Democracy from below?

If one reasonable definition of democracy is ‘power from below’, then democracy from below means ‘power from below, from below’. This makes little sense. The phrase may make more sense as democracy as seen from below, which might break down as follows: (a) power being exercised in ways that are transparent, seen from below; and (b) power being exercised at lower levels, or decentralised, but in ways that implicitly recognised the necessity of the ‘above’.

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1 An earlier version of this paper was presented at the University of Texas At Austin in February 2000 as part of the conference on ‘Deliberating About Deliberative Democracy’. My thanks to Phillip Pettit, Bill Galston, Lynn Baker, Carole Pateman and Russell Hardin in particular for their helpful comments.
Democracy has formal and informal elements; its basic principles feed through to practices and institutions of both sorts. Renewed emphasis on networks, civil society and associations tends to stress the importance of informality to the mix of processes and institutions that adds up to a fuller conception of democracy. This fact – one among others that point to profound and complex changes to the way we think of democracy (see the summary in Saward 2000b) – is not unreasonable. Future democracy will be a mix of institutions tailored to circumstance, and ‘The crux lies in identifying the appropriate mix’ (Bellamy and Jones 2000). However, the importance of the formal ‘spine’ of democratic institutions in entrenching transparency and decentralisation is easily set aside. This paper stresses the importance of formal mechanisms of direct democracy to ‘democracy from below’. As such it offers selected criticisms of conventional theories of the democratic process and the (in some circles, dominant) deliberative model of democracy.

**The direct rabbit in the polyarchal hat**

New (radical, discursive, deliberative) models of democracy often take what they see as the standard master institutions of liberal democracy – the Lockean trinity in essence – and leave them in theoretical place as given. Often, too, the abstract principles behind those institutions will be taken as given, part of the package. Radical innovations then take place within that framework.

This strategy is nothing new. Contemporary classics of radical and participatory democracy, like works by Pateman (1970) and Barber (1984), characteristically save a couple of lines to note that they are doing it. I want to suggest, though, that if we take a closer look we can see how by its own
lights how fragile that standard architecture is. I shall do this by exploring the single most prominent account of the democratic process, that of Robert A. Dahl.

In a number of publications, Dahl has set out his much-cited set of ‘criteria for a democratic process’ (Dahl 1989; 1998). Dahl defends political equality as the basic principle justifying democracy. In *Democracy and its Critics* (DC) he offers his fullest defence of his ‘strong principle of equality’:

> If the good or interests of everyone should be weighed equally, and if each adult person is in general the best judge of his own good or interests, then every adult member of an association is sufficiently well qualified, taken all around, to participate in making binding collective decisions that affect his or her good or interests, that is, to be a full citizen of the demos. More specifically, when binding decisions are made, the claims of each citizen as to the laws, rules, policies, etc., to be adopted must be counted as valid and equally valid (Dahl 1989: 105).

Dahl's five criteria spring from this strong principle; they are ‘criteria that a process for governing an association would have to meet in order to satisfy the requirement that all the members are equally entitled to participate in the association's decisions about its policies' (Dahl 1998: 37). The five criteria are: effective participation; voting equality; enlightened understanding; control of the agenda; and inclusion of adults (Dahl 1998: 37-8).
Note, first – ‘decisions about its policies’ [my emphasis]. A government's ‘policy’ might express the totality of its electoral or other commitments - its ‘policy’ is a collection of all its ‘policies’. But in the plural the term can only reasonably be taken to mean views on discrete or separate issues. Dahl implies that separate, discrete and formal endorsement of separate, discrete policies proposed is a fundamental requirement of the democratic process, and in its turn of the principle of political equality. This point is underlined further with his comments on his fourth criterion – ‘control of the agenda’. In DC, Dahl elucidates this criterion by saying that ‘The demos must have the exclusive opportunity to decide how matters are to be placed on the agenda of matters that are to be decided by means of the democratic process’ (1989: 113). This, he says, requires ‘final control' or ‘final say' by the demos on the shape of the political agenda. This formulation makes it reasonable in some circumstances for the demos to formally cede control over the matters to be decided - ‘As long as the demos could effectively retrieve any matter for decision by itself, the criterion would be met' (1989: 113). The formulation in On Democracy (OD) is stronger. There, ‘The members must have the exclusive opportunity to decide how, and, if they choose, what matters are to be placed on the agenda' [my italics] (1998: 38); and further, ‘The policies of the association are always open to change by the members, if they so choose' (1998: 38).

Given the logic of the rest of the argument for the criteria, the idea of ‘final' control of the agenda

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2 Dahl is clear on this later, too: 'each [of these criteria] is necessary if the members . . . are to be politically equal in determining the policies of the association' (1998: 38).
3 In OD, the expression is a little ambiguous on this point. Explaining 'effective participation' and 'voting equality' there, Dahl refers to 'a policy' and 'policy' respectively. This might just be stretched to mean the (overall) policy of a would-be government. But the fact that Dahl does mean individual, discrete policies is underlined by the elaboration of these criteria in DC. There, under 'effective participation', Dahl writes of 'binding decisions'; and under 'voting equality at the decisive stage', he also refers to 'collective decisions' in the plural (Dahl 1989: 109).
cannot rightly be interpreted as meaning that, at any given time with respect to a given issue, the
demos has no right to ‘recall’ an issue; final must mean constant, given the fluidity of the content of
the agenda at any given time. This suggests the importance of recall – of policies or elected
candidates – as a core democratic institution, in principle.

Other elements of Dahl's five criteria underline the general point. According to the fifth criterion,
‘inclusion of adults', ‘All, or at any rate most, adult permanent residents should have the full rights
of citizens that are implied by the first four criteria' (1998: 38). This is telling us that citizens' rights
extend to their having a formal say on the approval of discrete policies; and that their possession of
this formal say is a right, not a privilege, a grant, an occasional practice, or merely an ideal to be
approximated.

Further, in defence of the criteria in general, Dahl states that ‘each is necessary if the members . . .
are to be politically equal in determining the policies of the association. To put it in another way, to
the extent that any of the requirements is violated, the members will not be politically equal' (1998:
38). And of course political equality - incorporating a very strong assumption that people must be
regarded as the best judges of their own interests - is the essential, unavoidable first principle of
democracy (Dahl 1989; Saward 1998).

More could be said on the detail of Dahl's criteria. But enough has been said for some interim
conclusions to be drawn about what democracy ought to mean to us, if Dahl's views are as
compelling as they are often taken to be:
- democratic citizens have a right to a formal, paradigmatic say on discrete policies; this implies the necessity of mechanisms allowing direct registration of citizens' preferences with respect to those policies on a continuous basis; in institutional terms, this implies in turn the necessity of at least some of: (a) direct, face-to-face assemblies of citizens for deliberation and decision, (b) an equivalent to face-to-face assemblies conducted by 'virtual' means, or (c) referendums in which citizens record directly - and decisively - their preferences on issues;

- control of the agenda implies that citizens cannot rest content with voting on issues that are placed on the agenda by influentials (such as a government?) who are better placed to do so. Issues must at least be facilitated from the bottom up as well as from the top down\(^4\). This implies the use of the initiative device as a trigger for (at least some) referendums or direct assemblies. Further, control of the agenda implies that both representatives and constitutional provisions within a democratic association be subject to (respectively) recall and revision requirements.

In short, on this account democracy means direct democracy – certainly the initiative, recall and policy referendums, possibly face-to-face local assemblies (cf Barber 1984). This does not preclude representative mechanisms too - indeed, it requires them. I will not enter into that argument here; sufficient to say that the array of functions required to enable and to protect direct democratic mechanisms will give rise to representative and other indirect institutions, as will the

\(^4\) Dahl (1997: 56) notes that a controlled deliberative forum (in my terms), like a version of Fishkin’s deliberative poll, ‘would not be useful for initiating policy proposals or pushing them to the center of political debate, discussion and public awareness’ (italics added).
free operation of direct democracy over time. The central point for present purposes is that the indirect arises from the needs of the direct, rather than the direct being located in the tight spaces left vacant by the indirect. Dahl’s criteria can only be satisfied by a system in which direct democratic mechanisms loom large. And, recall, the criteria are, in Dahl's terms, necessary conditions for a democratic process.

Real and ideal

Fine, one might say to all this. Dahl's familiar criteria do have quite extraordinarily radical implications for how we ought to understand democracy - in itself. But surely these are ideal criteria; they are not meant to describe real-world democracy? The radical democracy of the criteria is suitable to associations very different, in size at least, from modern nation-states (or beyond them, regional structures like those of the EU). Is this not the way Dahl treats the criteria himself - and with reason?

Dahl suggests that large-scale democracy in the nation-state requires the institutions of polyarchy - the familiar blend of liberal-democratic institutions in existence (to varying degrees, and always

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5 It is worth emphasizing that ‘direct democracy’ does not mean unmediated, constant popular voting on any and all issues, along with the virtual abolition of the state or state-like structures beyond the machinery of implementation. Budge helpfully distinguishes unmediated from mediated forms of direct democracy; on his view, in the latter parties still play a prominent role, and parliaments and elections continue to exist in familiar forms. The major change, on this view, if we move towards direct democracy is that the citizenry gets to vote directly on issues – whether initiated from the bottom up or the top down – in a range of binding referendums (see Budge 1996). Even if we start with ideals rather than adaptations of existing practice, by starting with direct legislation we rapidly deduce the need to foster an array of ‘indirect’ institutions in order to facilitate the operation of the referendums, the initiative, etc. In this sense, any practical advocate of direct democracy has to take on board the need for elected chambers of representatives, and an array of administrative and enabling bodies for it to oversee (Saward 1998). None of this ought to be controversial – direct democracy, like any political system, has to be constituted; consequently, it requires a range of secondary institutions which are necessary to the functioning of its primary mechanisms.
imperfectly realised) in those states we characteristically call ‘democracies’. He makes it clear that, to a reasonable degree, the five criteria are realised by various of the institutions of polyarchy (see Dahl 1989: 222). I suggest, however, that we should not accept the move from the criteria to polyarchy so easily. Why? First, methods. When Dahl arrives at and elucidates the five criteria, he employs deductive theoretical reasoning. He begins with a ‘blank sheet’. In OD, he has a hypothetical constitution-writer for a small association which must reach binding collective decisions on a range of matters. In both DC and OD, he begins with a highly abstract set of conditions defining a political order, then deduces in turn ‘assumptions justifying a democratic political order’ and then the five criteria. The problems arise at the next level of analysis. In essence, Dahl does not do what the logic of his own deductive methodology suggests, namely to consider which institutions that follow from the criteria (I have suggested above key instances of such institutions, as implied in my view by the criteria). In a key passage in DC, Dahl writes:

Inevitably, whenever democratic ideas are applied to the real world, actual democracy falls significantly short of ideal standards. For example, the criteria for the democratic process . . . have never been fully met and probably cannot be. What level of approximation are we to regard as in some sense satisfactory - sufficiently satisfactory, let us say, so that we may reasonably call some actual system a ‘democracy’ (1989: 117)

He then goes on, almost immediately:
. . . an important threshold of democracy has been attained by a significant number of modern countries, as evidenced by a specific set of political institutions which, taken together, distinguishes the political system of these countries from all ‘democracies' and republics prior to the eighteenth century and from all ‘nondemocracies' in the contemporary world. Although these countries are ordinarily said to be ‘democracies', I will refer to their systems . . . as polyarchies (1989:117).

Here, Dahl assumes that the institutional configurations achieved by ‘polyarchies' embody the maximum feasible present-day attainment of the theoretical criteria. But he has done this by missing a critical stage in the analysis as it is set up by his own terms - consideration of that institutional configuration arising from the criteria themselves. As my previous comments suggest, missing this stage in the analysis wrongly prevents us from even considering a range of (feasible, in-existence, even familiar) institutions such as the referendum, the initiative and the recall. The omission is especially troubling given (a) the ‘necessary' character of the criteria, and therefore (b) the need to take very seriously institutions directly implied by the criteria and therefore, on the face of it at least, ‘more democratic' that the limited set of institutions under the name of ‘polyarchy'.

Further, we get no real explanation of why polyarchal institutions constitute that set of institutions which are ‘necessary to the highest feasible attainment of the democratic process in the government of a country' (1989: 222). Dahl writes that there are three ways in which ‘we can reasonably determine what political institutions are necessary for large-scale democracy' (1998: 84). We can
look at what institutions democratising countries actually did adopt; what institutions exist in
countries commonly called ‘democratic'; or conduct a hypothetical experiment concerning what
institutions would be necessary (1998: 84-5). Without further explanation, Dahl writes that
‘Fortunately, all three methods converge on the same set of democratic institutions' (1998: 85).
These are the seven institutions of polyarchy: elected officials, free, fair and frequent elections,
freedom of expression, access to alternative sources of information, associational autonomy, and

Not a single element of the direct democratic institutions implied by Dahl's criteria survive to
become part of his criteria of polyarchy. Democracy is purely indirect; now, officials make all the
decisions, and elections are the key mechanisms. Previously, for example, citizens were envisaged
having a direct say over discrete policies; now, the criteria of 'effective participation' and 'control of
the agenda' are satisfied merely by there being 'elected representatives' (1998: 92). A say on
policies, as a requirement of political equality, tamely becomes an injunction that ‘every citizen
must have an equal and effective opportunity to vote, and all votes must be counted as equal’ (1998:
95).

In my view, if Dahl had actually pursued one of his strategies - to hypothesise over feasible
institutions arising from his own criteria - he would not have restricted himself to the institutions of
polyarchy, but would have considered – as a central part of his task - mechanisms such as
referendums, initiative and recall.
The question of *scale* lies at the heart of the problems in Dahl's analysis. He overlooks forms and mechanisms of direct democracy by assuming wrongly that direct democracy *can only mean* face-to-face, assembly democracy (Cohen 1989:30 makes the same mistake). Direct democracy is discarded because city-states are no more. Note well that this is no accidental overlooking; the imperative of Dahl's historical-empirical approach to polyarchy, and therefore his following of classics up to J.S. Mill which subsume direct democracy under assembly democracy, impels him in that direction:

Once the locus of democracy shifted to the national state, the logic of political equality, now applied to countries enormously greater than the city-state, clearly implied that most legislation would have to be enacted not by the assembled citizens but by their elected representatives (1989: 216)

The only feasible solution, though it is highly imperfect, is for citizens to elect their top officials and hold them more or less accountable through elections by dismissing them, so to speak, in subsequent elections (1998: 93)

The ‘consequences' of scale are too readily assumed rather than argued. Direct democracy need not, of course, be face-to-face democracy; it does not depend upon the capacity of the members of the political unit to gather together in one place to make decisions. The primary modern form of direct democracy is the referendum. The key point about the referendum is that it can be used regardless of the size of the political unit, either in terms of geographical extension or population
size. Received wisdom about institutional feasibility is driving Dahl’s argument, rather than the logic of his own compelling account of the criteria for the democratic process. The result is a fairly tame set of ‘feasible', ‘necessary' institutions of polyarchy - a set that is logically and empirically incomplete.

Now, Dahl does consider various reforms which might extend or deepen democracy in polyarchal systems. The most notable ones are the democratisation of economic enterprises – a long-term Dahl interest - and the idea of the minipopulous. As important as they may be, Dahl casts his reforming net too modestly, catching fish that his own logic leads us to regard as minnows rather than sharks. Why not the initiative, referendum, recall, election of public officials beyond immediate representatives, radical decentralisation, or new forms of group representation? Each of these is (a) a more direct implication of the criteria, and (b) reasonably familiar to us, and so not especially vulnerable to ‘feasibility' objections.6

**Meanwhile the dominant model . . .**

The institutions of direct democracy do not have tables at the democratic theory feast – not at ones hosted by the recently dominant deliberative models at any rate. Some deliberative democrats have downright odd – as opposed to just dismissive - things to say about direct democratic mechanisms.

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6 Further, Dahl provides a variety of reasons for us to adopt the term 'polyarchy' rather than 'democracy' to describe systems with each of the institutions he notes (1989: 218-9). Literary theorists might be more likely to take notice of this renaming. Dahl always insists that polyarchy is a species of democracy. But the very fact of renaming it automatically ‘negates' democracy; we may not have witnessed the death of the author, but these distinctions are open to alternative readings that are not rendered illegitimate simply because they do not match authorial intent. So, polyarchy might have its name not because it is a species of democracy, but because it is not democracy; it is something other. Certainly, some of Dahl's comments suggest this, as when he asks: ‘How then is polyarchy related to democracy' (1989: 221).
Asserting that advocates of deliberative democracy now show more concern for the practical feasibility of the ideal, Bohman writes: ‘. . . deliberative democrats have become increasingly interested in the problems of institutionalisation, of making institutions such as voting and majority rule, representation, courts and constitutional law more deliberative rather than rejecting them for more direct democracy’ (1998:401). Going back a further nine years, Cohen in his seminal paper ‘Deliberation and Democratic Legitimacy’ (1989: 30) is keen to dissociate deliberative from direct democracy: since ‘direct democracy is impossible under modern conditions’, the deliberative ideal must not be damned by association with it. Cohen’s claim is plain wrong - like Dahl he subsumes direct under assembly democracy; Bohman’s is simply odd, on the one hand because virtually no deliberative democrats bother to mention direct democracy, and on the other because it suggests that direct democrats reject (e.g.) majority rule and voting.

A seeming peripheral point, I argue that in fact it is central to illuminating the flaws that at times render ‘the deliberative model of democracy’ hermetic, disengaged, and less than adequate as a would-be theory of democracy. To be democrats, ‘deliberative democrats’ need to be more than deliberative democrats. They need to be direct democrats too – a claim that requires rescuing direct democracy from the fiction of its ‘impossibility’ - not least because the very ideals that motivate their theories and designs can only impel them in that direction.

The burden of this section is to argue that the ‘deliberative model of democracy’ – and indeed deliberation as an institution or as a practice - can only, at best, be a supplementary element within a satisfactorily three-dimensional theory of democracy. Deliberation of many types is democratically
good, but democracy is much more; ‘democratic deliberation’ is fine, ‘deliberative democracy’ dubious. And the vital ‘remainder’ that deliberative theorists tend to leave out is made up of precisely those mechanisms of direct democracy, and others necessary to their effective operation, discussed above.

That deliberative democracy comes in many shapes is an understatement. Theorists and commentators differ over: just how important deliberation is to democratic legitimacy; who should get to do the deliberating; the extent to which certain standards of ‘rationality’ should govern discourses, the collective goal of deliberation (consensus, truth, working agreement?), the individual goal (enlightenment, confidence, empowerment?), the appropriate siting of deliberative fora (courts, parliaments, especially designed citizens’ forums, in political parties, ‘subaltern counterpublics’, social movements, within the state, against the state, within national boundaries, across national boundaries?) – to name but six important dimensions. We are probably beyond the time when anything both blanket and accurate can be said about this wave of theorising, given the diversity involved. Be that as it may, I will move on to one general characterisation to make my point, in the hope that acknowledging that it simplifies much complexity can be forgiven.

A simple dichotomy between circumscribed and uncircumscribed variants of deliberative sites and forums captures with reasonable accuracy the institutional aspirations of various strands of deliberative theory. The circumscribed variants generally involve: an artificially created or

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consciously designed forum, in existence for a specific time period, with a limited and clear agenda of issues to deal with, involving a relatively limited number of people, operating face-to-face in a single geographical space, normally within the state or oriented to enhancing state decision-making capacity, with clear and relatively tight procedures and (explicit or implicit) standards of rationality governing discussion.

The uncircumscribed variants generally involve: a spontaneous or organic group or network arising from shared interests or experiences, in existence for an indeterminate period of time, with a self-generated, fluid and unpredictable set of issues or concerns to deal with, involving an indeterminate number of people to varying degrees and in varying roles (often self-chosen), which may never ‘meet’ and may lead geographically dispersed or virtual existence, generally working within a public sphere outside the formal institutions of the state, with informal and loose procedures and broad rules of conduct and interpretations of ‘deliberation’, both internally and with other groups.

Clearly these are extremes on a crowded continuum that can barely contain just two master dimensions. Nonetheless, citizens juries, consensus conferences (Smith 2000) and deliberative polls (Fishkin 1991; Fishkin and Luskin 2000) are deliberative forums which are clearly enough circumscribed. Uncircumscribed variants, by definition, come in a still greater variety of forms. The whole of a ‘public sphere’ may be involved (Rattila 2000, following Habermas 1996) – as a

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8 See Young (1997) for the view that ‘difference’, as constituted by the complex effects of social structures, can be seen as a positive ‘resource’ for deliberation across such uncircumscribed groups. See also Dryzek (2000) for a discussion of cross-border discursive networks.
‘space’ for deliberation-as-expression – or smaller ‘protected enclaves’, ‘subaltern counterpublics’, or more specifically interest groups or constituted rather than latent identity groups and networks (Benhabib 1996; Dryzek 2000).

In either of these variants, can a deliberative model of democracy be conceived as a self-sufficient model of democracy? The answer is surely no. Circumscribed variants cannot lay any claim to be replacements for existing democratic procedures and institutions – and their proponents do not generally make such claims, though there is ambiguity at the edges here - where for example random sampling can be seen as a more genuinely representative mechanism than elections. To use a quote from Fishkin somewhat out of context: if a circumscribed deliberative forum like a deliberative poll were to be seen as replacements for familiar liberal-democratic institutions, then among other things we would have to accept that ‘everyone can be included if everyone has an equal chance of being part of a representative microcosm’ (Fishkin 1999: 282). But the acceptability of this idea is far from clear-cut – there is a difference between (1) having an opportunity to participate, and (2) having an opportunity to have an opportunity to participate.

In a very different way but with the same ultimate effect, uncircumscribed variants cannot reasonably be seen as potential replacements for familiar liberal-democratic institutions (like elections, voting and parliamentary government). The lack of control⁹ makes these deliberative forums effectively dissolve into the fluid dynamic of a more-or-less open society – a vital ingredient

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⁹ Control by a person or coterie may be exercised over ‘uncircumscribed’ forums; the point is that their force and dynamism as non-state deliberative spheres would likely diminish with attempts to establish persistent and thorough control over their primary concerns and modes of expression.
for a functioning democratic system, but not by any means the sole or even the most important one. The fact that deliberation (or, broadly, expression, action, performance) within and across uncircumscribed forums and spaces may enthuse, inform, enlighten, evoke, create alliances, engage the disaffected, enervate and empower the marginalized - all good things - does not lessen the inevitability of, and the democratic need for, the enduring and institutionalised formal, structural elements of a constituted democratic polity. It may well modify the concerns, perceived legitimacy, responsiveness and so on of the state – and in those senses be crucial to the vitality of democracy. The virtues of uncircumscribed deliberative forums are the same factors that render it radically incomplete as an alternative conception of democracy as such.

A ‘deliberative model of democracy' cannot be derived from this variant - though maybe something much less can, like a broad deliberative orientation to the conduct of agenda-setting and policy debate; it amounts to an effort to foster the deliberative content of everyday politics in more-or-less open societies.10

So, formality – paradigmatic opportunities to make choices that can make a difference, that bind – lies at the heart of democracy – but not necessarily of ‘deliberative democracy’. If the people are to rule, in any reasonable sense (see Lively 1975 for an influential discussion), then more formal, guaranteed, protected and inclusive institutions are required to facilitate it than either circumscribed

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10 Dryzek (2000) begs to differ. Differentiating clearly his ‘discursive’ democracy’ from (statist accommodationist) ‘deliberative democracy’, he argues that a complete conception of ‘democratisation’ at least is feasible without incorporating the state or state-linked or –sponsored bodies. But by – presumably - losing formal votes (for example) in this would-be complete conception, Dryzek loses the (a) means by which basic democratic inclusion can be achieved, and (b) a way of knowing formally – however provisionally – what a democratic community has
or uncircumscribed variants are able to provide. If formality in this sense is at the heart of democracy, open deliberation remains a vital implied condition. The process of implication between democratic formality and democratic deliberation is only weakly mutual; mostly it moves from the former to the latter.

And democratic formality does not just mean elections as the mainstay of the system of institutions we call polyarchy. As I have argued through the work of Dahl, it ought primarily to mean adoption of an array of direct democratic mechanisms on the basis of the meaning of fundamental democratic principles. This need not preclude deliberation; indeed it requires it, as I now move on to argue.

**Deliberation and enlightened understanding**

What role should or can deliberation (of all sorts) play within democracy – and what might the answer tell us about the desirable character of the democracy it supplements? Different deliberative theorists and approaches provide hints, but it is possible to glean a reasonable, common response. Fishkin’s approach to deliberative polls implies a strong respect for the (latent) capacities of ordinary citizens, and ultimately a desire to encourage a more enlightened understanding of politics and political issues. Cohen, Bohman and others stress the importance of preferences being transformed, rather than merely aggregated; and transformed into something reflecting a more enlightened understanding by citizen-deliberators (how else would deliberation add to the democratic legitimacy of decisions, as claimed?). In short, deliberative democrats, in one way or another, express faith in the capacities of ordinary citizens, and concern that these capacities for committed itself to doing.
enlightenment and understanding do not get awoken or challenged sufficiently in liberal democracy as we know it. They also express adherence to ideals of political equality and inclusiveness.

Whatever else they favour, then, deliberative democrats wish to promote enlightened understanding, first for the individual citizen, then for the benefit of the collectivity. While accepting that not all deliberative theories can be squeezed into the template, I would nonetheless argue that ‘enlightened understanding’ captures and combines individual-level (the citizen’s level of awareness, competence and confidence) and system-level (enhanced legitimacy of decisions) aspirations held for deliberation. This is perhaps the key thing that deliberation in democracy is ‘for’.

Enlightened understanding, the key thing that ‘deliberative democrats’ want more of, is a highly desirable and thoroughly insufficient condition for a three-dimensional conception of democracy. But the criteria of democracy also involve agenda-setting, inclusion, voting equality and effective participation. These criteria, and the institutions which embody them, highlight the necessarily formal entrenchment of equality and participation rights. Taking each of these seriously, as a package, provides a strong case for building democratic political structures on direct democratic foundations.

However, deliberative democrats characteristically only want to buy part of the package. Why are deliberative democrats like Cohen and Fishkin so keen to dismiss direct democracy in the form of referendums, initiative and recall? For a start, many (like, apparently, Bohman, as cited above)
assume wrongly that courts, representation and even voting and majority rule are inimical to direct democracy (begging the question: what do they imagine direct democracy is?). Among more thoughtful responses, Fishkin explicitly questions Dahl's criteria, asking about trade-offs among them, suggesting that:

... pursuit of three criteria creates a problem for two others: Voting equality, inclusion of all adults, and control of the agenda seem to produce a significant cost in enlightened understanding and effective participation, at least with respect to those involved in the relevant decisions (Fishkin 1999b: 699)

But surely if deliberative democracy is worth anything, it should show us how the basic nonoptional rights of democracy - voting equality, inclusion, etc. - can be supplemented by deliberative forums fostering enlightened understanding. At that level, the criteria do not represent conflicting choices. However extensive it may be, deliberation can only be democratic if it serves to foster enlightened understanding (and the other democratic criteria) in the context of formal, protected, ultimately aggregative devices. Formal democracy takes formal political rights as its basis. Deliberation is highly desirable to formal democracy’s health. But the fundamentals of democracy may be put into question if deliberation (and enlightened understanding) are bought at the cost of equal inclusion, equal voting rights, and so on11. The democratic route for deliberative democrats is to find ways to

11 It might be objected that the idea of ‘directly-deliberative polyarchy’ advocated by Cohen and Sabel (1997) successfully marries the three elements into a consistent deliberative vision of democracy. Certainly there is much of interest in their argument. Their account underlines the usefulness of promoting deliberation in a way that finds strong middle ground between circumscribed and uncircumscribed variants – by focusing on deliberation in existing and emerging local communities, but formally constituting the debates and discussions so as to provide them with a
enhance deliberation in order to enhance these other elements as well. It is difficult to see, for example, how a formal requirement of equal inclusion could reasonably (democratically) be softened in the name of enlightened understanding - unless by taking the vote away from those whose levels of understanding do not match those deemed suitable from a deliberative angle (see the discussion in Offe 1997. What can justify deliberative practices if they are not as supplements of, as opposed to substitutes for, popular power?

Some objections

I have argued that both major variants of deliberative democracy should not be seen as more than (important) supplements to formal democracy. Formal democracy is best seen as democracy built upon direct democratic foundations. Through their belief in the capacities of citizens and the importance of enlightened understanding to the individual and to the collectivity, deliberative democrats ought to embrace the other elements of their creed, and advocate the widespread adoption of the institutions of direct democracy. The advocacy of direct democracy is often seen as genuine role in real-world problem-solving. The ways in which the roles of traditional liberal-democratic institutions would need to adapt to facilitating decision-making by and among local communities displays an impressive grasp of the implications for political systems as a whole in the effort to foster deliberative decision-making. However, as in Cohen’s earlier work, direct democratic mechanisms are ruled out of their directly-deliberative polyarchy by accepting a common misunderstanding. Cohen and Sabel explicitly contrast ‘directly-deliberative’ with ‘representative-aggregative’ conceptions (1997: 317). Further, the problem of size gets in the way of instituting (what for them is) direct democracy – ‘assembly democracy’ (1997: 317).

Direct democracy is more than just decentralisation or participation – just doing it locally does not mean it is direct democracy. Formal direct democracy involves aggregation – uncoupling Cohen and Sabel’s false oppositions. This in turn means – or so I have argued - extensive use of the referendum and related devices. And if ‘polyarchy’ is to be employed, it is as well to delve at least partially into the supposed roots of the idea in Dahl’s account, as I have attempted to do briefly above. In short, Cohen and Sabel’s account offers a vision that is interesting and provocative, but in its present form it lacks the depth of democratic character they want it to have by not taking on board sufficiently the baggage that comes with the ‘direct’ part of their equation.
beyond the pale among democratic theorists. Accordingly this concluding section will consider very briefly some criticisms of the argument I have offered.

First, consider the view that there can be no such thing as a social choice independent of the mechanism designed to produce it. Among other things, this Arrovian dilemma would appear to kill of any coherent notion of majority rule. Certainly an aggregative notion of direct democracy via referendums must be especially vulnerable?

The answer is no, it is not especially or uniquely vulnerable. For a start, the same it true in general terms of deliberative forums – how you set up the forum is not a neutral matter, it will be done in particular ways and tend as a consequence to produce particular sorts of outcomes. [Of course there will always be parameters defining democratically or deliberatively acceptable variants]. Perhaps more crucially in this context, direct voting is no more vulnerable to this criticism than voting for representatives. Even in Riker’s account where in the light of the social choice critique voting is reduced to replacing tyrannical leaders, the problem does not go away – the options may still be in a cycle for example (see discussion in Budge 1996).

Many observers fear that significant inequalities in agenda-setting represent a distinctive problem and challenge for direct democracy. Often firms and other organizations with access to big money and other organisational resources are able to manipulate agendas and outcomes in those US states which have initiatives and referendums (see discussion in Cronin 1989, for example); the issue has also been raised for the other major exponent of direct democracy, Switzerland (Parkinson 2000). The concern that agendas and outcomes for direct popular votes
may not be ‘genuine’ is closely allied to this question.

My response to this concern is to note that, again, this is hardly a problem for direct democracy alone. Representative elections and processes can and regularly are likewise subject to undue influence by powerful private and semi-public power. Further, this is not so much a weakness of devices like the referendum and the initiative, but rather of the laws and conditions which attend them. For example, if the problem is campaign finance and manipulation of signature drives for the initiative, then campaign finance reform is the issue, not the adequacy of the direct democratic mechanisms.

Note too that direct democratic mechanisms do not come in ‘one size fits all’ format. They are subtle, malleable devices that can be trimmed to fit specific local needs and circumstances. Democrats, for instance, can within limits accept that there are degrees of popular power; there can within limits be trade-offs within the mix of direct mechanisms used, the frequency with which they are used, the ways in which they might be linked to formal and informal deliberative forums, and so on. The only thing that is democratically beyond the pale is their common dismissal out of court.

One might be concerned that under a regime that is built around mechanisms of direct democracy, basic individual rights would be placed under threat of majority tyranny. Or, putting the point another way, that the balance would be tilted too far to plebiscitary democracy and too far away from constitutional constraint. As common as it has been, there is little logic to this
concern. A regime built around direct democracy has to be built, constituted, in order to have a continuous existence. In being constituted it will have a constitution, a system of rules and rights which, following the democratic logic of self-binding (Elster 1988), will be beyond the reach of majorities. In both the US and Switzerland courts with constitutional authority can and do strike down unconstitutional provisions passed by referendum. No consistent direct democrat will say that this is wrong, democratically speaking, in general terms. Vigilance is vital, of course, and there are for example ongoing and detailed debates in the US as to whether direct democratic devices in the states can be discriminatory (Baker 1992).

Perhaps the most common charge made against direct democracy is the ignorance of voters - they do not know often basic facts, they make basic mistakes, can’t calculate risks accurately, and so on. One point to be made here is the obvious one: if people cannot be trusted to make their choices directly, why trust them to make appropriate choices when electing parties and candidates? Further, if we doubt their capacities so much, why do basic constitutional questions – often the most important decisions to be made in a polity – tend to be entrusted to the people in referendums? If democracy is to have value at all, then a certain faith needs to be placed in the people. They will make mistakes – we must be aware of the criteria used to make that charge – and sometimes those mistakes will involve violation of provisions of democratic constitutions and will therefore normally not be implemented. The democratic response to concerns about voter ignorance ought to be voter education through, among many other things, deliberative forums and opportunities.
We can also respond to this concern by reiterating the point that direct democracy, like representative, comes in various shapes and forms. Some forms constrain outcomes more than others, for example by building in extra stages in procedures (see Budge 1996; Barber 1984). There can be trade-offs within models of direct democracy, as well as between a given direct model and a given representative model. Referendum procedures can, for example, be structured in such a way that several stages, some of which may involve voting and others circumscribed deliberation, must be passed before a provision is constitutionally passed.

A further concern is that under a regime of direct democracy there is a constant problem of ‘expressive behaviour’ by voters. Voters will be tempted, if they can vote on issues, to ‘express’ in their vote an image of themselves to themselves or to others who matter to them. In this way, they may not be taking on real responsibility that having a real vote carries – would they be prepared to bear their share of the costs and consequences of their vote?. How do you get ordinary people to exercise power responsibly? This is an interesting point. Secret ballots were designed in part to get around it. Deliberation of certain sorts may ‘draw the sting’ of expressive interests prior to votes? Or, again, no direct system is so direct that there are no democratic procedural constraints further down the line. But expressive votes, rather than votes in the perceived common interest, are a concern to democracy generally, and again do not damn especially direct democratic mechanisms.
References


Lively, J. (1975), Democracy (Oxford: Blackwell)


