While importantly recovering the notion of democratic citizenship from Tocqueville and Mill, Rawls unfortunately glosses over the real complexity involved in inculcating the mores of citizenship. In the same way that Smith, Friedman, and Downs take rational self-interest as their theoretical starting point and build up a picture of society based on that simple assumption, Rawls can be faulted for similarly naive analytical shortcuts; in both his accounts of distributive justice and democratic decision-making, he simply assumes that we already have "democratic citizens" and does not really delve into working out the necessity of consequential deliberation for actually bringing out the spirit of the citizen. Nevertheless, we importantly do see in Rawls the notion of genuine citizenship—the insistence that market discipline or simple rational aggregation in a political marketplace are inadequate and insufficient processes for the resolution of public issues.

Gutmann, Thompson, and Cohen provide a more complex and realistic picture of how citizenship is developed and refined. For Gutmann and Thompson, as for Rawls and Cohen, the principle of "reciprocity" is a central component of genuine citizenship: "The principle expresses a sense of mutuality that citizens and their representatives should bring to the public forum."<sup>41</sup> That is, if citizens are fulfilling the principle of reciprocity it means that they have certain commitments and values; it means that they have the mores of citizenship. As Gutmann and Thompson put it, "Mutual respect orients the deliberations of citizens and public officials toward a view of the common good—a common good that is compatible with continuing moral disagreement."<sup>42</sup> When citizens are taking various and conflicting interests, ideas, perspectives, and opinions seriously, they are committed to resolving issues in line with the good of the collectivity. They are genuine citizens, as Tocqueville and Mill have already described for us.

Gutmann and Thompson, however, recognize that they cannot simply take for granted the values and commitments of genuine citizenship. Following Tocqueville and Mill, they recognize that human motivation is mutable. Directly referencing Mill, they contend that "citizens and their representatives are more likely to take a broader view of issues, and to consider the claims of more of their fellow citizens, in a process in which moral arguments are taken seriously."<sup>43</sup> We can only expect the principle of reciprocity in the deliberative forum to hold, then, if citizens are given the actual opportunity to engage in deliberation. It is in the very practice

of deliberation that atomistic, self-interested subjects are able to *become* citizens committed to conscious, collective decision-making oriented around the common good. Impersonal market outcomes come to be seen as unsatisfactory and deficient precisely because individuals are forced to hear the interests and concerns of others and are thus forced to recognize that many of these interests and concerns are not satisfied by market outcomes.

Reciprocity, however, is not merely assumed/taken for granted; it is an orientation that is developed and refined. The deliberation necessary to develop the mores of citizenship does not even need to occur in an explicitly political context. As Tocqueville emphasizes, any associational context—whether it be religious, recreational, social, or political—that forces individuals to hear contrary opinions and preferences and forces individuals to appeal to the interests of others can go a long way in developing and refining a commitment to the common good and the capacity to recognize that the common good is often not satisfied by the market.<sup>44</sup> The same sentiment comes out in Gutmann and Thompson when they emphasize the importance of “a civil society that provides rehearsal space for political deliberation.”<sup>45</sup> By “rehearsal space” they seem to mean the sort of associations that are not explicitly political, but still demand deliberation for the purpose of reaching binding, meaningful decisions. Such associations have the potential, then, to inculcate the very orientation and commitments necessary for collective deliberation. Gutmann and Thompson, however, insist that “rehearsal” should not mean “meaningless”:

The deliberative process is not like a talk show or an academic seminar. The participants do not argue for argument’s sake...They intend their discussion to influence a decision the government will make, or a process that will affect how future decisions are made.<sup>46</sup>

Drawing on Tocqueville and Mill, Gutmann and Thompson know that for deliberation to work—for deliberation to endow its participants with the commitments necessary to make it work—it must culminate in consequential, binding decisions. If deliberation were not meaningful in this way, its influence, as Mill has already told us, would simply “fly over the heads” of its participants.

The Tocquevillian and Millian notion of active citizenship comes out even more clearly in Cohen. Cohen channels Tocqueville and Mill when he emphasizes that the orientation necessary for democratic deliberation cannot simply be taken for granted: “Neither the commitment to nor the capacity for arriving at deliberative decisions is something that we can simply assume to obtain independent from the proper ordering of institutions.”<sup>47</sup> Cohen recognizes that the mores of citizenship only come about when individuals

are provided the proper deliberative institutions—religious, recreational, and social associations, local self-government, political parties, juries, etc.—that demand that they work in concert with their fellow citizens in the resolution of common concerns. As Cohen makes clear, forcing individuals to engage in deliberation inculcates a commitment to the process of deliberative decision-making *and* “the capacity for arriving at deliberative decisions.” This “capacity” is exactly what Tocqueville, Mill, and Gutmann and Thompson are getting at when they indicate that hearing the interests and concerns of others causes the citizen to recognize that many citizens are not satisfied with impersonal market outcomes. This capacity, then, is the shift in thinking that acknowledges that arriving to the optimal collective outcome requires conscious thought about what that optimal outcome might entail. Cohen continues: “Democratic politics...*shapes the identity and interests* of citizens in ways that contribute to the formation of a public conception of common good.”<sup>48</sup> That is, engagement with the interests of others forces the citizen to acknowledge that he cannot describe the common good—he cannot determine what might be the optimal resolution—until he has thought about it and heard what his fellow citizens think.

A Smithian classical liberal, skeptical of the possibility of an alternative to the market or top-down sovereignty, or a Downsian classical liberal, skeptical of any understanding of democracy that does not treat democratic decision-making as a political market place, might contend that individuals will only pretend to provide reasons and arguments advancing the common good. In actuality, these skeptics would maintain, individuals are simply disguising self-interest as the common interest. Cohen considers this very counter-argument,<sup>49</sup> contending that it does not take seriously “the effects of deliberation on the motivations of deliberators.”<sup>50</sup> That is, to argue that deliberators will disguise private interest as the common interest misses the entire point that the deliberative democrats are trying to make: being forced to hear the interests, opinions, preferences, and ideas of others compels deliberative participants to develop a *real* commitment to the interests and wellbeing of others. When citizens have this orientation they simply will not be satisfied with the outcomes given by an impersonal market. They know that conscious decision-making promises better, more satisfactory outcomes for all.

In reviving the notion of genuine citizenship from Tocqueville and Mill, the deliberative democrats are fundamentally calling into question the whole basis of the classical liberal project. To just assume rational self-interest, always and everywhere, is analytically naive. Such an assumption does not take seriously the realistic complexity of human motivation. The form that it takes depends on the unique, mutable social experiences in which the individual is engaged. Tocqueville and Mill have made clear that active engagement in consequential deliberative forums can inculcate



a commitment to collectively resolving public issues oriented around the common good. Rawls, Cohen, Gutmann, and Thompson importantly recover this notion of active citizenship, and the mores that undergird it, in contemporary democratic theory. With a complex, realistic approach to social theory that does *not* try to simply abstract away from all of the complicating features of social life, we are left with a much more complete, realistic, and optimistic picture of human possibility. The deliberative democrats, by recovering what is really central in Tocqueville and Mill, importantly draw us this picture in the face of classical liberalism's hegemony.

### **Deliberation's Limits**

Yet the deliberative democrats are quite worried about the possibility of democratic deliberation breaking down into chaos and violence, the very outcome that Smith and Friedman expect from any process of deliberative decision-making. The deliberative democrats' concern seems to be that if deliberation becomes too contentious, the commitment that participants have to the process of deliberative decision-making will break down, and the various parties to deliberation will resort to violence to get what they want. The fear, then, that the deliberative democrats have is that if deliberation is too conflict-ridden, then we really might get the Hobbesian outcome—a war of all against all. The way the deliberative democrats deal with this threat is to narrow both the scope of deliberation and the type of “comprehensive religious, moral, and philosophical doctrines” that can be used in deliberation. That is, to ensure that deliberative participants do not abandon deliberation, the deliberative democrats decide contentious public issues before deliberation takes place and rule out the use of “controversial” reasons and arguments.

Although the deliberative democrats are responding to a real concern, their response to this problem is misguided. What the deliberative democrats lose sight of is that narrowing the scope of deliberation to non-controversial issues and preventing the use of controversial reasons and arguments would *not* serve to prevent a breakdown of the commitment to the deliberative process. Rather conflict and disagreement—which come about when controversial issues are debated and controversial arguments are made—are *essential* to the very process by which individuals develop the mores of citizenship. That is, deliberation only holds out the hope of inculcating solidarity among citizens if there is real conflict and disagreement among the deliberators. Deliberators only come to value the process of deliberation when they are exposed to divisive and conflicting interests and opinions. To limit the scope of deliberation and the forms that that deliberation can take, then, is not a solution to the specter of chaos and violence. Rather, it is a recipe for not allowing the mores of citizenship to

develop. Citizens will only agree upon the types of substantive outcomes that the deliberative democrats hope for and will refrain from making the sorts of controversial arguments that the deliberative democrats fear *only* if they are allowed to work through conflict and disagreement. Given, then, that conflict and disagreement are essential to the development of the mores of citizenship, the deliberative democrats too narrowly limit the activities that can inculcate a commitment to the common good and processes of collective decision-making. A whole host of antagonistic, non-deliberative activities, like protesting, marching, and striking, can likewise reinforce a commitment to democratic decision-making, expand the scope of issues up for deliberation, and resolve differences once deliberative channels have been exhausted.

In their deliberative accounts, Rawls, Gutmann, and Thompson assume that certain fundamental public issues have already been decided before deliberation takes place. Rawls assumes that individuals in society have already agreed to his second principle of justice, which reads as follows:

Social and economic inequalities are to be arranged so that they are both (a) to the greatest expected benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.<sup>51</sup>

Although Rawls' second principle leaves a lot of room for interpretation, no matter how it is interpreted its requirements are quite demanding: The social and economic position of those worst off in society must be maximized. Deliberation, then, can *only* be utilized to work out how society should achieve this demanding principle of justice.

Gutmann and Thompson similarly define the outcomes that are best for society prior to citizens actually engaging in any sort of deliberation. They define "basic opportunity" and "fair opportunity" as certain substantive principles that should obtain in any society. They are quite specific in defining basic and fair opportunity: "Health care, education, physical security, housing, food, employment, or the equivalents in income, are all goods that are especially important to living a decent life and securing other opportunities in our society."<sup>52</sup> That is, deliberation should not really be deciding what we might mean by "basic opportunity" or "fair opportunity," or whether those are even outcomes that society values more than certain other things. For instance, any argument that tries to promote less than full employment as in the best interest of society has to be ruled out; we already know, before deliberation has taken place, that employment must be guaranteed to every member of society. Gutmann and Thompson become even more precise in defining the limits to deliberative outcomes:

The obligations on government can be simply stated: (1) guarantee child support; (2) make work pay; and (3) make work available. What specific reforms each of these implies is ultimately a question to be pursued in a process of democratic deliberation, but we can suggest the general shape that the answers might take.<sup>53</sup>

Not only have they already determined, before deliberation has taken place, that full employment with a high minimum wage along with government-financed child support is in the best interest of society, they even have a sense of the “general shape” of the specifics of those very reforms. Part of this “general shape,” for instance, will involve universal health care because “universal health care coverage is essential to basic opportunity.”<sup>54</sup>

If Rawls demands that society must maximize the wellbeing of the least advantaged member of society, and Gutmann and Thompson demand that society must guarantee employment, a high minimum wage, child-care support, and universal health care coverage, what are citizens supposed to be deliberating about? All the really important issues have already been decided. The questions the deliberative democrats leave for deliberation are not “Should we have universal health care coverage?” and “Should society guarantee a job for everyone?”, but rather, “How should we structure the system of universal health care coverage that we have (supposedly) agreed upon?” and “What sort of reforms are needed to make sure that everyone is employed?” To deliberate about the latter set of questions is to deliberate in a vacuum; it is to skip over the really central issues that must be at the heart of deliberation.

Rawls and Gutmann and Thompson’s impulse to resolve these contentious, controversial issues prior to any deliberation actually taking place seems to be based on their fear that allowing such fundamental issues to accede to the deliberative agenda is a recipe for chaos; surely if society is left to debate the provision of scarce but desired resources, like health care, housing, and income, the debate will quickly devolve into a fight and deliberation will break down. Citizens, rather than deciding whether or not they want universal health care coverage, can only be expected to decide the shape that that reform might take. But what the deliberative democrats are forgetting here is that citizens cannot simply be told by, say, a political theorist acting as a benevolent dictator, that they should have universal health care coverage or high minimum wages. A substantive commitment like that can only emerge when individuals are forced to engage in deliberation that compels them to hear the reasons, arguments, and testimony of less-advantaged individuals. The commitment to an equitable health care system or a living wage, then, does not come when a political theorist tells members of society that they must implement those reforms. Rather, it comes when

there is conflict and disagreement over those issues, and individuals, in that process of conflict and disagreement, come to recognize the necessity of such reforms. The commitment to the common good that the *citizen* feels demands equitable health care coverage and living wages. He must come to feel that commitment himself. Conflict and disagreement in the deliberative process are essential.

Rawls and Gutmann and Thompson's impulse to limit the sorts of reasons and arguments that can be given in deliberative forums likewise seems to stem from a fear that deliberation will devolve into chaos if individuals make use of controversial reasons and arguments. Rawls quite clearly establishes what sort of reasons and arguments are off limits during deliberation:

In discussing constitutional essentials and matters of basic justice we are not to appeal to comprehensive religious and philosophical doctrines—to what we as individuals or members of associations see as the whole truth—nor to elaborate economic theories of general equilibrium, say, if these are in dispute.<sup>55</sup>

Much the same comes out in Gutmann and Thompson when they insist that during deliberation citizens should only make recourse to “relatively reliable methods of inquiry.”<sup>56</sup>

But to have a political theorist simply tell individuals that they cannot make use of their comprehensive religious, moral, and philosophical doctrines does not go very far towards making them *believe* that they should not use such doctrines. If someone is committed to a particular worldview—whether it be evangelical Christianity or general equilibrium theory—he is not going to come to question the tenets of that worldview, and the applicability of that worldview to the common good, unless he makes recourse to that worldview in the deliberative forum. That is, the validity of the tenets of general equilibrium theory or socialism or evangelical Christianity can only be ascertained if these conflicting and contradictory ways of thinking about the world are used in deliberative settings. Being forced to make arguments that appeal to the interests of the deliberative group is what will force the classical liberal to perhaps abandon some of the tenets of general equilibrium theory or the evangelical Christian to perhaps abandon some of his literal interpretations of the Bible. A consensus about what sorts of arguments and ways of looking at the world are valid develops not by people being told that they must abandon their comprehensive doctrines before deliberation, but rather by hashing out which worldviews can really appeal to the interests of others. Certain arguments and reasons come to be ruled out in deliberation not because they have been ruled out before deliberation has taken place, but

rather because the very process of deliberation ensures that deliberators no longer take those types of arguments and reasons seriously.

Working out which sorts of reasons and arguments can be oriented around the good of others would be wellandgood if all worldviews were listened to equally. But to assume that that is the case is to ignore reality: certain ways of thinking about the world, classical liberalism's theory of the market, for instance, have achieved predominance in our debates and discussions. Often what is necessary, then, is *forcing* those involved in deliberation to listen to new concerns and ideas. Usually that is going to involve making use of a whole host of non-deliberative activities. A big part of the reason why we even have a commitment to deliberation, for example, is precisely because a whole host of explicitly *non-deliberative*, antagonistic activities helped establish deliberation as a framework to which Americans are, to some degree, committed. As Michael Walzer puts it:

Indeed, what might be called the struggle for deliberative democracy—that is, for political equality, a free press, the right of association, civil rights for minorities, and so on—has required a lot of slogan shouting. It is not easy to image a democratic politics to which popular mobilization has become superfluous.<sup>57</sup>

That is, “slogan shouting”—non-deliberative, antagonistic political activity—was necessary to get people with power to take deliberation seriously—to make them feel a commitment to such a process and to get them to recognize that such a process is essential to the common good. Walzer's point is that the only reason anyone even takes deliberation seriously is precisely because its tenets were promoted in a non-deliberative fashion. Those who wanted a greater and more equal voice for all citizens had to protest, strike, and demonstrate. The very notion of deliberation was not taken seriously until those who wanted to expand deliberation's scope undertook highly antagonistic activities that *forced* people to take deliberation seriously.

Once there is some general commitment to deliberation established, confrontational, non-deliberative methods are necessary to further expand the issues that should accede to the deliberative agenda. Walzer, again, makes this point nicely:

Demonstrating intensity and conviction now doesn't necessarily preclude negotiating later on, and this combination can be used, and has been, in defense of democratic rights—to vote, or strike, or associate freely—as well as in defense of substantive but contested reforms like prohibition, or gun control, or the minimum wage.<sup>58</sup>

Even when citizens, to some degree or another, are committed to deliberative decision-making, issues often cannot reach the deliberative agenda *until* those that care deeply about those issues—those that feel resolving those issues in particular ways is fundamental to the common good—force other people, who perhaps disagree or are indifferent, to listen to them and take them seriously. More often than not this is going to involve protests, strikes, marches, and sit-ins. A big reason why management is willing to deliberate with unionized labor is precisely because labor has *forced* management to listen to them and take them seriously. By making use of the strike, labor has put its concerns on the deliberative agenda. The managers only come to feel a certain commitment to the welfare of labor if they are *forced* to feel that way by non-deliberative activities. One needs only to think back to the sit-ins, marches, and protests of the American Civil Rights Movement to be reminded that deliberation often only comes about *after* engagement in non-deliberative activities.

Even when previously neglected issues accede to the deliberative agenda—even when civil rights or a minimum wage, for instance, become topics that people are willing to deliberate about—different ways of thinking about the common good will assure that deliberation will not often settle fundamental conflicts and differences in opinion. As Ian Shapiro has pointed out, deliberation might even sharpen conflict.<sup>59</sup> That is, part of the sharpening, amending, and changing of preferences and opinions that occurs because of deliberation can actually serve to heighten the conflict and make clear that two sides are at an impasse. Should the two sides, both committed to the common good and to the process of deliberation, simply set aside their comprehensive doctrines to find some sort of agreement? The answer is no. When issues really matter, we should *expect* real conflict. Walzer, again, is instructive here:

Certain deep disagreements, like those between Left and Right, are remarkably persistent, and local forms of religious or ethnic conflict are often so embedded in a political culture as to seem natural to the participants. So politics is the endless return to these disagreements and conflicts, the struggle to manage and contain them, and, at the same time, to win whatever temporary victories are available. The democratic way to win is to educate, organize, mobilize... more people than the other side has.<sup>60</sup>

Deliberation is essential. It allows us to develop a fundamental commitment to the common good and to recognize that the common good cannot be satisfied by the market. But the common good can mean irreconcilably different things to two sides. When the conflict is established,



or perhaps even clarified, by deliberation, the two sides must make recourse to non-deliberative activity; they must mobilize, organize, campaign, and propagandize to determine where the forces lie. Even a deliberative form of politics must often culminate in conflict.

## Conclusion

Classical liberalism's hegemony in the public discourse seems to be based on the fact that it demands and expects so little. Its guiding assumption tell us that people are the same, always and everywhere, and we can get the best by assuming the worst. Let us just assume humans are simple automatons, it seems to say, and then we can arrive at elegant and simple conclusions about how society works and, more importantly, *should* work. Humans, then, are rationally self-interested, and to get the best outcomes we should let these simple automatons interact in the market. Because the market does not really decide issues—it just gives outcomes—we can avoid conflict and disagreement by sidestepping issues that might actually result in conflict or by labeling outcomes as “just” simply because an impersonal system gives them. Democratic decision-making is not a real alternative; as Hobbes so elegantly demonstrated, letting rationally self-interested individuals interact without top-down sovereignty ultimately culminates in chaos and violence. Given that the political sphere must be one of top-down, hierarchical control, the classical liberals contend that we might as well maximize the scope of the market. Even those classical liberals that pay lip service to “democracy” take the simple assumptions of classical liberalism and apply them to the political sphere. A sphere of democratic decision-making, if it really exists, is just another extension of the market place.

The central point that comes from the deliberative democrats—and that they might do better to elaborate more explicitly—is that to assume simple rational self-interest and thus the impossibility of genuine democratic decision-making is really to miss the point. If we take a more realistic and complex view of human motivation, the deliberative democrats tell us, we recognize that individuals act in all sorts of different ways and are capable of developing and refining new and complex motivations. Recovering the notion of citizenship from Tocqueville and Mill, the deliberative democrats insist that individuals are capable of caring about the divergent and conflicting interests of their fellow citizens and of recognizing that a conscious decision about a public outcome is more satisfactory to more people than simply letting a market decide winners and losers. Starting with a complex notion of human possibility, the deliberative democrats, echoing Tocqueville and Mill, know that we cannot simply assume that individuals have the commitments and orientations necessary to make democratic decision-making work. Those very commitments and orientations are developed and refined, they argue,

in the give-and-take of reasons and ideas.

Unfortunately, the deliberative democrats try to narrow both the scope and form that deliberation can take in order to prevent circumstances in which deliberation breaks down into chaos and violence. Though they are responding to a real concern, trying to limit the scope and form of deliberation in order to eliminate conflict and disagreement defeats the whole purpose of deliberation; working through conflict and disagreement—deciding which issues should be on the deliberative agenda and what sort of reasons can be given—is essential to developing the mores of citizenship. Given the importance of conflict and disagreement, political space must be left for non-deliberative activity. As Michael Walzer importantly points out, non-deliberative political activities can also foment the mores of citizenship, allow new issues to accede to the deliberative agenda, and resolve conflicts when a deliberative impasse has been reached.

If the deliberative democrats are willing to acknowledge this important space for conflict and disagreement, what they have recovered from Tocqueville and Mill is an alternative program to Smith's classical liberalism. What that program needs now are public champions willing and able to present this alternative way of thinking about the social world to members of society. Instead of every undergraduate hearing on the first day of economics class, "Let's just assume humans are rationally self-interested and spend the better part of the next four years drawing a picture of society based on that assumption," they might hear on the first day of social theory class, "Let's assume that humans are complicated and spend the next four years thinking about the possibilities that open up for society." What is needed is a revolution in ideas.



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**Endnotes**

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- 3 Smith, p. 72.
- 4 Smith, p. 75.
- 5 Friedman, Milton. *Capitalism and Freedom*. Chicago: The University of Chicago Press, 2002, pp. 23-24.
- 6 Friedman, p. 24.
- 7 Friedman, p. 13.
- 8 Friedman, p. 24.
- 9 Smith, p. 710.
- 10 Friedman, pp. 25-26.
- 11 Friedman, p. 25.
- 12 Hobbes, Thomas. *Leviathan*. Ed. C.B. Macpherson. London: Penguin, 1985, p. 186.
- 13 Smith, pp. 709-710.
- 14 Smith, pp. 687-688.
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- 17 Downs, p. 7.
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- 19 Mill, p. 215.
- 20 Mill, p. 214.
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- 23 Gutmann and Thompson, *Democracy and Disagreement*, p. 101.
- 24 Rawls, John. "The Idea of Public Reason." *Deliberative Democracy*.
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- 26 Cohen, p. 95.
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- 28 Tocqueville, pp. 506-507.
- 29 Tocqueville, p. 507.
- 30 Tocqueville, p. 508.
- 31 Tocqueville, p. 508.
- 32 Tocqueville, 287.
- 33 Tocqueville, p. 272.
- 34 Tocqueville, p. 274.
- 35 Mill, p. 215.
- 36 Mill, p. 226.
- 37 Mill, p. 255.
- 38 Mill, pp. 328-329.
- 39 Rawls, p. 97.
- 40 Rawls, p. 97.
- 41 Gutmann and Thompson, *Democracy and Disagreement*, p. 52.
- 42 Gutmann, Amy, and Dennis Thompson. *Why Deliberative Democracy?* Princeton: Princeton UP, 2004, p. 92.
- 43 Gutmann and Thompson, *Democracy and Disagreement*, p. 42.
- 44 Tocqueville, pp. 513-517.
- 45 Gutmann and Thompson, *Why Deliberative Democracy?* p. 35.

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- 46 Gutmann and Thompson, *Why Deliberative Democracy?* p. 5.
- 47 Cohen, p. 97.
- 48 Cohen, p. 89.
- 49 Cohen, p. 94.
- 50 Cohen, p. 94.
- 51 Rawls, John. *A Theory of Justice*. Cambridge: Harvard UP, 1999, p. 72.
- 52 Gutmann and Thompson, *Democracy and Disagreement*, p. 217.
- 53 Gutmann and Thompson, *Democracy and Disagreement*, p. 294.
- 54 Gutmann and Thompson, *Democracy and Disagreement*, p. 296.
- 55 Rawls, p. 103.
- 56 Gutmann and Thompson, *Democracy and Disagreement*, p. 56.
- 57 Walzer, Michael. "Deliberation, and What Else?" *Deliberative Politics: Essays on Democracy and Disagreement*. Ed. Stephen Macedo. New York: Oxford UP, 1999. 58-69, p. 60.
- 58 Walzer, p. 61.
- 59 Shapiro, Ian. "Enough of Deliberation: Politics Is about Interest and Power." *Deliberative Politics: Essays on Democracy and Disagreement*. Ed. Stephen Macedo. New York: Oxford UP, 1999. 28-38, p. 31.
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