



## Democratic Ownership and Deliberative Participation

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## Chapter 7\*

### Democratic ownership and deliberative participation

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What is ‘democratic ownership’ and how is it related to political participation? I will argue that democratic ownership requires us to think of ourselves as participating in a form of collective agency and that a proceduralist account of political legitimacy is better suited to explaining this collective political agency than an instrumental, purely outcome-oriented, account of legitimacy. While direct participation has traditionally been viewed as essential to the exercise of collective agency, I will offer reasons to think that it is the specifically *deliberative* quality of democratic procedures that does the real work of producing collective agency out of individual engagement, and not the *directness* of the participation involved. To stand in a relationship of ownership to democratic outcomes it is not enough that we benefit from these outcomes, or find them desirable: we must also have had a share in producing them through an appropriate political procedure.

Democratic ownership can be directly contrasted with political *alienation*, and another way to express my argument would be to say that we have reason to think that inclusive deliberative democratic procedures will be less alienating than more minimalist accounts of democracy. Instrumental accounts of political legitimacy offer relatively weak defences against alienation precisely because they are not centrally concerned with the question of collective agency in the way proceduralist accounts are. Political alienation is

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clearly a direct threat to political *freedom*. When citizens are politically alienated they regard the political process and the decisions that are produced by it as ‘alien’, i.e. as disconnected from their own lives and goals. Political decisions appear to them as alien impositions interfering with their lives. In a well-ordered democracy citizens should be able to view political decisions as, in some way, the product of their collective will and the institutions and procedures which produced those decisions as their own and not as alien forces in their lives. We should hope, then, that citizens of democratic states should be in a position to *recognise* themselves in their political institutions and to regard collective decisions as consistent with their freedom, rather than as potential threats to it.

Citizens who regard themselves as standing in a relationship of ownership to political decisions have reasons to respect and uphold these decisions, independently of any consideration of possible sanctions for not doing so. Citizens who enjoy democratic ownership will regard themselves as responsible for political decisions, in contrast to alienated citizens, who are motivated primarily by the prospect of sanctions for non-compliance, and who will not regard themselves as bound to, or responsible for, decisions made in their name.

To the extent that democratic government purports to be an exercise of freedom, and claims authority over us on this basis, democrats should be worried about the prospect of political alienation. This is different, however, from the worry that contemporary citizens are apathetic, and unwilling to participate in politics (Sandel 1996: 6; Putnam 2001: 349). This moralising complaint focuses on the alleged lack of civic virtue exhibited by insufficiently altruistic modern individuals (Cohen 1999; McBride 2012). The threat of political alienation as presented here, however, is a worry about our *institutions*, rather than about the *virtues* of our citizens. Specifically, it prompts us to consider whether or not the current configuration

of our democratic institutions gives citizens *reasons* to view them as consistent with democratic ownership.

Citizens may, however, regard themselves as standing in a relationship of ownership to their political institutions *without* good reason. This may be adequate for producing a measure of political *stability*, but these cases should be just as worrying to the democrat as cases of political alienation. In each case, democratic institutions may be, *in reality*, alien impositions upon their citizens. Deliberative democratic procedures, however, make possible a form of collective agency which allows citizens to reasonably see themselves as sharing in ownership of the political institutions which shape the context of their lives.

### The Minimalist Challenge

Even today, talk of democratic participation conjures up images of ancient Athenian direct democracy, and discussions of contemporary democratic politics are dogged by the nagging suspicion that large-scale representative democracy is, somehow, just a pale shadow of authentic, direct, democracy (Barber 1984: 145). There is, however, a tradition of sceptical thought about democratic politics which contests the primacy of this model. Schumpeter provides a classic statement of this ‘minimalist’ view, arguing that the key virtue of democratic rule is that it simply provides a peaceful means to exchange one political elite for another through periodic elections (Schumpeter 1965: 273). Schumpeter regards popular participation as, at best, unnecessary and, at worst, a recipe for ill-informed and irresponsible government, as the ordinary citizen knows little and cares less about affairs beyond their immediate experience (1965: 258-9). Given general ignorance and civic irresponsibility, the ‘minimalist’ democrat may conclude that we have good reason to limit popular participation and that consequently, we should view evidence of falling electoral turnouts with equanimity.

If democratic politics is a marketplace, and the voter simply a consumer (Christiano 1996: 133), shopping around for the best deal, then perhaps low turnout simply reflects broad civic satisfaction with governments that do not sharply differ in terms of the deals that they are offering their customers.

Even if one is not swayed by these arguments, there are, in addition, significant moral reasons to question the classical model (Cohen 1997: 80). The Athenian model is not simply a blueprint for direct democratic institutions, but an *ethical* vision of the best way for human beings to live. Man being a political animal, according to Aristotle, the *good* life is that of the active citizen, for only this sort of life will engage and perfect man's true nature (Aristotle, 1946: 5-7). Liberals tend to be sceptical about this line of argument: this way of thinking about citizenship and democracy focuses on the 'sectarian' assumption that the life of the active citizen is of preeminent value, a view which is incompatible with ethical pluralism, i.e. the view that there are many good ways to live (Cohen 1997). For liberals there is something disturbingly authoritarian about the Aristotelian commitment to active citizenship. Instead of lamenting a lost world of tight-knit, active community, we should instead embrace the ethical possibilities which modern society affords its members, who may wish to be free *from* politics as much as free to engage in it when they choose. Liberals, however, need not regard the commitments of citizenship as on a par with lifestyle choice, but may argue that everyone has a basic interest in political autonomy, even if we have reason not to choose to devote our entire lives to active political participation. The argument from value pluralism, then, suggests that there are reasons to reject aspects of the classical model, even if technology now holds out the prospect of making direct democracy feasible for modern states through electronic voting and web-based virtual publics etc. (Fishkin 1991: 21; Sunstein 2007: 34).

## Instrumentalism and legitimacy

In the Aristotelian account, the reason why we should favour direct political participation is that any other form of political organisation is simply *unnatural*. This view was challenged first in the seventeenth century by Hobbes' (1996) contractarian account of political legitimacy. Hobbes makes two important moves: firstly, in presenting political society as a product of human will, he focuses our attention squarely on the problem of political legitimacy: the reasons we have for obeying the law. Secondly, he offers an essentially instrumental account of legitimacy of the sort relied on by minimalist democrats today. Hobbes' instrumental account of legitimacy assumes that liberty is essentially individual, and negative. I am free, on this view, only to the extent that I am not subject to deliberate external interference with my wishes (Hobbes 1996: 152; Berlin 1969: 122). The law of the land is clearly a threat to my liberty, as more law means less freedom. However, Hobbes argues that the absence of political rule poses an even greater threat to my welfare and ultimately, to my life itself. Consequently, contracting into political society is a *good deal*. The cost to my liberty is more than made up for by the gain in security.

We see this line of argument developed further by Hume, who suggests that we can drop all this talk about social contracts and focus directly on the benefits which government produces for us, chiefly, the protection of private property (Hume, 1963:463). The precise configuration of political institutions is of little consequence on this view, provided government delivers the desired outcomes. Defences of technocratic government today follow this pattern: it is rational to downplay the significance of political participation in favour of governments which possess technical expertise and a measure of independence from the grubby world of politics, provided these governments can deliver the sort of outcomes which the voters favour: stability and prosperity.

Richard Arneson's defence of an instrumental account of political legitimacy hinges on a similar trade-off, although his preferred outcome is characterised in terms of the defence of fundamental rights, rather than in terms of peace or the protection of property (2003: 129). He argues that the legitimacy of a set of political institutions has nothing to do with the fairness of its procedures, of the opportunities for popular participation, but everything to do with the sort of consequences the system delivers for citizens (Arneson 2003: 122). Arneson acknowledges that his 'purely instrumental' view is controversial in view of the widely held assumption that democratic legitimacy is a product both of the fairness of the procedures for making collective decisions, and of the beneficial consequences of the decisions taken. He insists, however, that it is this latter feature of democratic institutions that is fundamental (Arneson 2003: 136).

This poses a significant challenge to the claim that political participation has intrinsic value. There is nothing special about political participation as a method for producing political decisions and effective public policy. Romantic, 'agonist', (Arendt 1958; Mouffe 2000) ideas about democratic participation which tend to focus on their value for participants can reasonably be said to have mistaken the point of democratic politics (Elster 1997: 25). Even if direct participation might make us better people it needs more argument to show that it deliver better public healthcare provision or the effective conduct of foreign affairs. Arneson suggests that the view that democratic procedures are distinguished by the way that they 'express' a public commitment to equality is misconceived (2003: 131). Democratic institutions themselves need not be especially participatory, particularly if a case can be made that less participatory institutional forms, such as judicial review, are more efficient at delivering the protection of fundamental rights.

## Proceduralism and legitimacy

The instrumental argument suggests that we should be relatively unconcerned by hierarchical, exclusive, political institutions provided they work together to produce the appropriate outcomes. This is a theory of legitimacy which essentially dispenses with the idea of democratic ownership and its requirement that citizens can recognise themselves as agents producing political outcomes. While they may endorse the outcomes, and judge that these are worth paying for in terms of the necessary reduction of personal liberty which government entails, they are not required to play a significant role in *producing* these outcomes. Citizens in this sort of minimalist democracy may enjoy a measure of individual freedom, some of which they have traded for a system which provides other benefits, but they cannot be said to be participating in the exercise of collective, political, autonomy. Arguably, even their individual freedom may not be secure under such arrangements (Pettit 1996).

Our long-standing and deeply rooted understanding of democracy, however, is that it is the institution that makes a form of collective agency possible. Democracy does not simply protect individual freedom, it also makes possible a form of collective agency in which citizens share as participants in democratic co-authorship. In the *Social Contract* Rousseau (1997b) outlines a form of government which, if it cannot permit us total independence of one another, can perhaps ensure our equal freedom. The central feature of this form of rule is direct democracy which, Rousseau suggests, will enable the citizen to obey the law, while ‘each, uniting with all, [will] nevertheless obey only himself and remain as free as before’ (1997b: 49-50). Through sharing in the General Will, the Rousseauan citizen can recognise himself in the laws of the land as they are the product of his agency (Rousseau, 1997b:49). Where Aristotelian accounts are focused more generally on the relationship between participation in a political community and human flourishing (*eudaimonia*), Rousseau’s



argument is specifically concerned with the relationship between individual and collective freedom.

Rousseau goes on, unfortunately, to suggest that individuals can be ‘forced to be free’ (1997b: 53) in obeying this General Will, giving rise to the suspicion that talk of collective agency must lead directly to totalitarianism (Berlin 1969). It is worth noting that while notions of collective freedom will make little sense to those who understand freedom to be essentially negative, Rousseau’s account of political legitimacy is an important milestone in the development of the contemporary liberal theories of deliberative democracy on account of the way that the notion of the general will functions as an early version of the ideal of public reason (Cohen 2010). The task, for contemporary democrats is to envision a model of collective agency that can generate the appropriate level of collective agency in citizens to allow them to stand in a relationship of democratic ownership to political outcomes without adopting the overly unified understanding of collective agency embodied in Rousseau’s model (Pettit 2013: 15). We will need a model of collective agency that is consistent with respecting reasonable pluralism and political dissent, without surrendering the ideal of collective self-determination through democratic institutions.

The reason we should aim for an agency-centred account of political legitimacy is that it is more sensitive to the problem of political alienation than any instrumental account and it can, consequently, provide us with a more robust account of political legitimacy. Far from threatening to dismiss the problem of pluralism, the particular sort of procedural account of collective agency developed here is better suited to accommodating dissent than rival accounts of political legitimacy, thereby minimising the dangers of political alienation. It has greater potential to generate reasons to comply with political decisions, in particular, than the outcome-focused, instrumental view.

Collective decisions must be taken in the face of significant disagreement (Gutmann and Thompson 1995, 1996; Waldron 1999). But this in turn gives rise to the problem that while those on the winning side of a vote have a clear reason to uphold the outcome, i.e. their substantive agreement with the decision, it is less clear what reason those on the losing side must have, at least on a narrowly instrumental account of legitimacy. Citizens on the losing side have, on the contrary, a substantive reason to resist this outcome: their belief that this is simply the wrong outcome. The appeal to generalised outcomes such as ‘peace’ ‘stability’ ‘overall welfare’ or, as in Arneson’s case, the protection of ‘fundamental rights’ is supposed to supply the missing reason for compliance, but it is not hard to see why this strategy is unsatisfactory.

Firstly, this relies on characterising outcomes with a high degree of generality in order to bolster the sense that they can supply reasons to all citizens. However, generalisation does not eliminate disagreement about what counts as a desirable outcome. It is clear that there is significant moral disagreement even about the content of basic rights, as disputes about the permissibility of abortion, or gay marriage indicate. If what counts as an appropriate outcome can become the subject of significant dispute, (and any significant account of basic resources, capabilities, or welfare will typically be controversial), then the appeal to outcomes may not supply the legitimising reasons necessary to produce compliance. Secondly, we might also be concerned that outcome-oriented legitimacy might in effect be relying heavily on the wrong sorts of reasons to compliance. That is to say, that faced with bad decisions, producing the wrong sorts of outcomes, citizens may nonetheless comply simply because the costs of resisting are simply too high to risk dissent. This is unsatisfactory even where a regime can exert enough control to tip the costs in its favour, for citizens can only regard political decisions as alien impositions under such conditions.

Democratic states aspire to a higher standard of legitimacy than this: they aspire to recognition of their *authority* and not merely weary, conditional, compliance. But how can we understand compliance with laws one disagrees with as consistent with one's freedom rather simply a majoritarian imposition? The answer must lie in a proceduralist model of legitimacy. This model directs attention away from substantive judgements about particular courses of action and onto the reason-generating power of the procedures by which the decisions were made.

Richard Wollheim (1962) argued that the apparently paradoxical nature of democratic citizenship could be resolved in this way. When I vote for option A but am outvoted, I find myself in the apparently paradoxical position that I must now believe that both A, and B - the option preferred by the majority – ought to be done (Wollheim 1962: 78-9). Given the fact of political disagreement this is not an uncommon situation. The solution, Wollheim argued, lies in stratifying the reasons for action involved here, i.e. distinguishing between the substantive reasons for preferring option A over option B, and the procedural reasons for acting on B rather than A (Wollheim 1962: 85). By assigning them to different levels, such that procedural reasons can, at least in the right conditions, override substantive reasons, we can see how one might have reasons for compliance despite substantive disagreement.

One of the most problematic features of Rousseau's particular account is that he has a strongly epistemic account of democratic procedures, i.e. he regards them as an extremely reliable way to track truth. The general will, he assures us, can never be wrong, with the alarming result that anyone on the wrong side of a vote must regard themselves as having made a mistake of some sort. In Rousseau's account, the procedural reason defeats the citizen's substantive judgement and *replaces* it with the collective judgement. While there are, contra Schumpeter, often good epistemic reasons to favour collective decision-making over elite decision-making, no one would want to go as far as Rousseau who effectively

claims that dissent from the general will is always mistaken (Goodin 2003: 145). Recognising democratic authority is not a matter of *replacing* one's own judgement with that of the majority, but of accepting that one has reasons to comply in the face of one's dissent (Friedman 1990). On Wollheim's account, the right sort of procedure can offer reasons which override the citizen's substantive reasons without defeating them. That is to say, that one can consistently, on this view, believe that one has a reason to accept a vote as authoritative, while at the same time viewing it as mistaken and working to reverse this decision (as opposed to merely resisting it as an individual). This sort of procedural account, unlike Rousseau's, does not simply dissolve the individual into the collective, respecting them as autonomous agents in their own right, who may have reasons to participate in the exercise of collective agency notwithstanding their dissent from some of the decisions taken as a result.

The idea that is doing the work here is that of a *fair* procedure: an unfair procedure will obviously fail to generate the right sorts of reasons for action. A fair procedure will generate reasons for me to accept an outcome even where I disagree with it. These reasons allow me to identify with the outcome, even if this identification is limited by my substantive dissent, and where such identification is possible I can regard that decision as one I have a share in, i.e. one that I own. As such, even where I have reason to seek to have this decision overturned, this collective decision ought not to be automatically viewed as an obstacle to my self-determination. Without this sort of procedural account, only majorities on a given issue would be genuinely obliged to uphold that decision while minorities are merely corralled by the threat of sanctions. To avoid the charge of majority tyranny, democratic authority must be produced by procedures through which citizens can recognise themselves as the authors of collective actions, not merely enjoying the benefits of government, but contributing to the production of these benefits themselves.

What counts as a fair procedure?

In this account, one's reasons to comply are generated by one's underlying commitment to the particular procedure for arriving at collective decisions. Fair procedures may take a wide variety of forms, however, all the way from the simple coin toss, or 'king for a day' (Estlund 1997) to complex democratic procedures, involving majority and qualified majority decision rules of various sorts, as well as elections and, occasionally, referendums. What sorts of procedure are best suited to generating these sorts of reasons? Representative democracy relies, centrally, on participation of elections, the outcomes of which are determined by aggregating votes in various ways. This relatively 'thin' procedure relies on the idea that every citizen has a formally equal opportunity to influence the outcome of collective decision-making through the exercise of their vote.

One obvious problem with this account is that of the mismatch between formally equal opportunities provided by the distribution of votes, and the unequal distribution of political influence within societies, which can be traced back to underlying inequalities in the distribution of economic, social, and cultural capital in those societies. Against the backdrop of these inequalities, the claim of a simple vote aggregating procedure to be sufficiently fair as to permit citizens to reasonably identify with political decisions may seem rather weak. While everyone may enjoy one vote, voting is only one of the ways in which the political agenda is shaped and substantive opportunities to shape that agenda are not distributed equally. The problem of the relationship between political equality and wider social equality, and the ways in which the latter diminishes the worth of the former, is a complex one which cannot be solved by attention to political procedures alone (Phillips 1999). We can say,

however, that some political procedures offer stronger reasons to regard them as fair, than others.

Is direct participation uniquely important in this respect? One might suppose that direct participation might go some way to evening out political influence by doing away with the distinction between representatives and ordinary voters. If nothing else, it would impose higher costs on social elites seeking to exert influence on decision-makers simply by increasing the numbers of decision-makers, and, on the assumption of universal suffrage, increasing the social diversity of those decision-makers. In the ancient Greek version of direct democracy, democracy was not confined to direct participation through voting, but also included the distribution of political office by lottery and rotation, such that each citizen would have an equal opportunity of being selected to occupy public office (Manin 1997: 28). When Aristotle characterised democracy in terms of each citizen having an equal share in self-government, he meant this quite literally: citizens would take turns in ruling, as well as having the opportunity to participate directly in decision making (Aristotle 1946: 112).

This model, despite its iconic significance, fails to connect participation to political outcomes in a sufficiently robust way. Firstly, it is difficult to see taking turns in public office as sufficient to permit citizens to recognise collective decisions as their own. In effect, I am simply obeying others while I am waiting for my turn to rule. In practice the ratio of citizens to offices is likely to mean that even in very small political communities my number is unlikely ever to come up (Manin 1997: 29). On its own, taking turns in ruling is not, in any event, really a mechanism for producing collective agency, it only purports to make rule by others more palatable by holding out the prospect that, someday, each will get to exercise individual agency over others for a limited time.

Much more important than occupying executive positions is the way in which collective decisions are made, and here, deliberative democrats have argued, there is little virtue to direct forms of participation over indirect. I may be consistently outvoted by self-interested majorities advancing their own interests at my expense in both direct and indirect, representative, forms of democracy. In each case, the claim to legitimacy relies on the formal equality offered by the equal distribution of votes, and in each case, I may have good reason to regard the resulting decisions as alien impositions visited upon me by majorities to whom I am, at best, no more than a minor impediment to their projects. Indeed, as Fishkin notes, this problem may be accentuated in direct democratic polities where the small numbers may make democratic decision-making more vulnerable to populism (Fishkin 1991).

Deliberative democrats argue that the contrast between direct and indirect participation is less significant than that between purely aggregative procedures and those which include both deliberative and aggregative elements. As we noted above, the minimalist account of democracy as a procedure for exchanging political elites by means of popular elections relies on the assumption that voters are essentially consumers, whose only concern is to make a rational choice between the benefits attached offered by different candidates. A purely aggregative procedure places no restriction on the reasoning involved in political choice or on the formation of majorities whose only concern may be to advance their own interests at the expense of others. In this respect there is no difference between direct and indirect political participation. Citizens in the minorities under both direct and indirect participatory systems may reasonably judge that political decisions are not *binding* upon them.

Against this, deliberative democrats argue that including a deliberative component in democratic procedures can constrain majorities and thereby strengthen the reasons of minorities to accept the resulting decisions (Gutmann and Thompson 1996). There are other advantages to replacing the aggregation of 'raw preferences' with considered judgements. By

offering citizens opportunities to discuss their political preferences with others they may correct false assumptions and thereby contribute to the making of better informed political decisions. They may discover that some of their preferences are the product of processes of adaptation to inequality, which have lowered their ambitions and distorted their understandings of their own interests (Cohen 1997: 78) and in this way public deliberation may enhance their autonomy to the extent that their actions are more likely to reflect their considered interests.

Perhaps the most pertinent feature of deliberative democracy, however, relates to the link between public justification and equal respect. Any decision we make raises questions about the impacts of our actions upon others. These impacts may be positive or negative, and many political disputes centre on the problem of determining where to draw the line between which negative effects are permissible and which call for state-interventions of various sorts. There is no clear-cut distinction between public and private, and even simple consumer decisions about what food to buy or what mode of transport to adopt may turn out to have significant impacts on the lives of others, posing pressing questions of distributive justice. Whatever the status of the choices we make as private citizens it is clear that the choices we make regarding collective decisions will not only have an *impact* on the lives of others, but also involve a further claim to *authority* over these lives. If I vote for a party promising me tax cuts in return for more limited public services, my choice will not only have an effect on my fellow citizens, I am committed to requiring them to uphold this decision should it win the vote. A purely aggregative model wrongly assumes that such choices are essentially private, despite the way that my choices not only affect others but also claim authority over them.

Deliberative democrats argue that these sorts of choices and claims impose upon citizens a duty of justification (Rawls 1996) and argue that to fail to offer appropriate justifications for one's attempts to direct our common coercive force essentially violates the basic moral



requirement to respect our fellow citizens as equals. To respect others as equals is not to necessarily refrain from imposing costs upon them (we may punish others consistent with respecting them as persons) but it is to regard them as distinct persons with their own interests and projects which must be taken into consideration when we formulate our own political projects. The duty of justification also entails that we respect them as persons capable of responding to reasons, thereby ruling out the paternalist view that we may deliberate *about* the interests of others without deliberating *with* them. Finally, it recognises that others have the power to call us to account for our choices, i.e. to place us under this duty of justification. This broadly Kantian account of equal respect between democratic citizens presents us with an account of democratic procedures as embodying a key form of social recognition: that of our equal moral standing as citizens, and it assumes that recognition of our equal status imposes constraints on how decisions may legitimately be made the sorts of reasons which may count as appropriate public justifications (Rawls 1993: 217).

This 'expressive' dimension is not incidental to democratic institutions as Arneson suggests. Given the 'burdens of judgement' (Rawls 1993: 56-7) it should be clear that public deliberation is not a device for producing deep consensus on political questions and it will not eliminate the need for voting once deliberation has taken place. Even if we recognise our duty as citizens to consider the interests of our fellow citizens and to offer public justifications for our political preferences which we judge they could not reasonably reject, we are still likely to disagree in our political judgements. Consequently, majority voting will still be necessary to move from deliberation to decision and action. However, while I may have little reason to regard myself as bound to uphold decisions produced by a purely aggregative procedure my reasons to accept decisions taken through aggregation which has been preceded by deliberation are considerably stronger. This is because public deliberation itself manifests recognition of my equal status in a more demanding fashion than the distribution of equal

votes and furthermore it gives me reasons to suppose that my interests have received some consideration by others, which may be entirely absent on purely aggregative procedures (Gutmann and Thompson 1996: 72). As such I can reasonably regard myself as having shared in producing this decision, even where I reject the substance of that decision. In this way, a deliberative procedure can strengthen my reasons for judging that democratic outcomes are the product of collective agency in which I have participated and to which I stand in a relationship of democratic ownership.

### The importance of political agency

The virtue of the proceduralist account of democratic authority is that it provides an account of the centrality of the idea of freedom, i.e. of self-determination, to democratic citizenship. It would be a mistake to view the normative claims of proceduralism as merely expressive, as Arneson does, for they are concerned rather with setting out the conditions whereby an individual agent can come to identify themselves as the co-author of collective actions, i.e. through participation in the right sort of procedure for taking collective decisions about how to use collective coercive power. The consequentialist is right to point to the fact that democratic politics is about successfully intervening in the world, but a pure consequentialism does not account for the difference between desirable outcomes and outcomes that are brought about through the exercise of collective agency. While the former, in its pure form, risks treating beneficial outcomes like good weather – a welcome occurrence over which we have no control - the latter aims at deliberate intervention in the world, which depends on the appropriate connection between deliberative inputs and real world outcomes (Pettit and List 2011).

To be concerned with consequences without caring how these are to be produced is to take a curiously disconnected view of collective action, such that we should welcome desirable outcomes of such action without being concerned to take steps to ensure that we secure such outcomes and that we can, in consequence, have some confidence in our ability to intervene in the world over time. While a legitimate government must be one that delivers desirable outcomes with some measure of regularity, the degree to which we can reliably count on producing such outcomes must be closely related to the sorts of procedures in place for taking collective decisions and translating them into action. Otherwise, beneficial consequences would appear to fall like manna from heaven in an arbitrary fashion unrelated to the actions of citizens. It is plausible to suppose that we have an interest not only in receiving benefits from the actions of the state, as the instrumental account would have it, but also that we have an interest in participating in producing those benefits, i.e. an interest in self-determination, that explains our concern with the problems of political alienation and democratic ownership.

I have concentrated here on the problem of outlining the conditions under which individual citizens can reasonably regard themselves as participating in an exercise of collective agency through democratic participation. It is worth noting, however, that collective agency and democratic ownership are not exclusively concerned with the ways in which beneficial consequences can be produced through collective action. Focusing on the reason-generating powers of desirable outcomes in the way that instrumental accounts of legitimacy do, has another important defect: it diverts us from the problem of collective responsibility for our collective actions, problems which must loom large if our shared institutions serve to produce bad consequences, whether for ourselves or for others. To the extent that we participate, individually, in institutional arrangements that threaten to unjustly distribute burdens to others, we appear to share in responsibility for these injustices (Pogge

2007: 30). We should, accordingly, be concerned, not only with our freedom to act together to intervene in the world, but also our responsibility for the actions thereby produced. It is, then, a strength of the agency-centred account of political legitimacy that it focuses our attention on the connection between our actions and their outcomes, reminding us that democratic ownership is not simply a matter of enjoying the benefits of collective action, but also, of taking responsibility for them.

This proceduralist account of collective agency focuses on our *reasons* for endorsing or identifying with political decisions. I have argued that public deliberation offers us reasons to identify ourselves as owners of political decisions, even when we would prefer that some other decision had been taken. I have stressed the question of whether or not we have reason to identify in this way with political outcomes in order to distinguish my procedural account from other ways in which people may come to identify with political outcomes. Instrumental democracy offers one very limited set of reasons to identify with outcomes: they benefit us in some way. Identity-based accounts, offer different reasons, which rely on some alleged identity between citizens and decision-makers. What I have in mind here are nationalist or populist accounts of democracy, on which we share in self-government provided we are ruled by people with whom we share an identity (Habermas 1998). As long as the political elite is drawn from the relevant nation, then fellow nationals may come to identify with their decisions as ‘ours’. While shared identity may provide reasons to suppose that one’s representatives may share our interests and incentivise them to act as ‘fiery advocates’ for these interests (Phillips 1995), there is also a risk that shared social identities may produce unreasoned identification, i.e. that we will identify with political outcomes even though our institutions offer us little reason to suppose that decision-making is really affording us the sorts of opportunities for participation which sustain *genuine* political agency.

A second problem relating to the idea of reasons to identify with/endorse political decisions is that it is possible that identification/endorsement may come apart from any causal role in the production of these outcomes. One might say that arguments for direct participation focus almost exclusively on the causal inputs provided by individual preferences, but fail to explain how these are transformed into genuinely collective decisions which offer all citizens reasons to regard themselves as bound to those decisions. There is also a risk that we might have good reasons to endorse decisions which we have not had any role in producing. We might capture this contrast in the following ways. Firstly, as a direct democrat I may be personally present at a meeting in which the 'public deliberation' involves little more than grandstanding and barracking followed by a vote - a process that offers at best, very limited reasons for compliance. Secondly, I may follow the progress of healthcare reform proposals through the legislature from the comfort of my armchair in which I browse the relevant websites and read the relevant newspaper reports, forming an informed view of the options and ultimately judging that I have reason to endorse the outcome, whether substantively or procedurally, but without my contributing to this outcome in any way.

If our current institutions offer limited opportunities for direct participation, we may be content with the idea that modern media make the decision-making process sufficiently transparent to make it possible that we could reasonably endorse decisions and processes without any involvement in their production. This is problematic, however, from the point of view of political agency: there must at the very least be genuine opportunities for citizens to actively shape public opinion and thereby to have some causal influence on the production of political decisions. Even if citizens do not often take up these opportunities, their existence would provide them with some reason to suppose that the relevant perspectives were being included and considered in the streams of public deliberation from which decisions flow. In the absence of such opportunities, however, we should have little reason to suppose that our

deliberative procedures were working well and operating fairly. The existence of such concrete opportunities and their equal distribution might be thought of as providing the minimal conditions for judging that our political institutions genuinely afford us the possibility of democratic ownership. It is not clear that, in practice, we should be especially confident that our actually existing democracies meet these conditions.

## Conclusion

The consequentialist account focuses on the consequences of what is done, without attending to how we might go about producing the desired consequences, while a purely proceduralist account might aim to take decisions fairly, regardless of the quality of those decisions.

However, it is evident that as agents, we care about making the right decisions in order to intervene in the world in the right ways, and in order to do so, we must care about *how* we go about making such decisions – both inputs and outputs matter to the business of acting successfully. So too, in the case of collective action, we must care about the processes by which decisions are taken if we want to get the answers right more often than not.

Deliberative proceduralism has the resources to close the gap between what a citizen thinks ought to be done and what the demos has decided to do, whenever these come apart, as they must from time to time. In so doing, deliberative political procedures allow citizens to view themselves as sharing in collective political agency and as enjoying democratic ownership over the decisions which shape their lives.

## References

- Arendt, H. (1958). The Human Condition. Chicago, Ill, Chicago University Press.
- Aristotle (1946). The Politics of Aristotle. Oxford, Oxford University Press.
- Arneson, R. (2003). "Defending the Purely Instrumental Account of Democratic Legitimacy." Journal of Political Philosophy **11**(1): 122-132.
- Barber, B. (1984). Strong Democracy. Berkeley, University of California Press.
- Berlin, I. (1969). Two Concepts of Liberty. Four Essays on Liberty. Oxford, Oxford University Press: 118-172.
- Christiano, T. (1996). The Rule of the Many. Boulder CO, Westview Press.
- Cohen, Jean. (1999). 'Trust, Voluntary Association and Workable Democracy: the Contemporary American Discourse of Civil Society.' In Democracy and Trust. M. Warren. Cambridge, Cambridge University Press: 208-248.
- Cohen, Joshua. (1997). Deliberation and Democratic Legitimacy. Deliberative Democracy. J. Bohman and W. Rehg. Cambridge MA, MIT Press: 67-92.
- Cohen, Joshua. (2010). Rousseau: a Free Community of Equals. Oxford, Oxford University Press.
- Elster, J. (1997). The Market and the Forum: Three Varieties of Political Theory. Deliberative Democracy. J. Bohman and W. Rehg. Cambridge MA, MIT Press: 3-34.
- Estlund, D. (1997). 'Beyond fairness and deliberation: the epistemic dimension of democratic authority, in Deliberative Democracy. J. Bohman and W. Rehg. Cambridge MA, MIT Press: 173-204.

Fishkin, J. (1991) *Democracy and Deliberation*. New Haven, CT.: Yale University Press.

Friedman, R. B. (1990). 'On the Concept of Authority in Political Philosophy.' In Authority.  
J. Raz. Oxford, Blackwell: 56-91.

Goodin, R. E. (2003). Reflective Democracy. Oxford, Oxford University Press.

Gutmann, A. and D. Thompson (1995). "Moral disagreement in a democracy." Social  
Philosophy & Policy 12(1): 87-110.

Gutmann, A. and D. F. Thompson (1996). Democracy and Disagreement. Cambridge, Mass,  
Belknap Press.

Habermas, J. (1998). On the Relation Between the Nation, the Rule of Law, and Democracy.  
The Inclusion of the Other. C. Cronin and P. D. Greiff. Cambridge MA, MIT Press: 129-153.

Hobbes, T. (1996). Leviathan. Cambridge, Cambridge University Press.

Hume, D. (1963). *Essays: Moral, Political, and Literary*. Oxford: Oxford University Press.

Manin, B. (1997). The Principles of Representative Government. Cambridge, Cambridge  
University Press.

McBride, C. (2013). "Democratic Participation, Engagement and Freedom." The British  
Journal of Politics & International Relations 15 (4): 493-508.

Mouffe, C. (2000). The Democratic Paradox. New York, Verso.

Pettit, P. (1996). "Freedom as Antipower." Ethics 106: 576-604.

Pettit, P. and C. List (2011). Group Agency. Oxford, Oxford University Press.



- Pettit, P. (2013). On the People's Terms. Cambridge, Cambridge University Press.
- Phillips, A. (1999). Which Equalities Matter? Cambridge, Polity Press.
- Pogge, T. (2007). Severe Poverty as a Human Rights Violation. Freedom From Poverty as a Human Right. T. Pogge. Oxford, UNESCO/OUP: 11-53.
- Putnam, R. D. (2001). Bowling Alone. New York, Simon and Schuster.
- Rawls, J. (1993). Political Liberalism. New York, Columbia University Press.
- Rousseau, J. J. (1997a). The Discourses and Other Early Political Writings. Cambridge, Cambridge University Press.
- Rousseau, J. J. (1997b). The Social Contract and Other Later Political Writings. Cambridge, Cambridge University Press.
- Sandel, M. (1996). Democracy's Discontent. Cambridge MA, Belknap Press.
- Schumpeter, J. A. (1965). Capitalism, Socialism and Democracy. London, Allen & Unwin.
- Sunstein, C. (2007). Republic.com 2.0. Princeton NJ, Princeton University Press.
- Waldron, J. (1999). Law and Disagreement. Oxford, Oxford University Press.
- Wollheim, R. (1962). A Paradox in the Theory of Democracy. Philosophy, Politics and Society. Oxford, Blackwell: 71-87.