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Participatory Democracy versus Deliberative Democracy: Elements for a Possible Theoretical Genealogy. Two Histories, Some Intersections.

Abstract

This paper aims to contribute to the critical and historical reconstruction of two different paradigms of democracy. First, I briefly analyze the origins and certain theoretical features of "participatory democracy" as developed by some authors of the 1960s and 1970s, in particular Carole Pateman and C.M. MacPherson. After this introduction, I discuss the evolution of these models, with reference especially to authors such as Benjamin Barber and Jane Mansbridge, reviewing the reasons for the failures and crisis of the participatory practices of the 1960s and early 1970s.

While these experiments and the relevant theoretical model were waning, another history began: within the debates on the interpretation of American Democracy and the Constitution, some scholars introduced the term "deliberative democracy". Usually, the first use of this expression is attributed to an essay by Joseph Bessette (1980), but the most influential use of the term is perhaps owed to an essay by Cass R. Sunstein, a famous scholar of the American Constitution (1985).

Later, other scholars (Jon Elster, Bernard Manin, Joshua Cohen) set the first theoretical boundaries of the new paradigm and decisively contributed to the elaboration of a more complete theoretical account of the new perspective.

The final part of the paper analyzes the original, critical "borders" of the new idea of deliberative democracy and underscores the sharp differences that distinguishes it from the previous (and current) concept of participatory democracy.

Summary

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1. "Participatory Democracy" and "Deliberative Democracy": some introductory definitions

This work is part of a broader ongoing research that has a twofold aim. On one hand, it seeks to comprehend the nature of two notions, "participatory democracy" and "deliberative democracy", starting with their theoretical genealogy, their first formulations, the reasons that supported their elaboration, and the conceptual (but also historical and political) network that may be identified at the roots of their genesis, expressions and developments. On the other hand, besides the need for a critical and historical reconstruction, this work derives also from the necessity to contribute to a current theoretical debate, which also has a strictly political dimension: the debate on the two notions of "democracy", or rather two "adjectives" ("participatory" and "deliberative") that are frequently attributed to democracy today but often left in a condition of indeterminacy, confusion and overlap.

The aims we propose here do not allow for a thorough definition of these two "models of democracy", or even only a complete critical review of the impressive literature on the subject. We will instead limit our inquiry in this respect to an examination of some theoretical contributions and conceptual interlacing that traced the first boundaries of deliberative democracy, in the 1980s.

Still, some preliminary definitions are necessary. As regards deliberative democracy, we have discussed elsewhere (Floridia, 2013) its more recent developments; the current has undergone and is undergoing a great expansion, such that now it can be more properly defined as a theoretical field, within which various different approaches and practices coexist and reciprocally interact (Steiner, 2012; Mansbridge-Parkinson, 2012; Mansbridge et. al., 2010; Mansbridge et al., 2012; Dryzek, 2010). Despite this increasing internal differentiation, it is however possible to identify an adequate, if "minimal", unitary definition that captures the specific features of this conception of democracy. The crucial issue is the contraposition between, on one hand, an "aggregative" model of democracy and on the other, a "transformative", "discursive" one - between the idea that individuals' preferences can only be "counted", assumed as "data", and the idea that individuals' opinions and judgements are not "exogenous" data, but can form and transform themselves in the course of a deliberative process or procedure. This yields the idea that a decision-making procedure may be defined deliberative in so far as it is founded on the exchange of reasons and arguments and democratic in so far as it is inclusive (i.e. involves all those who are affected by a public issue and have "a say" in it).¹

¹ We refer here to the definition of deliberative democracy proposed by Jon Elster in his introduction to one of the first, and most influential, anthology of essays on the subject (Elster, 1998, p. 8). Yet, we must note that Elster himself presented this definition as "somewhat rough", although able, nevertheless, to "capture the intersection" of the various positions possible.

A democratic deliberative procedure is based on public debate and reciprocal reason-giving, and may aim to attain a rational consensus or a shared solution, or at producing better decisions; but it may also be limited to circumscribing the reasons for a disagreement or a conflict, so as to render them more productive by identifying possible areas of equilibrium or compromise (indeed, it is on this point - the possible ends of a deliberation - that the theoretical field of deliberative democracy was and is differentiating internally). Inspired by this normative model, i.e. by the definition of an ideal deliberative procedure, a vast range of participatory models (or even only deliberative methods and techniques) have been elaborated and proposed. There are, therefore, forms and types of participation which have a deliberative inspiration, within which a more or less deliberative dimension or quality may be operating; but not all forms of deliberation are "participative"; and not all forms of participation are "deliberative".

"Participatory democracy" has a different history, and a different - perhaps also a more vague - meaning: indeed, this term includes a great variety of processes and normative models of diverse nature and structure. If we wish to trace its origins, we should go back in the time to the United States of the 1960s and 1970s: this was when the idea of participatory democracy originated and developed, inspired by the great youth movements of that decade. As Jane Mansbridge will later note, the term "participatory democracy"

"came into widespread use after 1962, when SDS [Students for a Democratic Society] gave it a central place in its founding Port Huron Statement. What the term meant then was unclear, and it became less clear afterward, as it was applied to virtually every form of organization that brought more people into the decision-making process. In the actual organizations of the New Left, however, the term came to be associated quite quickly with the combination of equality, consensus and face-to-face assembly" (Mansbridge, 1983, p. 376, note 1).

Mansbridge refers to the first meeting (held at Port Huron, Wisconsin, on June 11-15) of the most important and entrenched youth organization of the American New Left, which, as its homonymous German SDS, was to dissolve in 1969. The American SDS was a protagonist of the great movement against the war escalation in Vietnam. The Port Huron Statement deserves to be recalled because it presents some conceptual models that will recur and even be theoretically re-elaborated in subsequent years.²

Those who have a certain familiarity with the texts that propose a participatory view of democracy may recognise the words of the Port Huron Statement as evoking a set of topics that have represented a sort of conceptual "underlying story" within the participative discourses and practices developed in Western democracies, from those years until the 1970s.

The Port Huron Statement introduces the term "participatory democracy" ("[i]n a participatory democracy, political life would be based on several root principles...") and presents some fundamental theoretical schemes; these are to be read as being closely connected and logically consequent from one another:

² On the "*Histoire et Genéalogie*" of the "*Démocratie participative*", see Bacqué-Sintomer (2011)

- an image of Man as optimistic on the potential of human self-development; rejection of the notion that individuals are intrinsically “incompetent” and unable to govern their common life or to deal with the issues affecting their lives with a view to the long term³;
- an ideal of individual self-determination, autonomy and independence and, at the same time, an ideal of fraternity as the dominant form of social relationships: “This kind of independence does not mean egoistic individualism: the object is not to have one’s way so much as it is to have a way that is one’s own”, is the key-phrase in this respect⁴;
- the idea that decision-making processes, on issues having social implications and consequences, must be conducted in public and participative ways⁵.

These themes will all be re-elaborated in various ways, from a theoretical point of view, by several authors; however, according to Jane Mansbridge (ib.), the work that first introduced the term “participatory democracy” into scholarly vernacular appears to be an article by Arnold S. Kaufman (Human Nature and Participatory Democracy), published in 1960 in one of the first volumes of the NOMOS series, edited by Carl J. Friedrich, on the topic of “responsibility”⁶.

³ “We regard men as infinitely precious and possessed of unfulfilled capacities for reason, freedom, and love. In affirming these principles we are aware of countering perhaps the dominant conceptions of man in the twentieth century: that he is a thing to be manipulated, and that he is inherently incapable of directing his own affairs.[...] we see little reason why men cannot meet with increasing skill the complexities and responsibilities of their situation, if society is organized not for minority, but for majority, participation in decision-making. Men have unrealized potential for self-cultivation, self-direction, self-understanding, and creativity. It is this potential that we regard as crucial and to which we appeal, not to the human potentiality for violence, unreason, and submission to authority”

⁴ With these words, “the authors wish to distinguish between the attainment of a preferred outcome and the condition that surrounds the process of attainment. Specifically this condition is characterized by independence (or autonomy)” (Keim, 1975, p. 14).

⁵ “As a social system we seek the establishment of a democracy of individual participation, governed by two central aims: that the individual share in those social decisions determining the quality and direction of his life; that society be organized to encourage independence in men and provide the media for their common participation.

- that decision-making of basic social consequences be carried on by public groupings;
- that politics be seen positively, as the art of collectively creating an acceptable pattern of social relations;
- that politics has the function of bringing people out of isolation and into community, thus being a necessary, though not sufficient, means of finding meaning in personal life;
- that the political order should serve to clarify problems in a way instrumental to their solution; it should provide outlets for the expression of personal grievance and aspiration; opposing views should be organized so as to illuminate choices and facilitate the attainment of goals; channels should be commonly available to related men to knowledge and to power so that private problems,- from bad recreation facilities to personal alienation--, are formulated as general issues”.

⁶ NOMOS III, New York, Liberal Art Press, 1960, pp. 266-289. Kaufman’s article will later be reprinted and expanded with a comment (“Participatory Democracy: Ten Years Later”), in a volume edited by William E. Connolly (The Bias of Pluralism, 1969, New York, Atherton Press), that developed a strongly critical line against the pluralistic school and also included some essays by authors such as Peter Bachrach and Morton

It is from the works of Carole Pateman (*Participation and Democratic Theory*, 1970) and C.B. MacPherson's (*The Life and Times of Liberal Democracy*, 1977) that the expression "participatory democracy" will acquire greater renown; but a critical-historical reconstruction of the current's theoretical roots should also consider other works (such as Peter Bachrach's *The Theory of the Democratic Elitism. A critique*, 1967)⁷ or other episodes, such as the lively discussion, published on the *American Political Science Review* in 1966, between a young scholar of Michigan University, Jack L. Walker, and one of the "fathers" of American political science, Robert Dahl, on - once again - "the critique of the elitist theory of democracy". A reflection on the theoretical model of participatory democracy should also consider another short essay, written by Sherry R. Arnstein (*A ladder of citizen participation*, 1969), which has had long-standing influence in the diffusion of schemes and approaches concerning, in particular, the understanding of the notion of empowerment of participative processes. However, in this paper we must limit ourselves to stressing the historical roots and the "militant" genealogy of ideas which will later have a large following and, at the same time, noting how these ideas intersect with a high-level theoretical debate.

Among the characterizing features of this theoretical model there is also a radical rejection of representation, or at any rate a firm contraposition between participation and representation (although some authors argue that their coexistence - but not integration - is possible). With hindsight, it is now possible to comprehend that the basis for this rejection was a reductive view of representation as delegation. The emphasis was therefore on the perverse effects of representation: the atrophy of individuals' political capacities, incentives to apathy and passivity. As an antidote, participatory democracy extolled the virtues of an active citizenry, that could and should be educated and fostered with direct forms of empowerment, with an (even partial) exercise of direct responsibility, autonomy, self-government, and self-determination. This political culture inspired not only the movements of the 1960s, but also the subsequent attempts at translating those principles to the institutional level through a process of "democratization" of all spheres of social life (ranging from the family to schooling and the workplace). These projects often failed or were defeated; but they left deep traces in the general culture and behaviors - especially in the feminist theories on the authoritarian structure of the family - and bequeathed a heritage of ideas and values that have worked "behind the scenes" and continued to influence contemporary democratic thought.

S. Baratz, Theodore Lowi, and Brian Barry. Kaufman, who was born in 1927 and died in an airplane accident in 1971, was a professor of Political Philosophy, first at Michigan University (where he was among the most active teachers in contesting the Vietnam War and among the protagonists of the first, famous teach-in held in that university in 1965), and, then, from 1969, at UCLA, where he intervened directly in defence of Angela Davis' controversial appointment (see <http://texts.cdlib.org/view?docId=hb6h4nb3q7&brand=calisphere>).

⁷ Bachrach and Baratz, in that period, wrote also two other important essays (1962 and 1963)

This political and theoretical approach waned around the mid-1970s, and was then eclipsed by the onslaught of the conservative revolution of the 1980s. As may be known, the term “participatory democracy” made a comeback especially with the New Global movements of the late 1990s and early 2000s, also thanks to the renown of certain innovative experiments such as the Participatory Budget of Porto Alegre. This revival of calls for a “participatory democracy” arose in the wake of the new movements criticizing globalization, but re-proposed certain aspects of the original conception. In particular, a local and communitarian view of democracy re-emerged: against the logic of a “single thought”, it was necessary to activate a “bottom-up” social protagonism, and “participatory democracy” was considered the tool through which a new, critical and antagonistic, subjectivity could be built. Thus, the idea of the empowerment of local societies returned to the foreground; as did the idea that local communities are capable of ruling themselves with “direct” forms of democracy and thus seek to regain control of their own future.

“Participation” is clearly a term that can encompass a broad range of phenomena: it may be distinguished according to the sphere in which it is expressed (political, social, economic, etc.) or according to the forms it can take. Ideally, we may place these forms along a continuum with, at one end, all the forms of conflictual and antagonistic social practices and, at the other, all the forms of social cooperation or self-organization of civil society through which individuals govern their lives together and deal with common problems in a brotherly and communal way. Between these two poles, there may be a richly varied set of possible types of participation: protests, complaints, advocacy, claims, etc.; of course, there may also be, to varying degrees, several hybrids and overlaps. Furthermore, within these forms and expressions there may also be, to varying degrees, a deliberative dimension, in the sense explained above.

Yet, discourses on participatory democracy clearly do not evoke only these varied incarnations of citizen participation, but also a properly political and decisional dimension: in other words, it is considered that participation enables a specific form of political decision-making to be shaped and practiced. It is on this point that substantial differences in theoretical perspectives emerge, in relation to the notion of “deliberative democracy”. These two terms cannot be equated: “participatory democracy” is founded on the direct action of citizens who exercise some power and decide issues affecting their lives; “deliberative democracy”, instead, is founded on argumentative exchanges, reciprocal reason-giving, and on the public debate which precedes decisions. “Deliberative democracy” sees deliberation as a step or a phase of a dialogic and discursive process for reaching decisions, which legitimate democratic institutions, and only these, must and can take. Surely, any “private” association, or any group of individuals, may make decisions through deliberative procedures; but when we enter the sphere of political decisions, deliberative procedures may be only a phase or an element within a process which is itself legitimate only on the basis of institutional democratic procedures. Here, the crucial issue

is that discussed by Habermas, i.e. the twofold source of legitimacy upon which a democratic decision may be founded: first, a discursive and deliberative legitimacy, produced in the public sphere; second, the institutional legitimacy deriving from the rule of law within a democratic State and its constitutional foundations. This twofold source may also lead to a tension between these two levels. It is here that we may find the deeper meaning of Habermas' "two-track model" (often, presented in a rather trivial way, as if it were a mere description of a normal distinction between the public and institutional spheres).

So, to deliberate traditionally means to ponder the pros and the cons of a possible solution to a collective problem: a process of discursive formation and transformation of political opinions and judgements, which is evidently the opposite of any immediate conception of democracy: precisely, those conceptions which may be defined as "direct" and "participative", but also those views and variants deriving from the refusal of mediation: a "plebiscitary" view, an "organicistic" logic, or even a "technocratic" perspective, there where it is considered that there is no space for a dialogue-based choice and only constrained, technically "true" decisions are possible.

This tension between participation and deliberation is very much alive in contemporary scholarship, particularly in the (many) countries that are focusing on enhancing deliberative and/or participative procedures in public policy decision-making. It is precisely the increasing diffusion of these new, participative models and techniques that makes it necessary, and indeed urges, a renewed theoretical reflection on the paradigms through which to read and evaluate the relationship between politics, public policies and participation. Beyond the appearances, the divergences within this field are often considerable and ought to be fully examined. In particular, we argue that these different approaches are precisely the consequence of a deeper theoretical divergence on the significance to be ascribed to the relation between participation and decision. We hold that the point of view from which the diverse notions of "participatory" and "deliberative" democracy are best perceived is that of the different answers given to a precise question: can or must participative and/or deliberative processes have, or not, some "decisional power"? In what sense do or can such processes exercise some "power"?

To try and answer these questions, we consider it necessary to "return to the origins" and seek to comprehend the theoretical roots of both "participatory democracy" and "deliberative democracy": our thesis is that we are dealing with two different histories, which originated in different times on the basis of deeply different motivations. We therefore consider that no logical and/or chronological succession linking these two models may be found; however, we also believe that, at a certain point, some intersections emerge: some partial overlap that, however, does not allow the divergent trajectories of the notions' developments to be overcome. For these very reasons, showing the theoretical structure of these two models may be useful in both highlighting the different perspectives and enabling a more fertile dialogue.

In this paper, we will relate only one chapter of this history, leaving a more detailed reconstruction of the origins of “participatory democracy” in the 1960s and 1970s for another occasion; here, we will discuss only the emergence of the new theoretical paradigm of “deliberative democracy” in the early 1980s. In Section 2, our reconstruction will begin with the “transitional phase” that can be traced in some texts that go “beyond participatory democracy”, that is to say the works of Jane Mansbridge (*Beyond Adversary Democracy*, 1980) and Benjamin Barber (*Strong Democracy*, 1984). These works entailed an approach which, in many aspects, was still within the discussion on “participatory democracy”, but at the same time introduced many novelties, thus opening paths to a successive stage. These (and Mansbridge’s work in particular) are the first texts to have indicated some possible bridges to a deliberative view, although not expressly.

In Section 3, we will analyze another history, one that developed independently from the previous one, and that from the early 1980s led to the first intuitions and then elaborations of a new theoretical paradigm: “deliberative democracy”. Specifically, we will first analyze an essay by Joseph Bessette (*Deliberative Democracy: The Majority Principle in Republican Government*, 1980), which is today unanimously considered the text that first introduced this term into scholarly jargon; next, we will examine some works of the constitutional scholar Cass R. Sunstein, which are today less cited from this perspective but which we think are rich of suggestions for the subsequent and more complete elaborations of the deliberative theory. At a first glance, both Bessette’s and Sunstein’s works appear to be located in a very different context from that of the forthcoming deliberative field: they are texts which deal with the divergent interpretations of the conception of democracy inherent in the design of the American Constitution, in the midst of a debate that was, at the time, very lively and that was also fostered by the Constitution’s imminent bi-centenary.

Our reconstruction of the theoretical genealogy of the new paradigm will stop here, but we will briefly mention its successive stages: in the second half of the 1980s, further fundamental contributions were published; these began to set the theoretical boundaries of the deliberative conception of democracy, but also display its first internal tensions. We refer to certain works by Jon Elster (*Sour Grapes*, 1983; *The Market and the Forum: Three Varieties of Political Theory*, 1986) and to an essay by Bernard Manin (“On Legitimacy and Political Deliberation” (1985-1987). It is later, with an essay by Joshua Cohen (*Deliberation and Democratic Legitimacy*, 1989), that we can consider this first phase of “deliberative democracy” to be complete - as some scholars have recently stressed (Mansbridge et al., 2012), this phase was marked by positing “ideal proceduralism” as a foundation for democratic legitimacy. Immediately after, in 1991, James Fishkin’s *Democracy and Deliberation* was published. His *New Directions for Democratic Reforms* will open another decisive line of development for deliberative democracy, which will focus on the topic of deliberation as process for forming informed and reflective

opinions, and on the correlated topic of the methods and places able to create the best conditions for sound deliberation (beginning from the proposal formulated by Fishkin in this work, the deliberative poll).

On the background, but only on the background, during this first period, two central figures of the political philosophy of our times stand out: John Rawls and Jürgen Habermas. In different forms, all the scholars referred to above draw on Rawls and Habermas (Cohen more directly so, as he can be considered Rawls' student); however, they draw on the works produced by the two philosophers until that moment: *A Theory of Justice* (1971), obviously, for Rawls⁸; and, for Habermas, a series of his works of the 1970s that culminated in the *Theory of Communicative Action* (1981). In reconstructing a history of ideas, dates are significant. The history of "deliberative democracy" shows in this respect a peculiar reversal of perspectives: the authors, usually considered the "inspiring fathers" of this new vision of democracy, certainly offer some essential points of reference to those who attempted to elaborate its contents, but are themselves to decisively reinforce its philosophical foundations only after the term "deliberative democracy" fully entered the theoretical debate, through their works of the early 1990s: Rawls's *Political Liberalism* (1993) and Habermas's *Between Facts and Norms* (1992). In a certain sense, the circle now closes: from that moment "deliberative democracy" can be properly considered as a theoretical paradigm, both critical and normative, that acts powerfully on contemporary democratic thought and produces an impressive growth of contributions and enrichments, but thus also opens the way to a new phase - one in which, besides the elaboration of the theoretical model, there is also a proliferation of experiences and practices inspired by it. Models of political theory are never merely wandering ideas in the conceptual empyrean: they are ideas that become practice and inspire behaviors, which in turn foster and test the concepts through which they are experienced and interpreted. All this happened, and is happening, for deliberative democracy too.

We believe that this discussion yields the crucial point that a deliberative theory of democracy (rather than simply "deliberative democracy", a term which, by itself, risks fostering misunderstandings) must face. This is precisely the matter mentioned above, which may take different yet - in our view - convergent forms: the link between participation and decision, between deliberation and decision; and - above all - the greater or lesser immediacy or non-immediacy of these relations; and the connection (whether convergent and/or conflictual) between a democratic legitimacy of decisions, deriving from public and inclusive deliberation, and a democratic legitimacy based upon institutional procedures proper to a constitutional state.

⁸ For Cohen, see also Rawls's Tanner Lecture, "The Basic Liberties and Their Priority", given in 1982, then reprinted and broadly reviewed as Lecture n° 8 in *Political Liberalism* (1993).

2. "Beyond Participatory Democracy": the contributions of Barber and Mansbridge

The social and political practices that inspired the theoretical model of "participatory democracy", as elaborated between the 1960s and 1970s, rapidly declined with the onslaught of the conservative revolution of the following decade. However, there were still attempts at theoretical elaboration that sought to build a democratic theory capable of contrasting the dominant paradigms: Schumpeter and Downs' elitist-competitive vision of democracy, and the vision of the pluralistic school. This response will find its strongest and most convincing interpretation in the emerging deliberative conception of democracy; yet, we can also find a "transitional phase" during which there is no mention of deliberative democracy, but there have been attempts at elaborating a new perspective, although these are still rooted in earlier reflections on participatory democracy; however, the new studies were more fully aware of the limitations (and defeats) of the latter notion.

We wish to consider two works in particular, to highlight this crucial theoretical and historical moment: Benjamin Barber's *Strong Democracy*, published in 1984 and Jane Mansbridge's *Beyond Adversary Democracy*, published in 1980 and 1983.

2.1 Benjamin Barber: searching for "a strong democracy"

Although Barber's book (1984) was published after Mansbridge's work, it still appears to be more directly connected to an attempt to recover the basic points of the participatory model, by constructing a more solid theoretical foundation. From a philosophical point of view, the roots are especially "pragmatist", with frequent references to William James, Peirce, and Dewey⁹; in comparison to C.B. MacPherson, contraposition to the liberal tradition is much stronger¹⁰. However, attention must be drawn to how Barber avoids openly theorizing a form of

⁹ "Democratic politics is a form of human relations, and does not answer to the requirements of truth. My task in this book has been to try to find an approach to democracy suitable to human relations rather than to truth. I have been much helped by the tradition of American pragmatism" (ib, p. xii). Barber reserves much space to the critique of the liberal paradigm's frames, particularly to the preconceptual and epistemological ones, and their cognitivist and rationalist character (ib, pp. 59-60): "Politics do not rest on justice and freedom; it is what makes them possible. The object of democracy is not to apply independently grounded abstractions to concrete situations, but rather to extrapolate working abstractions from concrete situations. In a word, politics is not the application of Truth to the problem of human relations but the application of human relations to the problem of truth. Justice then appears as an approximation of principle in a world of action where absolute principles are irrelevant" (ib., pp. 64-5)

¹⁰ If Pateman's work proposed a vision of participatory democracy that could critique the power structures of a capitalist society, and therefore could combine with a radical, or even socialist, political inspiration, MacPherson's later work assumed a model of participatory democracy that was openly defined as "a liberal democracy model" (1980, p. 177). At the basis of this theoretical operation, there was the idea of possibility, and desirability, of a radical split between liberal democracy and capitalistic development: in this split, there was a possible foundation for a different future of democracy, and the possibility that "the same, basic ethical principle of liberalism, could be fully realized, that is the individual freedom to realize the properly human capacity of self-development" (1980, p. 2). Only by overcoming capitalism, could the liberal principle of individual autonomy fully unfold.

participatory democracy as a fully defined democratic system, opposed to liberal or representative democracy. The very expression "participatory democracy" was no longer used: Barber preferred to present his own vision of democracy as "politics in the participatory mode". Still, the fact that the very definition of this participative model, or mode, was entirely based on the contraposition of two rather generic adjectives, between a strong and a thin version of democracy, indicates the difficulties of this theoretical strategy. And although in Barber's text the critique to the liberal paradigm (surely the broader and better-argued part of his book) was strong, well-motivated and radical, it seems that an alternative paradigm can emerge only by means of a "negative" definition, as a critique to the inadequacies and limitations, or progressive exhaustion, of the former. A paradigm that cannot be defined other than "strong", in comparison to all that is "thin".

In both theoretical and political terms, the major qualifying point in Barber's position is his radical critique of representation, a critique inspired by Rousseau's classic claims. According to Barber, the mechanisms of "delegation" intrinsic to the forms of political representation created to respond to the need for democracy's "feasibility" in the modern conditions of a large national state, have resulted in a profound debilitation of the ideals of democracy: today, representative democracy guarantees efficiency and accountability, but at the cost of a reduction or even avoidance of the role that participation and active citizenship should play. To reduce the role of citizens, as Schumpeter and then Downs theorized, to that of voters, who limit themselves to a periodical evaluation of governors' performance, entails a dramatic impoverishment of democracy.

While according to MacPherson participatory democracy could posit itself as a fulfilment of the ideal premises and normative assumptions of liberalism (the ideal of a free and autonomous citizen), thus severing its development from the logic of a capitalistic society, Barber instead believes that precisely the ties between democracy and liberal theory must be broken: "liberalism serves democracy badly if it all; and the survival of democracy therefore depends on finding for it institutional forms that loosen its connection with liberal theory" (Barber, 1984, p. xiv). But it this is precisely the stumbling block that these conceptions of democracy had to face: while Pateman tried (a little "hopelessly", we might say with hindsight...) to find a solution in cooperative, associative or self-management practices; and MacPherson designed a new, but not very credible, participatory institutional architecture, Barber's answer - however more solid on the theoretical level - appears today to be surprisingly "minimalist", despite its proclaimed radical nature:

"strong democracy tries to revitalize citizenship without neglecting the problems of efficient government by defining democracy as a form of government in which all the people govern themselves in at least some public matters at least some of the time"(Barber, 1984, p. XIV, italics added);

and then, more broadly, in the conclusion of his book:

"I have insisted that strong democracy entails both the intimacy and the feasibility of local participation and the power and responsibility of regional and national participation [...] This is not to say that strong democracy aspires to civic participation and self-government on all issues at all times in every phase of government, both national and local. Rather, it projects some participation some of the time on selected issues. If all of the people can participate some of the time in some of the responsibilities of governing, then strong democracy will have realized its aspirations" (ivi, p. 267, italics added)

Democracy, thus, means above all self-rule, but because it is practically impossible to expect that such self-rule can be expressed by all, everywhere, on all matters and constantly, it must create conditions so that this may happen at least on some issues, and at least some of the time. It is necessary to guarantee to all citizens the possibility that self-rule may be practiced on at least some of their common interests: only through this participative practice, Barber argues, is it possible to maintain "the meaning and function of citizenship" alive in each citizen, a notion that is destined to atrophy if participation is entrusted only to the electoral mechanisms of legitimacy and delegation. In Barber's view, when we "delegate", not only do we cede "power": we also lose the very sense of our civic autonomy¹¹. While the liberal view understands "freedom and power as antonyms, each defined (analytically) by the absence of the other" (ib, p. 35), and propose an image of Man as an "inactive, nonparticipating, isolated, uninterfering with, privatized, and thus free" being (ib., p. 36), "strong democracy", on the contrary, entails a view of freedom as a full manifestation of an individual's autonomy (and thus of his power), immersed in a dimension of collective and communitarian life. Freedom, therefore, is self-ownership, self-determination, self-realization of human potentialities.

In these pages, a basic inspiration comes to the foreground: the view of a classical author of 20th century democratic thought, John Dewey, and his vision of democracy as a shared way of life and of "politics as a way of living" (ib., p. 117):

"Autonomy is not the condition of democracy, democracy is the condition of autonomy. Without participating in the common life that defines them and in the decision-making that shapes their social habitat, women and men cannot become individuals. Freedom, justice, equality, and autonomy are all products of common thinking and common living; democracy creates them.[...] Our most deeply cherished values are all gifts of law and of the politics that make law possible. We are born in chains, slaves of dependency and insufficiency, and acquire autonomy only as we learn the difficult art of governing ourselves in common; we are born inferior or superior as measured by natural endowment or hereditary status; we acquire equality only in the context of socially sanctioned arrangements that spread across naturally unequal beings a civic mantle of artificial equality" (ib, p. xv).

¹¹ "To legislate and to implement law at least some of the time is to keep alive the meaning and the function of citizenship in all of us all of the time; whereas to delegate the governing power, even if only to representatives who remain bound to us by the vote, is to give away not power but civic activity, not accountability but civic responsibility, not our secondary rights against government but our primary right to govern. If democracy entails the right to govern ourselves rather than to be governed in accordance with our interests, then liberal democratic institutions fall short of being democratic" (ib., pp. xiv-xv).

It is only by experiencing self-rule, even if only partially and temporarily, that individuals may gain their own "autonomy", their capacity to express and formulate political judgements, to discuss them publicly, and thus to participate in decisions affecting their lives.

The background against which this vision is reaffirmed is that of contemporary democracy, itself characterized by apathy, alienation, and estrangement: "from the time of de Tocqueville, it has been said that an excess of democracy can undo liberal institutions. I will try that an excess of liberalism has undone democratic institutions (ivi, p. xi). The "pervasive apathy" (ib., p. xiii) that undermines democracy is due to the dominance of delegation and representation mechanisms that have numbed the very sense of active citizenship, the most authentic sense of democracy as self-rule and of participation as civic duty. The destiny of freedom must therefore be removed from the clutches of liberalism¹².

Thus, in Barber's work, the aim to revitalize civic culture appears to be even more central, and there is no combination of this objective and other politically-oriented ends (that could be more or less traceable to a socialist ideal, as in Pateman, or to radical liberalism, as in MacPherson): Barber, on the contrary, is deeply rooted in the American democratic tradition, and the very forms of "workplace democracy" (so significant for the authors mentioned above) here assume an entirely secondary role. Very "American" are also his proposed institutional innovations (ib., pp. 261 ff.) to enrich the quality of the "participatory mode" of politics and democracy: these innovations range from the revival of New England's traditional town meetings to all the forms of neighborhood assemblies, all, however, already known and tried or feasible in the heart of the United States...(not in Tito's distant Yugoslavia, nor in Pateman's conception of G.D.H. Cole's utopian Guilds, but in the surely quieter hills of Vermont...).

Yet, while the local and communitarian dimension is crucial, Barber is also concerned about the perils of parochialism (here he echoes Almond and Verba, although these authors are not expressly cited): democracy may be the victim of the localism proper to closed and self-sufficient communities. To contrast this risk, it is possible to promote appropriate participatory forms that are able to deal with region- and nation-wide issues.

Nevertheless, in the end, this scholar too displays the tendency to see the proposal of strong democracy as political and programmatic, not only and not properly theoretical; strong democracy as, above all, a movement for...: as Barber writes,

"the innovative institutions described in this chapter should provide a concrete starting point for those who wish to reorient democracy toward participation. Yet strong democracy practice requires not just a political program but a political strategy. Neither ideas nor institutions are self-implementing. They demand a base: a political movement composed of committed democrats who understand themselves to have an interest in the realization of strong democracy. This fact means first of all that strong democracy must offer a systematic program

¹² "To be free", Barber concludes, "we must be self-governing; to have rights we must be citizens. In the end, only citizens can be free. The argument for strong democracy, though at times deeply critical of liberalism, is thus an argument on behalf of liberty" (ib. p. xvi)

of institutional reforms rather than a piecemeal package of particularistic, unrelated modifications" (ib., p. 263, italics added).

In this context, the sharper the theoretical opposition to the liberal model, the more prudent and realistic appears the strategy for a progressive and gradual introduction of a "politics in participatory mode" and of "participatory ingredients" within the fabric of liberal democracies, to revive the increasing democratic impoverishment of representative institutions:

"We might more quickly realize the strong democratic program by first removing certain liberal obstacles; representation, the party system, single-member legislative districts, and the separation of powers come immediately to mind. But the prudent democrat reforms by adding participatory ingredients to the constitutional formula, not by removing representative ingredients. The objective is to reorient liberal democracy toward civic engagement and political community, not to raze it - destroying its virtues along with its defects. [...]" (ivi, pp. 308-9)

The call to "abolish parties" is acknowledged as being utopian ("[t]o call for the abolition of parties is to call for utopia" ...), but the fact that it is taken into consideration, without any particular doubts or agitation, is clearly meaningful; instead, it must leverage on the constitutive features of the "American system" (that also pertain to all other established constitutional systems): that is, a system which "survives by evolving and evolves by accreting new institutional layers that conform to the contours of a historically tested practice even as they alter the system's dimension and centre of gravity". In sum, "strong democracy is a complementary strategy that adds without removing and reorients without distorting": "there is no other way", Barber concludes, using ostentatiously realistic and gradualist tones (ib., p. 309). Here we may see here, in all its clarity, a difficult coexistence between some very critical and radical theoretical issues and a much less ambitious, short-term political project, that was openly characterized in cautious terms. And it is likely that, in the mid-1980s, this gap was exacerbated by the failures and deceptions entailed by the backflow of the "participationist" wave of the previous two decades.

Yet, beyond this political element, it is necessary to highlight that, in Barber's work, it is possible to clearly perceive some points of connection with the deliberative turn which was soon to characterize significant areas of contemporary democratic theory. Specifically, a discursive dimension began to assume a crucial role: the "public talk", understood as one of the key moments of a vibrant democracy. However, such talks could not be instituted in isolation, nor in an exclusive way: Barber considers public talks to be closely related to the other two phases of democratic and participative politics: decision-making and action, that is the specific process through which decisions are made, and then their implementation or realization. Moreover, in Barber's account, public talk is a broad term, within which deliberation is included too, along with agenda-setting, listening, and "empathy" (ib., p. 266).

In Barber's view, democracy in the participatory mode involves all three moments (public talk, decision-making, action) with a very narrow and direct circuit of connections between them: therefore, not only discussion on public issues, the formation of opinions in the public sphere, but also, essentially and at the same time, the decision and then the action to put in practice those publicly made and matured choices. "Strong democracy", thus, is not only equal and fair participation and sharing in the discussion that precedes a decision; strong democracy also entails the direct assumption and exercise of a decisional role and, later, of a direct engagement and involvement in the implementation of those choices.

It is therefore unavoidable that these direct decisional, and then also executive and operative functions, lead to privileging the local and communitarian dimension once again. And although Barber often stresses the need to avoid risks of parochialism, it is nevertheless clear that those dimensions remain the basis on which any further developments become possible; if at least because of the pedagogic implications entailed, as the initial step of civic engagement and as the context within which participative training may begin to show its beneficial effects. Indeed, the design of institutional innovations that Barber proposes in the final chapter of his book also provides for moments that are defined as common policy-making, common work, citizen service: that is, moments of self-organization and self-management of communal life, in which citizens not only talk and discuss, but also directly engage (or are induced to engage) in the realization of common decisions. This dimension may be defined (with a term often evoked in Europe today) as corresponding to the principle of subsidiarity: for example, Barber devotes much attention to the forms of a national citizen service, even non-voluntary, which is described with openly "republican" tones, also to avoid the risk of communitarian localism¹³.

Finally, we must note how Barber reserves notable space within this framework (*ib.*, pp. 291-2) to the participative arrangements inspired by the classical principles of random selection and rotation for the assignment of public offices (principles which will receive much attention from deliberative theorists in later years). Yet, we must also note how Barber does not think of these arrangements as creating a representative micro-cosmos, but as assigning, on a random basis, and by turns, functions and roles that are intrinsic to communitarian self-rule. Free and equal citizens are able to exercise administrative functions for which no special, or particularly specialized, competences are necessary: all individuals can be, at the same time, on certain issues, both governors and governed; thus, it is possible to entrust the choice of those called upon to hold local offices to the egalitarian criterion par excellence - the lottery¹⁴.

¹³ "Almost all of the proposals examined in this chapter focus on local citizenship and therefore have the defect of parochialism. Universal citizen service thus becomes a crucial instrument of National citizenship and the instrument of choice for opening up the neighbourhoods and overcoming localism" (*ib.*, p. 302).

¹⁴ Barber cites local offices, typical of American local communities: "some or even all members of the board of assessors, the school committee, the registry of voters, the planning board, the zoning board, the conservative commission, the housing authority, and the licensing board" (*ib.*, p. 292).

Thus, even in Barber's position, "participation" essentially means being part of a decision-making process, or rather possessing and exercising the power of decision-making; but in this way, however his theoretical reflection may be more solid than previous versions of participatory democracy, even Barber cannot escape the difficulties in identifying an effective alternative to the model which it sought to contrast (ambiguously defined as "liberal"). In our opinion, these difficulties are caused by an apparently weak and unsustainable theoretical approach, that is by an undue identification of representative democracy and liberal democracy: the strong and well-argued critiques to the liberal paradigm and its philosophical and anthropological foundations (critiques to which Barber devotes several pages, certainly the most passionate and convincing of his book)¹⁵ lose force and credibility when they support a full-on attack to the principles and institutions of democratic political representation, and when they lead to an openly-liquidating attitude towards political parties (ib., pp. 34-35).

In conclusion, we may say that Barber's work marks a particularly complex moment in time: after exhaustion of the season of "participatory democracy" (weak in its theoretical foundations, generous but often also unrealistic in its practical projections), the critique to the liberal paradigm and to elitist-competitive models of democracy sought new terrains of elaboration and a more solid theoretical anchorage. Thus, a new framework was sought, capable of accounting for the enduring vitality (or at any rate, the difficult replaceability) of a democratic arrangement based on electoral democracy and political representation; but also, at the same time, capable of indicating other possible, more attractive, conceptions or dimensions of democracy. In this context, the peculiarity and value of Barber's contribution is to be found in his re-attribution of relevance to an approach typical of the American democratic tradition, and to which philosophical pragmatism offered solid foundations: a view of democracy as a shared way of living, as self-rule and self-realization of human potential, as self-determination and formation of civic attitudes and responsibilities; and even as public talk, as public reasoning, as a cooperative search for common, consensus-based solutions, (as opposed to solutions based upon the acknowledgement of irremediably diverse and conflicting interests, among which only bargaining and compromise are possible). If in the 1970s this democratic ideal had cross-

¹⁵ We may cite here, as an example, a passage among the many that could be quoted: "What we have called "thin democracy" yields neither the pleasure of participation nor the fellowship of civic association, neither the autonomy and self-governance of continuous political activity nor the enlarging mutuality of shared public goods - of mutual deliberation, decision and work. Oblivious to that essential human interdependency that underlies all political life, thin democratic politics is at best a politics of static interest, never a politics of transformation; a politics of bargaining and exchange, never a politics of invention and creation; and a politics that conceives of women and men at their worst (in order to protect them from themselves), never at their potential best (to help them to become better than they are). [...] (ib, pp. 24-5). And more: if the key concepts of the liberal paradigm are property, territory, boundaries, "freedom as the absence of external impediments", (ib., p. 34), then, Barber observes, "with a vocabulary of such materiality, liberal theory cannot be expected to give an account of human interdependency, mutualism, cooperation, fellowship, fraternity, community, and citizenship" (ivi, pp. 34-5), i.e. those dimensions on which a "strong" image of democracy must be founded.

fertilized the new youth movements and was strongly steeped with radical, or even socialist or revolutionary, accents, for a scholar like Barber this same ideal was organically embedded in a context that exalted the specific American tradition of communitarian self-rule. Yet, his fierce critique of the “thin” model of liberal democracy ultimately leads only to a juxtaposition, to an ascertainment of a possible coexistence between diverse democratic logics, without providing any effective solution to the problem of the feasibility of integrating participation and political representation¹⁶.

2.2 Jane Mansbridge: “Unitary democracy” and “adversary democracy”.

The first scholars who theorized forms of “participatory democracy” had matured their positions in a cultural climate that was characterized by intensive social and political mobilization; however, we have also noted how, even in an author like Barber, in a text published in 1984, the signs of a changing environment could be perceived. If, on one hand, the theoretical contraposition between diverse “modes” of politics became more radical, on the other, from a political point of view, the principal aims became more realistic, as it was attempted to gradually affirm a “more participative” view of democracy.

Also another important work, Jane Mansbridge’s *Beyond Adversary Democracy* (published in 1980 and reprinted in 1983, with a new, important preface) can be fully comprehended only if read in light of a precise historical setting: the crisis of the participative experiences of the 1960s and early 1970s. Yet, from several points of view, Mansbridge’s book also sought to review that period and to interpret at least some of the reasons that had led to its decline. We can say that this work, although linked to that time, marks a break from the previous participatory model, and allowed a glimpse into some initial elements of the forthcoming deliberative paradigm.

Mansbridge’s approach can also be placed on a different level, in relation to the works of the earlier phase: it does not draw on the traditional conceptual oppositions that could define a normative model of democracy (e.g. between direct and representative democracy, a central dichotomy in participatory theories), but rather suggests a new pair of theoretical categories (unitary vs. adversary democracy), that “broke into” the old definitions and reformulated their terms. At the same time, Mansbridge introduced an “empirical” perspective, focusing a large part of her work on fieldwork analyses and on a detailed reconstruction of two participative experiences (supported by a rich series of sociological, ethnographic, and anthropological assumptions, in addition to political scientific ones): namely, “a Town Meeting Government”, in a little village in Vermont, and a “participatory workplace” (that is, an enterprise characterized by a sort of cooperative, democratic and participative self-management). Whereas the previous theorists of “participatory democracy” had idealized this micro-communitarian dimension, identified as the first basis on which a different form of democracy could be constructed and the

¹⁶ On this matter, see Urbinati (2006).

first steps of an educational process towards active citizenship could be taken, Mansbridge's analysis showed how this dimension had actually been experienced and, above all, the dilemmas, difficulties and conflicts it entailed in practice. It was no longer sought to "prove" the plausibility or feasibility of new participative institutions and practices, idealizing them (often beyond their actual political relevance, as happened in Pateman's work): rather, efforts were now directed at concretely analyzing the operation of the real participative social practices that had been inspired by this ideal, highlighting their virtues and potential, but also - mercilessly - their limits and contradictions, the reasons why they had often turned out to be "fragile bubbles" (ib., p.22). This was done especially in relation to one of the pillars of a normative view of the democratic ideal: equality, in particular equality in the exercise of power.

We have already noted how for the theorists of democracy in the participatory mode, "participation" meant, first of all, individual and collective self-government, self-determination, capacity of community control over its own environment and life. But it was on this very point that several problems arose: the aspiration to live forms of equality, freedom and brotherhood clashed with other logics and dynamics.

Mansbridge's use of the expression "participatory democracy" is original and meaningful: a plural use, that is not common at all today:

"this book" - the author wrote in the new Preface of 1983 - "deals with two great themes in American political thought: democracy and equality. I began work on it in the late 1960s, when I was a member of several small 'participatory democracies'. Sooner or later, internal struggles over equality left each of these groups in disarray. Most of my friends in these organizations attributed inequality and the pain it caused to the warped personalities of particular individuals and, ultimately, to the destructive effect of a capitalist society on the individual personality. I always felt that these explanations had some force. But I also believed - and still believe - that certain kinds of inequality would appear in any society, no matter what its ideology or social system, and that organizations with egalitarian ideals would have to find ways to deal with this fact" (Mansbridge, 1983, p. vii, italics added).

Mansbridge then recounted the path of her research: sharing those egalitarian ideals, and trying to understand the deeper reasons for the difficulties encountered by these ideals in practice, she was "on a search for the most successful 'participatory democracies'" (ib.), believing that two types could be found: "the government of a town and workplace, since [she] assumed that participants would be more passionately concerned about town and workplace decisions than about decisions made by other sorts of organizations" (ib.).

Placing the theme of "inequality" within these "small participatory democracies" thus basically required an attempt to understand how and why, in their internal mechanisms, they still reproduced certain dynamics that resulted in the recreation of a dominant "elite", or forms of delegation or "representation" which assumed selection of the best, most capable, or "strongest" personalities. In other words, it was necessary to understand whether the democratic ideal of equal power actually was or could be practised, under which conditions, and

if and how this might or not happen. And for those who saw these small communities or organizations as microcosms in which to experience democracy and make it thrive, the realization of how much inequalities and differences could undermine or contradict an ideal democratic polity was certainly disturbing.

Thus, in the quest for “a town where, at least initially, ‘the people’ seemed to govern”, the author excluded the town meetings that took place in some large states such as Connecticut or Massachusetts, as they were clearly dominated by economic and professional elites; Mansbridge chose, instead, a small town in Vermont, with only 350 adult inhabitants¹⁷. As for workplaces, bypassing in this case too some “participatory workplaces [...] dominated by a readily identifiable élite”, the choice fell on a firm “whose forty-one paid employees had deposed its founding elite and ran their organization on an extremely egalitarian basis” (ib, p. viii). It must be observed that this firm was not properly a private company, but something that we would define today as a “social cooperative”: a “crisis center” (funded by religious and philanthropic organizations and the federal Government, but that also sold some of its services on the market), that intervened in personal situations of emergency¹⁸.

In our view, the political and cultural framework that operated within such a “firm” must be highlighted - a firm that Mansbridge herself more correctly described as “a radical collective”: a group that acted on the basis of strong idealistic motives and that intended to engage in self-rule in accordance with strongly egalitarian and participative, but also unavoidably time-consuming, procedures. And, as was ironically noted, “the most important function of the time-consuming democratic procedures [...] was to meet the staff’s ideal of the way their world should work”. An “idealism” which made this group “a dubious prototype for the worker-controlled organization of the future” (ib., p.147). Nevertheless, while these abnormal features may not have made this firm a true example of economic democracy, it was nevertheless

¹⁷ Here we find the issue of “community control”, which was very much alive in the 1960s: “The late 1960s were the heyday of the ‘community control’ movement, whose implicit model was the town meeting, an inspirational symbol of American democracy since before the Revolution” (ib., pp. vii-viii).

¹⁸ An advertisement (cited by Mansbridge, p. 140) described its activities thus: “counselling and referral information for people with emotional, legal, medical, drug, or life-support problems, plus access to ambulance services, emergency shelters, short- and long-term counselling, special programs for teenagers”. This company operated “in a major American city, a city not necessarily at the forefront of the New Left but not far behind: the cosmopolitan, youth-oriented parts of this city and their adjoining interracial, ethnic, and working-class areas had spawned a variety of women’s centres, underground papers, legal collectives, health clinics, food co-ops, free schools, and experimental universities, most of these attempting to govern themselves as radical ‘participatory’ democracies” (ib., p. 140). This description renders well the climate of an epoch... All these “radical collectives”, the author then observes, had lived more or less “similar histories”: “a first period of innovation marked by administrative chaos”, with a leadership of some figures who were “hard-working”, “visionary, sometimes charismatic”; a second period marked by the overthrowing of these leaders and by the “institution of town meeting democracy in which the community made all important decisions in assembly”; and finally, “when this system proved both too time consuming and too unrepresentative, a third period combined representation and direct democracy, decentralizing most decisions to small groups of six to twelve people, arranging some form of representation to a coordinating committee, and meeting in assembly periodically to hash out difficult problems and to reaffirm a sense of community” (ib, pp.146-7).

considered a good case-study for “the internal tensions of a democracy” (ib., p. 148). Two “atypical” and “deviant” cases, Mansbridge added, insisting on an entirely peculiar and “plural” use of the term “democracy”: “democracies that did not, at least at first glance, have an obvious elite” and that resulted more like “more successful” situations “in promoting equal power among their members than any other democracies” (ib., p. viii). Yet precisely the anomaly of these experiences could be methodologically useful to understanding how to practice democracy, that in other places did not appear with this extreme “purity”.

Today, this plural use of the expression “participatory democracy” may certainly sound quite unusual; but Mansbridge herself recalled its origins:

“in the late 1960s and early 1970s, the thousands of small collectives that sprang up across the United States called themselves ‘participatory democracies’. They used the term not just as a slogan, but to define themselves as organizations that made decisions: 1) so that the members felt equal to one another; 2) by consensus rather than majority rule; and 3) in face-to-face assembly, not through referenda or representation” (p. 290).

Following this line of research and reflection, the author reaches the core of her theoretical proposal:

“the model of democracy unconsciously adopted by the participatory democrats of the late 1960s and early 1970s, which I call ‘unitary’ democracy, was in essence and in form directly opposed to the model of democracy that I, like most Americans, had grown up with, a model I call ‘adversary’ democracy” (ib., p. ix)¹⁹.

The author’s starting point (why do inequalities arise even within small, cohesive and egalitarian democratic communities?) was examined on an original basis: a “unitary” democracy is that of a community in which precisely the commonality of interests authorizes and produces, in a way that is only apparently paradoxical, a functional differentiation of roles and responsibilities in the management of common affairs; on the contrary, an “adversary” democracy – we might also say a divisive democracy – is where the diversity and plurality of interests and inequalities of resources make it necessary to ensure that each individual has equal power in the collective decision-making process.

¹⁹ In a footnote, the author recalled what we have noted above on the genesis of the term “participatory democracy”; while in another passage of her book, she recalled that historical phase: “These were years in which millions of people felt that existing democratic institutions had somehow failed them. As early as 1956 C. Wright Mills had said of the mass of American citizens: ‘They feel they live in a time of big decisions; they know they are not making any’. A decade later, with the escalation of the Vietnam war, this sense of estrangement had more become far more intense. [...] Declining confidence in the traditional institutions of adversary democracy drove both academics and politicians – of the right as well as of the left – to devise schemes for community control, neighbourhood government, workers’ control, and decentralized socialism. [...]. But by far the most dramatic response to the growing sense of political impotence was the establishment all over Western Europe and North America of thousands of New Left collectives, – ranging from free schools, health clinics, and law communes to women’s centres, underground papers, and food co-ops – operating on principles completely different from those of adversary democracy. Almost without exception, these collectives assumed that their members had common rather than conflicting interests. Most adopted as well, either formally or informally, the unwritten rules of unitary democracy: face-to-face, consensual decision making and the elimination of all internal distinctions that could encourage or legitimate inequality among the members” (ib., p. 20-21).

“Every American schoolchild knows that when you set up a democracy you elect representatives”, at every level, from school to Congress, and “when you do not agree, you take a vote, and the majority rules”. “[B]ecause this conception of democracy assumes that citizens’ interests are in constant conflict, [she] called it ‘adversary’ democracy”. But, she added, “every step in this adversary democracy violates another, older understanding of democracy”. According to this older vision,

“people who disagree do not vote; they reason together until they agree on the best answer. Nor do they elect representatives to reason for them. They come together with their friends, to find agreement. This democracy is consensual, based on common interest and equal respect. It is the democracy of face-to-face relations. Because it assumes that citizens have a single common interest, I have called it ‘unitary’ democracy” (ib., p.3).

The difference, thus, is between “unitary” democracy, based on common interests and “friendship” (that is, on the Aristotelian *philia*, a common ground of solidarity, brotherhood and sharing of values)²⁰; and “adversary” democracy, based on conflicting interests, to which it must grant equal protection. As the author herself specifies, “interests” are not to be taken as meaning “narrowly conceived” self-interest, but rather a whole range of motivations, concerns and attention also for ideals, values, and principles²¹.

In the unitary model, the commonality (or even identity) of interests does not make the fact that some people possess more power than others seem harmful to the principle of equality, in the conduct of a common life; in the adversary model, instead, precisely the fact that there are conflicting interests is a fundamental argument for equal power, as it is necessary to ensure that each of these interests have an equal right to be expressed, “protected” and “represented”.

Therefore,

“we value equal power not as an end in itself, but a means to the end of protecting interests equally. When interests do not conflict, equal power is not necessary for self-protection. If everyone has the same interests, the more powerful will protect the interests of the less

²⁰ The author tells how in the course of her research, and especially of many interviews, she came to observe that the ultimate basis of participatory democracies was actually “brotherhood”, or what many people preferred to define as “solidarity”, “community” or even “sisterhood”. The search for this theme, Mansbridge added, induced her to capture a far and “classical” root of present “solidarity”: “I found a recurrent concept in Aristotle’s *Ethics* increasingly relevant. Aristotle tells us that the Greeks saw a kind of solidarity, which they called ‘friendship’ [*philia*], as the necessary basis of the state” (ib., pp. viii-ix). On the topic of *philia* as foundation of “unitary” democracy, see particularly pages 6-8 and 13-14. Jane Mansbridge had more broadly dealt with this theme in a previous essay, *The Limits of Friendship*, in Pennock-Chapman (eds., 1975, pp. 246-275), which lay great emphasis on the analysis of consensual decisional procedures, namely those procedures based on face-to-face forms of direct democracy and had characterised the small participatory democracies of the 1960s; but also on the dilemmas and contradictions they had highlighted.

²¹ “I do not mean self-interest narrowly conceived. My ‘interest’ includes concern for others and concern for a principle” (ib., p. xii): “I will therefore use the one word, ‘interest’, to cover all these different types of enlightened preferences. ‘Self-regarding’ or even ‘selfish’ interest will mean a purely personal good; ‘other-regarding’ and ‘public-regarding’ interest will denote making the good of another individual or group one’s own; and ‘ideal-regarding’ interest will mean identifying one’s own good with the realization of some principle” (ib., p. 26).

powerful automatically. Equal power is also a means to two other ends - maintaining a community of equal respect and promoting personal growth. But these ends too are met by other means when respect does not derive from power and when everyone in a community has the opportunity to take political responsibility. Thus equal power is a conditional value, not an absolute one. Rather than opposing 'democracy' to 'elitism' as if equal power were an end in itself, members of a group should spend their scarce resources on making power more equal only when equal power is most needed - when interests most conflict, when equal respect cannot be generated from other sources, and when citizens are atrophying from not having enough power and responsibility. Understanding that even a radical democrat need not press for more equal power in every instance but only when these three ends cannot be achieved by other means is, in my view, the most practical lesson in this book" (ib, p. ix).

In light of these considerations, it is possible to understand what "citizens' participation" means in practice: where there are common interests, citizens holding public office (for example, health systems planning boards) are called to a civic engagement that does not entail a real exercise of power ("these citizens can be purely advisors without formal power"); when, instead, the context presents conflicting interests, those citizens called to public office "must act like gladiators, protecting the interests of their constituencies"; and those boards become "mini-legislatures": "their members, chosen for their accountability and gladiatorial capacity, should then represent the segments of the community whose interests most conflict". Simply for this reason, then, the equality in the power they are able to exercise becomes crucial, beginning with the right to vote (ib, p. x).

Certainly, the two new categories presented by Mansbridge as "ideal types" (ib., p. 27) were striking in comparison to the usual oppositions (participative vs. representative; direct vs. delegated) and enabled the earlier disputes to be overcome: "my argument has very little in common with the 'participatory' critique of democratic elitism that emerged during the 1960s", (ib, p. xi). Specifically, the author writes,

"what I call adversary democracy is not synonymous with democratic elitism, since the ideal of adversary democracy is fully consistent with, and may well require, the active participation of all citizens to ensure that their interests are protected equally. Nor is what I call unitary democracy simply a matter of widespread participation. On the contrary, when interests coincide, participation is sometimes unnecessary and irrelevant" (ib., p. xi).

Moreover, neither the unitary model, that assumes the presence of common interests, nor the adversary model, that assumes the pluralism of conflicting interests, "banish or exclude conflict in the political process itself". Unitary democracy is anything but conflict-free: rather, it is precisely this model that often yields and exacerbates forms of conflict. Precisely because it is assumed that "a political problem has an underlying correct solution", contestations and discussions may continue indefinitely, even harshly, so that all participants share and accept a conclusion. On the contrary,

"if there is no solution that serves everyone's interest, more debate will not usually produce agreement, and it is often better to cut short a potentially bitter debate with a vote. A pure unitary democracy is likely to be passionate - full of love and hate - while a pure adversary

democracy is designed to be emotion-free - an impersonal mechanism for handling disembodied conflicting interests" (ib.).

There is also no analogy between unitary and direct democracy, or between adversary and representative democracy: if it is true that face-to-face forms of direct democracy may favor the creation and maintaining of common interests, there are forms of direct democracy that are not face-to-face, such as referenda, that instead often "discourage the development of common interests by encouraging people to register their personal preferences privately, without having to participate in public debate" (ib., p. xi). From this point of view, the strength and staunchness of the refusal of a "directist" view of democracy in Mansbridge's work is noteworthy (ib., pp. 274-5): citing a famous text of Ralph Waldo Emerson, where the original formula of town meetings was exalted²², Mansbridge recalled that

"a radical democracy in its classic form - opening the marketplace or town hall to the citizens to gather, debate, and make their own laws - does not guarantee the realization of Emerson's vision that every individual have 'his fair weight in the government', that 'every opinion [have] an utterance' and that all 'the people truly feel that they are lords of the soil'. Probably no political system can ever fully overcome the patterns of advantage and disadvantage generated by its social and economic systems" (ib., pp. 126-7).

A "voluntarist model of direct democracy" is not a real solution: rather, the "open doors" model (that legitimates the right to decide of those who attend, and presuming the indifference of those who are absent) is even more likely to reflect only the "persistent patterns" of those systems.

The positions argued by Jane Mansbridge were not only the result of a theoretical reflection: they were also developed pursuant to fieldwork, with an inquiry which highlighted the different ways of conceiving a democratic decisional process. The importance of this work, also as a testimony of a possible genealogical line in contemporary democratic thought, lies precisely in its ability to remove claims for democracy in the participatory mode from the field of the ideal, somewhat utopian and often fanciful constructions, and to capture the actual dynamic of social and communitarian practices of self-rule. The broad and detailed analysis of interactions that took place within a small Vermont community and in the town meeting by which it made its collective decisions, or the events of the "collective" self-management of that peculiar workplace, thus highlighted the insurmountable difficulties inherent in an idealized view of a direct democracy; and, above all, it redesigned the boundaries between what can be described as conflicts capable of being solved through procedures that later literature on deliberative democracy would define as aggregative (on which the mechanisms of adversary democracy are based), and what, instead, may be described as the search for a rational and consensual solution, by those procedures which that same literature was to define as transformative of preferences.

²² Ralph Waldo Emerson's text known as the "Historical Discourse at Concord", 1835 (ib., p. 126)

Yet, although interesting, the distinction between unitary and adversary does not appear to have been much developed by later theoretical research: one of the possible reasons - which we may only suppose - is to be found in the fact that the new paradigm of deliberative democracy, given its constitutive features (in particular the differences between arguing, bargaining and voting), should have been able to understand and express the foundations of that distinction better than the unitary-adversary dichotomy could.

"Reasoning together" until an agreement is reached; consensus and conflict; representative and face-to-face procedures; and then, the decisive alternative: a common and unitary interest to "discover" by discussing and reasoning ("to the bitter end", even at cost of harsh oppositions and tiring debates)²³; or, on the contrary, conflicting interests from which choices must be made by majority vote or by bargaining. In sum, all the terms of a complicated theoretical puzzle were already on the table, and perhaps the new deliberative paradigm would have emerged simply because it could achieve a new synthesis, that could enable both distinguishing and uniting these diverse parts more effectively and inclusively. Many crucial elements of the deliberative paradigm were already present in Mansbridge's work, including the distinction between "aggregative" and "transformative", between the "counting" of preferences and "discussing" them to achieve a consensus.²⁴ Yet, Mansbridge was firm in rejecting an opposition between these two models:

"these two conceptions of democracy persist, side by side, in every modern democracy. The adversary ideal and the procedures derived from it have dominated Western democracies' thinking since the seventeenth century. But unitary ideals and procedures continue to influence the way legislative committees, elected representatives, major institutions like the Supreme Court, and local democracies actually act. In crises of legitimation, citizens often reverted to the unitary ideal, as young people did in the small participatory democracies that flourished in America in the 1960s and early 1970s" (ib., p.3).

Thus, the answer to the questions initially posed are very clear: despite the drawbacks of the participatory democracy experiences of those years, these relatively "unitary" forms of democracy met the demands and needs that "adversarial" institutions were not able to satisfy. But the causes of their failures were also clear: failures which often derived "from their refusal

²³ Consensus does not mean unanimity: Mansbridge theorizes how, in unitary democracies, unanimity is not required, and even less must it be explicitly expressed by a vote: in similar discursive contexts, deciding by consensus means to ascertain that a solution appears to be generally shared, in so far as nobody objects, or that even though doubts and objections may be advanced, they are not such as to block a prevailing direction. So, the intensity of opposition may be variable, but not such as to prevent a decision (on this, see ib., pp. 163-4)

²⁴ "In an adversary democracy, where citizens' interests conflict, those citizens find it hard to agree on any principle for resolving differences other than counting each individual's interests equally, weighing them up, and choosing the policy that accumulates the most weight (majority rule). The ideal of equality in an adversary democracy is quantitative [...] In a unitary democracy, the similar interests of the citizenry allow them to make their decisions by consensus. Because they need not worry about weighing each individual's interests equally in the decision, the kind of equality that concerns them is qualitative, - the feeling of equal respect that prevails among friends. The unitary process of making decisions consists not in weighing of votes but in the give and take of discussion in a face-to-face setting" (ib., pp. 4-5).

either to recognize when interests conflict or to deal with those conflicts by adversary procedures" (ib., p.4).

Thus, Mansbridge avoids a fruitless juxtaposition of opposite models of democracy: more simply, "unitary" and "adversary" are two adjectives which denote different, but still democratic, decisional procedures. The difference between them is the nature of the interests at stake and their conflicting and/or communal structure. There is no question of a "superiority" of one over the other. On the contrary, in the view proposed, even the ideals typical of an adversary democracy acquire a strong normative projection: just because there may be a radical, irreconcilable diversity of interests and values, this view of the democratic ideal requires that equal respect and protection be accorded to all interests at stake, even in terms of social and economic resources.

Finally, we may say that Mansbridge's book, in so far as it deals with the outcomes of the cultural and political period of participatory democracy, marks a moment of meaningful detachment from this view of democracy, a break that is much cleaner than in Benjamin Barber's work, although this dates back to almost the same period. This break can also be seen in the theoretical debt that Mansbridge's approach clearly owes to the pluralistic school: in the other scholars we have examined, a kind of "organicistic" democratic ideal operated in different forms and to different extents. Social inequalities were surely a point of departure, although another underlying idea was also at work; namely, the idea that a full accomplishment of the democratic ideal could and should have entailed the solution of those conflicts deriving from inequalities, by affirming a cooperative and communitarian dimension of social life. In Pateman's, MacPherson's, or even Barber's view, there is a teleological tension, that entrusts the future overcoming of the present supremacy of self-interest - transcending the private interests which found a liberal society - to the development of human capacities and potential, enhanced by participation.

On the contrary, in Mansbridge's work, the diversity and plurality of interests and values are considered to be a permanent given or fact of any polity, and the consequent conflicts required, in any case, a democratic dimension that had to be based on respect and the fair or equal protection of those interests and values. The adoption of a specific democratic decision-making procedure develops, first of all, from acknowledging the nature of the interests and values at stake: where they are felt as or appear communal, we may adopt consensus-based procedures and authorize differentiation of the roles and responsibilities of management and government; where, instead, we see and ascertain an irreducible pluralism of interests and values, decisional procedures that guarantee adequate, equal consideration must be adopted.

Thus, Mansbridge touches upon several themes and questions that will soon constitute the new theoretical paradigm of deliberative democracy and assume centrality in its debates: the scale and dimensions of deliberation, the costs and benefits of participation (ib., pp. 118-125), the

quality of dialogue, the polarization occurring in face-to-face sittings, etc. In her work, as in Barber's, many of these topics were already very much present, but the adjectival couples proposed (thin-strong and unitary-adversary), although fertile, were perhaps not entirely successful in recomposing a theoretical framework that could actually hold.

§ 3. At the origins of deliberative democracy: Bessette's and Sunstein's interpretations of the American Constitution

3.1 Bessette (1980): the American Constitution as design of a "deliberative democracy"

In the 1980s, the theoretical model of participatory democracy experienced a definite decline: as recalled by Emily Hauptmann (2001, pp. 397-8), even Carole Pateman, in 1982, remarked that "for many people in the 1980s 'participation' and 'participatory democracy' are merely echoes of a time past"; and, more recently, Jane Mansbridge "noted ruefully that participatory theories of democracy had begun "fading from view in the 1980s". Political theorists today, concluded Hauptmann, "often speak of participatory theories of democracy in the past tense, as ideas that grew out of the political and intellectual ferment of the 1960s and then subsided with it" (ib., p.398).²⁵

At this point of our reconstruction, a question must be asked: is it possible to find a connection between this decline of participatory democracy and the emergence and establishment of the new paradigm of deliberative democracy?

In the following Sections, we will attempt to pinpoint the elements, conceptual passages, the influencing and intersecting lines of a possible theoretical genealogy; but we may already advance a substantially negative answer. More precisely: deliberative democracy arises in the 1980s on the basis of new, independent theoretical reflections, addressing some questions that arose within democratic theory but that are in no way a direct "response" to the crisis and waning of participatory democracy. Only later, and only in some authors, will a critical dialogue be opened on some of the theoretical issues promoted by the previous model. Between participatory and deliberative theories of democracy, therefore, there is no logical and/or chronological sequence: these are terms of a history of ideas that emerged in different times and contexts, from which descend lines of research that intersect only in part, more often rather differentiating themselves and diverging from each other.

In the 1980s, while scholars like Barber and Mansbridge examined the theoretical legacy of the participatory period of the two previous decades, another history commenced: discourses on

²⁵ Even the books "written about participatory democracy during the 1980s and 1990s, like Philip Green's *Retrieving Democracy* and Meta Mendel-Reyes's *Reclaiming Democracy*, announced its waning in their titles" (ib., p. 397).

“deliberative democracy”. Today, it is ascertained and accepted that the term was introduced by Joseph M. Bessette, a scholar of the American democracy and Constitution; the term was used for the first time in one of his essays, published in a small collective book²⁶.

As we will see in the next chapter, it cannot be said that this article was the sole source of the new expression: some essays written by Cass R. Sunstein will exercise perhaps greater influence and open richer theoretical perspectives. What is certain, and must be emphasized, is that the idea of “deliberative democracy” originated essentially in the sphere of American constitutionalist thought and, specifically, within a very lively debate on the interpretation of the American Constitution and the vision of democracy that it entailed. A very distant starting point indeed, from the small participatory democracies of the 1960s!

Bessette’s text was published within a collection of short essays written by historians and constitutionalists of different ideological leanings, and focused on a precise question: how democratic is the Constitution? In their brief Introduction, the editors established the terms of the discussion: specifically, the themes were those explored in the work of Charles A. Beard, a major American historian who in 1913 wrote, at the peak of the so-called Progressive Era, a famous work that fundamentally challenged the “democratic” nature of the American Constitution and defined it instead as a tool “designed to protect the wealthy by frustrating popular majorities” (1980, p.i), and as a weapon of “reaction” to the democratic pressures of the revolutionary phase²⁷.

This claim echoed the anti-federalists’ critique of Madison, but also updated its implications: if these were the social and economic roots of the American Constitution, the project of “democratization” of the American democracy through a reconstruction of the bond between the early democratic ideals and the institutions that embodied them, gained force and could be credibly pursued.

Bessette therefore opposed an interpretation of the Founding Fathers’ plan that lay emphasis on its “elitist” inspiration, ascribing to them the primary concern of building an institutional order that could limit and counteract “tyrannical” majorities, and neutralize the threat of an uncontrolled supremacy of popular passions and immediate interests. Bessette certainly did not claim that the Framers’ original design featured such an intent: but he argued that stressing this

²⁶ Bessette’s essay (*Deliberative Democracy: The Majority Principle in Republican Government*) was published in a volume edited by R. Goldwin and W. Shambra, *How Democratic is the Constitution?*, for the American Enterprise Institute for Public Policy Research in Washington. Later, Bessette will develop his position in *The Mild Voice of Reason. Deliberative Democracy & American National Government* (1994).

²⁷ Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (original ed. 1913; latest edition, 1986, New York, Free Press, with an introduction by Forrest McDonald). Beard’s text had a large influence, but was also widely contested (see, i.e., Forrest McDonald, *We the People: the economic origins of the Constitution*, Chicago University Press, 1958). A critique to the Beard’s vision was conducted also by Bruce Ackerman (*Discovering the Constitution*, 1984, p. 1015): see, below, notes 31, 44 and 45.

aspect alone obscured the other part of their position, that was just as significant: "the need to restrain popular majorities, but also to effectuate majorities rule" (ib., p. 104).

But how could this happen? The novelty of Besette's interpretation concerns this very point: "it is the thesis of this essay that the key to the reconciliation of these apparently contradictory intentions lies in the framers' broad purpose to establish a 'deliberative democracy'" (ib, p. 104).

Besette based this thesis first on a new reading of some of Madison's famous texts. The Framers certainly held the conviction that "the unsuitability of direct democracy went deeper than its impracticality"; that is, it was not enough to claim that in the conditions of a large, modern state, direct democracy was not "practically" feasible; it had to be shown that it was intrinsically "unsuitable". History has proven that "democracies were continually subject to tumult, disorder, and confusion; that citizens often sacrificed their independent judgement to the pleasing promises of artful orators; and that rights of minorities (whether economic, religious, or ethnic) were regularly violated by tyrannical majorities" (ib.).

These claims led to the choice for a representative government as the most suitable form for large-scale territorial democracy; but, as Madison wrote in a famous work, also the form able to "refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose" (The Federalist, n° 10).

These words are the key to introducing a new concept: "this quotation", writes Besette, "contains the germ of the notion of 'deliberative democracy'" (ib., p. 105). In these words, there is not only a call for a filter against citizens' expressions of immediate, ephemeral and passionate interests; there is not only a "negative" and "protective" view of representative institutions. Instead, there is an affirmation that the formation of choices through representatives will result as a public voice, that responds more to the common good than any direct expression of the people "convened for the purpose" could ever be. But how can this outcome be reached? Is it only the wisdom of that "chosen body of citizens" that can guarantee their far-reaching vision, their being public-spirited?

Besette reads Madison's text as contending that "the essential point is that through the operation of the representative principle", public views are subjected to a sort of critical sift, and refined and magnified by this filter: such that "they are not simply displaced by the personal views of the representatives" (ib. p.105). But, then, what meaning can we give to this public voice?

A first answer stresses that it is reasonably possible to expect representatives to produce better laws than the people could. Surely this is because the elected individuals have greater and

better knowledge and experience compared to their constituents; but also because “they operate in an environment that fosters collective reasoning about common concerns”, while voters “usually lack the time, inclination, or setting to engage in a similar enterprise” (ib.). But this fact does not imply “any failing” on part of citizens: there is no aristocratic prejudice, but only a realistic observation: it is true that “it is wholly unrealistic to expect people who spend most of their time earning a living to match the effort devoted by the legislator to public issues”; but this claim does not “necessarily lead to undemocratic results, that is, to laws that violate the will of the majority”. Here Besette proposed a “hypothetical test”, that is, a counterfactual reasoning:

“if the citizens possessed the same knowledge and experience as their representatives and if they devoted the same amount of time reasoning about the relevant information and arguments presented in the legislative body, would they reach fundamentally similar conclusions on public policy issues as their representatives? If the answer is yes, then we must conclude that the result is basically democratic, even though the outcome may differ substantially from the citizens’ original inclinations or desires” (p. 105-6, original italics)

Those who are familiar with the later theoretical literature on deliberative democracy will easily perceive here, in nuce, some argumentative formats and theoretical assumptions that will later have widespread appeal: the idea that a decisional and deliberative democratic process should require the transformation of citizens’ immediate and original preferences; and the idea that the formation of the collective will should not derive from the immediate and direct registration of individual wills, on the mere combination and summation of their interests, but from a process of rational, argumentative and informed public elaboration. Furthermore, we may also find the idea that such a process could be produced within an appropriate setting, in which those levels and forms of public reasoning could take place such as to allow consideration of all relevant information and arguments. The idea of empirical experimentation, though limited and circumscribed, of the conditions that enable the consistency of that “counterfactual” hypothesis to be proven, will derive precisely from this theoretical core: all the ad hoc deliberative settings proposed by deliberative theorists of the following decade will begin from this assumption.²⁸

In his text, Besette expressed an intuition: the public voice cannot be immediately observed, but is something produced discursively, and elected representatives elaborate it not by virtue of any exclusive capability they may possess, but insofar as they are able to capture what Madison, in one of his speeches before the U.S. Senate, defined as “the cool and deliberate sense of the community” and what thereby emerges as the “majority sentiment” (ib., p.106)²⁹.

²⁸ See, for example, Fishkin (1991, p. 81): “A deliberative opinion poll models what the electorate would think if, hypothetically, it could be immersed in intensive deliberative processes. The point of a deliberative opinion poll is prescriptive, not predictive. It has a recommending force, telling us that this is what the entire mass public would think about some policy issues or some candidates if it could be given an opportunity for extensive reflection and access to information” (italics of the author).

²⁹ Besette cites one of Hamilton’s speeches too: “The republican principle demands that the deliberate sense of the community should govern the conduct of those to whom they entrust the management of their affairs” (ib.).

There are, thus, "two types of public voice":

"the one is more immediate or spontaneous, uninformed, and unreflective; the other is more deliberative, taking longer to develop and resting on a fuller consideration of information and arguments. It is the second type that the framers sought to promote; this is what they meant when they talked about the rule of the majority. In the service of this end, the rule of the deliberative majority, political leaders were obliged to resist, at least for a time, unreflective popular sentiments that were unwise or unjust" (ib., p. 106).

As Madison stated in another famous passage cited by Bessette, those who are called "to be the guardians" of citizens' interests must know how, and be able, "to withstand the temporary delusion[s]" of citizens, "to give them time and opportunity for more cool and sedate reflection" (ib.).

Yet, once this distinction has been advanced, a non-secondary tangle remained to be solved: how could this deliberative majority be shaped? How is it possible to ensure the prevalence of informed and reasoned judgements? How could it be guaranteed that governments' key decisions did not reflect only the personal viewpoint of those elected, but are the expression of a deliberative sense of the community, that inspired "the conduct of those to whom they [the citizens] entrust the management of their affairs"? How could it be ensured that representatives share "the basic values and goals of their constituents" and that "their own deliberations about public policy" are "firmly rooted in popular interests and inclinations"? (ib., p. 107)

According to Bessette, the Framers gave an institutional answer: "when the framers rejected direct popular participation in the governing process, they put their faith instead in political institutions. It was their hope that these institutions would in effect actualize the deliberative sense of community" (ib.).

The main mechanism that can ensure "periodic accountability", of course, is the electoral one, which took different forms for Congress, the Senate and the Presidency. Bessette specifically appears to attribute the typical mechanism of "advanced reactions" inserted by Carl J. Friedrich into Schumpeter's original model to the internal logic of the American constitutional order: only that in this case, it was not a simply utilitarian logic that entered into play, with the candidates' actions (whether as incumbents or challengers), but rather their capacity to interpret "popular sentiments" through a deliberative logic. There were surely specific historical reasons for this institutional order, with its "different degrees of accountability" (ib.), and in particular the need to control "the pronounced popular character of the early state legislatures". However, there was also an even deeper reason: the idea that those electoral mechanisms "could (and did) function as a vehicle for the expression of popular sentiments": "the reason why they were chosen reveals an important aspect of the framers' plan for deliberation" (ib., p.108). It is by virtue of these mechanisms, indeed, that "sensitivity" towards both voters' "interests" and "concerns", could be maintained. If this sensitivity, this responsiveness and opening, "continued while they served the results of their deliberations would broadly approximate what the people

themselves would have decided had they engaged in a similar reasoning process" (ib.). As may be seen, that "counterfactual" form of reasoning that we have examined above, and that later will be adopted by some deliberative theorists, may be found here too.

Certainly, that the individuals elected "continue faithful to the deepest desires of their constituents is not guaranteed"; but "the electoral connection", imperfect as it may be, "discourages substantial deviations": indeed, as Bessette noted with reference to the political present, could it be seriously doubted that Massachusetts voters would surely not re-elect Senator Edward Kennedy, if in the course of his mandate he had voted according to a conservative line, or that South Carolina voters would not do the same with their conservative Republican senator, Strom Thurmond, "if he became a born-again liberal?" (ib., p. 109).

Still, the Framers clearly understood that "too much accountability" could be "dangerous to sound deliberation": the reason why a temporal difference was adopted, distinguishing between Congress' short electoral cycle and the longer one of the Senate and Presidency - as the institution of other mechanisms such as the presidential veto - are rooted in the aim to render the entire institutional order "more truly deliberative without sacrificing the popular connection", and to prevent that "legislative deliberations would turn almost exclusively on short-range considerations, forcing from view the long-term consequences of national action" (ib., p. 109).

In the final part of his essay, Bessette proposed a number of significant theoretical considerations, thus establishing his position within the contemporary debate: on one hand, "while the theory of deliberative democracy outlined here [stood] in sharpest contrast to 'aristocratic' or 'elitist' interpretations of the Constitution", it detached itself, to a notable extent, also "from other basically democratic interpretations" - interpretations that we may link to the pluralistic school and to the Schumpeterian legacy.

As for the former, Bessette identified a trend, expressly attributed to the pluralistic school, "to depreciate the role of deliberation within the governing institutions by interpreting the framers' design as one in which the pursuit of personal interest by citizens and leaders alike will almost automatically work to foster the larger public good". Bessette objected that an effective public policy, instead,

"demands more than the pursuit of private ambition. It requires also leaders of knowledge and experience who work in a setting that fosters collective deliberation about 'the permanent and aggregate interests of the community' [The Federalist, n° 10]. This has been largely overlooked by the contemporary pluralist school, which, while finding the system basically democratic, attributes the outcomes of policy disputes to little more than logrolling and compromise among special interest advocates" (ib., p. 112).

On the other hand, there is a trend (which could be defined as "Schumpeterian") "to reduce the democratic principle to little more than the people's right to select their leaders". Some

political theorists³⁰, Bessette added, "accord great importance to deliberation by wise and virtuous representatives, but the connection between that deliberation and community wishes seems tenuous at best". How is it possible for governmental decisions to reflect "the deliberate sense of the community", if the function of election is only that of selecting virtuous men, and not "to argue and debate policy issues"? According to this view a democratic and constitutional system should be based only on the capacity "to make sound judgements regarding the virtues of their neighbours, not on the ability of the people to deliberate on matters of policy" (ivi, p. 113).

We may conclude that Bessette's text seeks to re-read and reinterpret the arrangements of the American Constitution and its system of government in the light of a new paradigm: that of deliberation, in its classical sense as a reflective and pondered judgment on the reasons for a given choice, as opposed to the immediateness of passions and selfish interests.

The importance of this essay lies in the sharpness with which it interprets, in a deliberative light, the logic and mechanisms of political representation, and in the contraposition thus identified in respect of a direct view of democracy and of a narrowly elitist vision of it: representation is not the selection of a "chosen body" of virtuous and wise men, but rather the choice of representatives that are able to understand and interpret "the deliberative sense of the community", to draw on a public and collective deliberation that expresses the "sentiments" of the majority. Obviously, the idea that a representative assembly operates, or should operate, in deliberative terms, was not new: what is more original, in our view, is the intuition that a legislative body could express a "public voice", a "public view" that emerges from citizens and their public debates. But the way in which this could happen remained entrusted essentially only to mechanisms of electoral accountability, or to a sort of *idem sentire*, a common feeling, between representatives and those represented, that derived from them and could manifest itself thanks to the elected individuals' capacity to interpret the "sense" of the public discussion taking place among citizens. Thus, deliberation was seen as a pondered, reflective decision-making process, consisting of argumentative exchange and rational dialogue that could depart from the immediateness of self-interests and passions: this is the characterizing feature of Bessette's position; however, his text also sows the seeds for the notion of a public and diffused deliberation, through which a deliberative majority, "the deliberative sense of the community", could be achieved and expressed. Democracy is not - as argued by the pluralist school - a mere logrolling and bargaining of private interests; nor can it be reduced to a procedure that merely aims to select political leaders on the basis of their

³⁰ Bessette did not quote Schumpeter, but an essay by Willmoore Kendall, *The Two Majorities*, published in Ronald C. Moe (ed.), *Congress and the President* (Pacific Palisades, California: Goodyear Publishing Company, 1971). Kendall (1909-1968), was born in Oklahoma, studied at Oxford and participated in the Spanish War as a Trotskyist. In 1940 he rejected Communism, and since 1947 taught Political Philosophy at Yale, and then Dallas, from an increasingly conservative position.

personal virtues and abilities, rather than of their capacity to express widespread ideas and values and generally held visions... In this reading of the American democracy's constitutional order proposed by Besette, we may also find some elements - originally and independently elaborated in the context of American constitutionalist culture - which were soon to be recomposed and re-employed by a deliberative theory of democracy that comprises, but also transcends, the classical sources of representation and parliament.

3.2 Cass R. Sunstein: Deliberative Democracy and Republicanism, against "naked" preferences

The first text that signals the entry of the term "deliberative democracy" in the contemporary theoretical debate and the proposal of a rich definition of this theoretical model or paradigm is certainly an essay by Joshua Cohen, entitled *Deliberation and Democratic Legitimacy*, published in 1989, to which we will return later. This work is unanimously considered one of the foundational texts of the new theory. In a footnote, Cohen remarks how he "came across the term 'deliberative democracy' in an essay by the constitutionalist Cass R. Sunstein (*Interests Groups in American Public Law*, published in the *Stanford Law Review* in 1985). Also, Cohen himself stresses how Sunstein quoted here, in turn, "an article of Besette, which I have not consulted" (Cohen, 2009, p. 16)³¹.

Cohen's words hint at a path worth pursuing.

At the center of his theoretical concerns, Sunstein posed an interpretation of the American constitutional design which openly and dramatically contrasted with that offered by the pluralistic school, the utmost expression of which can be considered Dahl's *Preface to Democratic Theory* (1956) (*ib.*, p. 30, note 6). Sunstein's interpretation of the idea of democracy implied in the American constitutional design focused on the theme of interest groups and the connected issue of the role that "naked" and private preferences play, or could play, in the context of a democratic polity.

We cannot analyze this work in detail here - a work which, in any case, is largely devoted to specific issues of the American tradition of Public Law (and judicial review in particular)³²; nevertheless, we can briefly recall the programmatic intentions that Sunstein assigned to his work:

³¹ Cohen (2009, p. 17), in another footnote, recalled how "the idea of deliberative democracy" was by now "a familiar ideal" and how some of its features "have been highlighted in recent discussion of the role of republican conception of self-government in shaping the American constitutional tradition and contemporary public law". Cohen cites other contributions of Sunstein (an essay of 1984, *Naked Preferences and the Constitution*, and one of 1986, *Legal interference with Private Preferences*), and then the contribution of another scholar of American constitutional history and thought, Bruce Ackerman, *Discovering the Constitution* (1986). In addition, Cohen also refers to a text by Michelman (*The Supreme Court, 1985 Term-Foreword: Traces of Self-Government*, published in *Harvard Law Review*, 100, 1986).

³² About this matter, see an other important work written in those years: Ackerman's *Discovering the Constitution* (1984). See, below, notes 44 and 45.

"at the normative level, the purpose of this article is to help to revive aspects of an attractive conception of governance - we may call it republican³³- to point out its often neglected but nonetheless prominent place in the thought of the framers [...] The central commitments of the republican conceptions are far from anachronistic [...] in its belief in a deliberative conception of democracy, it provides a basis for evaluating administrative and legislative action that has both powerful historical and considerable contemporary appeal" (ib., pp. 30-31).

The controversial goal of the discussion was, therefore, very clear, as was its political and theoretical topicality: this consisted of the issue of factions, often recurrent in American politics, and of the different ways of interpreting the solution proposed by Madison - who had made it "the centerpiece of his defence of the proposed Constitution". But above all, this topicality was due to the contemporary translation that may be given to it, in terms of "interest groups":

"the bicentenary of the Constitution", writes Sunstein in the beginning of his essay, "is approaching in a time of considerable dissatisfaction with the American scheme of governance. The dissatisfaction takes various forms, but many of the concerns have a common root in the problems produced by the existence of interest groups, or 'factions', and their influence over the political process. The scheme is challenged on the grounds that it allows powerful private organizations to block necessary government action³⁴; that the lawmaking process has been transformed into a series of accommodations among competing elites³⁵; and that the rise of a large bureaucracy exercising broad discretionary power has undermined original constitutional goals by circumventing the safeguards of separation of power and electoral accountability" (ivi, p. 29).

In order to outline his "republican" and "deliberative" vision, Sunstein compared the "two different conceptions of politics" that competed in the constituent period of American democracy. The republican one was animated by the principle of "civic virtue":

"to the republicans, the prerequisite of sound government was the willingness of citizens to subordinate their private interest to the general good. Politics consisted of self-rule by the people; but it was not a scheme in which people impressed their private preferences on the government. It was instead a system in which the selection of preferences was the object of the governmental process. Preferences were not to be taken as exogenous, but to be developed and shaped through politics. To the republicans, the role of politics was above all deliberative. Dialogue and discussion among the citizenry were critical features in the governmental process. Political participation was not limited to voting or other simple statements of preference. The ideal model for governance was the town meeting, a metaphor that played an explicit role in the republican understanding of politics" (ib., p.31)³⁶.

³³ In the footnotes Sunstein recalled how "the republican understanding is in the midst of a general revival in various disciplines", quoting many authors: in the field of historiography, he cited the famous work by Pocock on the Machiavellian moment (1975) and, in the field of political theory, the contribution of A. MacIntyre (1984). However, he added that "for present purposes it is unnecessary to distinguish the various kinds of republican thought, though the differences are important and considerable" (ib, p. 30, notes 7 and 8).

³⁴ Here, Sunstein cites Theodore Lowi and his fundamental text entitled *The End of Liberalism* (1979).

³⁵ Here, Sunstein recalls the volume edited by William Connolly, *The Bias of Pluralism*, cited above.

³⁶ And he added: "The republican conception carries with it a particular view of human nature; it assumes that through discussion people can, in their capacities as citizens, escape private interests and engage in pursuit of the public good. In this respect, political ordering is distinct from market ordering. Moreover, this conception reflects a belief that debate and discussion help to reveal that some values are superior to others. Denying that decisions about values are merely matters of taste, the republican view assumes that "practical reason" can be used to settle social issues" (ib, pp. 31-2).

For the purposes of our theoretical genealogy, it is significant that Sunstein, at this very point, chose to introduce a first footnote in which he cites a work by Jon Elster, *Sour Grapes* (1983), about the “preference-transforming function of politics”³⁷, and also remands to a later footnote.

This conception is opposed to a pluralist vision, as expressed in the works of Dahl (1956) and Truman (1951):

“politics mediates the struggle among self-interested groups for scarce social resources. Only nominally deliberative, politics is a process of conflict and compromise among social interests. Under the pluralist conception, people come to the political process with preselected interests that they seek to promote through political conflict and compromise. Preferences are not shaped through governance, but enter into the process as exogenous variables” (ib., p. 32)

And, recalling Schumpeter, Sunstein argued how the pluralist theory considers “the republican notion of separate common good as incoherent, potentially totalitarian, or both”: the common good consists only of an “aggregation of individual preferences”; indeed, “the efforts to alter or shape preferences - through, for example, the education so highly prized in the republican tradition - may assume the status of tyranny” (ib., pp. 32-3).

On this basis, Sunstein initially addressed the feasible answers to the question of “factions”, to then thoroughly reconstruct the debates between Federalists and Anti-federalists that characterized the constituent phase, debates that focused on these diverse conceptions of politics and democracy. Sunstein’s account of these debates is strongly anchored to the profound reasons that guided the Federalist vision and also features some rather polemical annotations³⁸.

On one hand, the Anti-federalists were guided by a “classical” republican view: as may be known, their hostility towards a national, strong and distant government was based on the conviction that only in a local and decentralized dimension could civic virtues be exercised and could citizens experience and live the self-rule at the core of a republican conception of democracy. Only within this communitarian dimension is direct participation to government possible; only by means of this, can the role of education and public morality as the sole antidote to the poison of corruption and struggling factions be developed. Individuals may raise themselves from a selfish and narrow-minded vision of private interests only by directly living the responsibilities of self-rule, without being overshadowed by a distant, invasive and threatening power.

On the other hand, Sunstein noted, the Madisonian view - especially that highlighted in the famous Federalist n° 10 - “is sometimes thought to be a conventional pluralist document, and

³⁷ See, later, notes 39 and 40.

³⁸ “In recent years, there has been a resurgence of enthusiasm for the arguments of the Anti-federalists - opponents of the proposed Constitution who claimed that the document amounted to a betrayal of the principles underlying the Revolution” (ib., p. 35)

there are indeed traces of pluralism in the analysis": more precisely, it is true that for Madison, "the primary problem of governance was the control of faction" (ib., p. 39). But Madison's view cannot be restricted to this claim: rather, his conception of political representation and deliberative democracy was crucial, on the basis of which citizens' immediate interests, naked preferences and burning passions are not assumed as such by the governmental process, but are subjected to a process of elaboration and transformation, and shaped by debate and discussion. In Madison's view, as may be known, only a large Republic is capable of limiting and neutralizing the weight of factions - an unavoidable evil, rooted in human nature, which can be contrasted only with appropriate institutional arrangements, certainly not by trusting in the virtues of civic education and participation. And the only means that could guarantee a far-sighted view of the common good, detached from the unreflective preferences of citizens and from their uncontrolled passions, are the mechanisms of representation and accountability.

So, according to Sunstein, the Federalists' position may be considered as a "conception reformulated [of] the principles of republicanism in an attempt to synthesize elements of traditional republicanism and [...the] emerging pluralist competition" (ib., pp. 38-39): that is to say, an attempt to translate the classical ideals of a civic self-rule into the conditions of a large, modern democracy, where an irreducible pluralism of interests and values emerge.

Ensuring the democratic principle of self-rule and, at the same time, escaping the perils of majority tyranny and abuse of factions, are attainable goals if a view is affirmed of representative government as characterized by a deliberative conception of democracy: where "deliberation" is not only produced by and among wise and prudent men within legislative bodies, but also in society, among and by debating and deliberating citizens, and by their shaping a "public view" of the common good and expressing a "public voice".

As Sunstein himself noted, the account he proposed of the two challenging conceptions did not seek to be original: what was original, rather, was his attempt to transpose these two models in the terms of contemporary theoretical debate, and then to compare the original design and the later factual occurrences of the American political and constitutional history. "It should hardly be controversial", Sunstein argued, "to suggest that Madison's understanding of the role of the representative has been only imperfectly realized. Few would contend that nationally selected representatives have been able to exercise the role Madison anticipated" (ib., p. 48). And there is no doubt, Sunstein added, that we are currently experiencing "mounting evidence that the pluralist understanding captures a significant component of the legislative process and that, at the descriptive level, it is far superior to its competitors" (ib.): for example, those analyses that underscore the exclusive re-election-seeking logic of many members of Congress, or the significance of interest-group "pressures" for the legislative process (here we must recall Sunstein's repeated references to Lowi's *The End of Liberalism*).

Yet, and meaningfully, Sunstein did not adapt to the vision proposed by pluralistic theory in the name of descriptive realism: he did not accept its translation onto a normative terrain. Instead, according to Sunstein, what emerges is a sort of continuum: on one hand, there are the cases where interest-group pressures are predominant and the outcomes of decision-making process are to be considered covenants or agreements among competing interests; on the other, there are those cases “where legislators engage in deliberation in which interest-group pressures, conventionally defined, pay little or no democratic role”. Politics is in action precisely between these two poles: “at various points along this continuum a great range of legislative decisions exist where the outcomes are dependent on an amalgam of pressure, deliberation, and other factors” (ib., pp. 48-49).

Thus, there is a constant tension between the normative and empirical spheres, but - with an approach that is somewhat similar to that adopted by Habermas³⁹ - there is no juxtaposition of a disappointed acceptance of the existing, on one hand, and a sterile proposition of ideals, on the other. The tension between the deliberative dimension, held as a regulative ideal but also as an effective way of being of democracies, and the dimension in which the game of competing interests prevails - the tension, we might also say, between communicative and strategic rationality - is intrinsic to every actual decision-making process; and we must and may evaluate from time to time which factors are dominant and how they combine.

In the final parts of this essay, therefore, we may find the theoretical foundational elements of the new deliberative paradigm, namely the conceptual framework that will later be the focus of richer and more articulate accounts of deliberative democracy. First, a definition of the democratic political process as a preference-shaping process through dialogue and argumentative exchange; then, the refusal to consider preferences as mere data, as something exogenous that need only be aggregated. Furthermore: the view of the “public good” or “common good” as something that does not derive from the aggregation or combination of private preferences alone, but from the collective capability for deliberation, from the public quest for shared solutions, through debates and discussions.

The questions Sunstein posed with great clarity will generate a great debate:

“Was Madison correct in his rejection of pluralist approaches to politics in favour of an understanding that relies on the existence of a common good distinct from the aggregation of private interests? Would it be more desirable to perfect the processes of pluralism than to adopt a deliberative model of politics?” (ib., p. 81).

The answers given would be later elaborated by the new deliberative paradigm:

³⁹ This is a very significant approach, that presents some analogies with that adopted by Habermas in *Facts and Norms* (1992): there is a kind of “deliberative rationality” that, to varying extents or quality, acts within actual political democratic processes.

“a pluralist approach to politics views private preferences as exogenous variables and will not subject them to critical scrutiny and review. Under a pure version of the pluralist understanding, the representative responds mechanically to constituent pressures. Those pressures are in turn a product of existing distribution of wealth, the existing set of entitlements, and the existing structure of preferences. But all three may be objectionable to some degree or another; the task of political actors, either representatives or citizens, is to reflect critically on them, not necessarily to accept them” (ib., pp. 81-2)

It is by means of “the process of deliberation and debate” that “objectionable or distorted preferences might be revealed as such”. At this point, Sunstein again cites Jon Elster (a scholar who will soon afterwards make a decisive contribution to outlining the theoretical field of deliberative democracy), drawing on Elster’s newly published work, *Sour Grapes* (1983), and in particular on the concept of “adaptive preference” – that is, as Sunstein reformulated the topic, “the fact that in some circumstances people reject opportunities because they perceive them to be unavailable”:

“the preferences adapt to the available options; they are not autonomous. In these circumstances, politics properly has, as one of its central functions, the selection, the evaluation, and shaping of preferences, not simply their implementation. For this reason, the Madisonian ideal is likely to result in better laws than an approach that takes for granted the existing distribution of wealth, power, and entitlements as well as the existing set of preferences. There is, in short, something like a ‘common good’ or ‘public interest’ that may be distinct from the aggregation of private preferences or utilities” (ib., p. 82)

In conclusion, the nature of politics is defined as “transformative or deliberative” (ib., p. 83): this view, although aware of the actual tendencies that point to another direction, does not renounce its own ideals and normative projection, although it is rooted in the potential of the constitutional design imagined by Madison and other Framers. Thus, Sunstein concluded, it is certainly arguable

“that the Madisonian conception of politics, and especially its republican roots, have themselves become anachronistic. The notion that representatives might engage in the deliberative task of which the federalist spoke seems increasingly romantic with the declining belief in civic virtue and with the mounting authority of powerful private groups over the processes of government. But as the bicentenary of the Constitution approaches, it is especially important to appreciate the grounds on which Madison and his peers stopped short of pluralist approaches, and sought a system in which private preferences are subjected to critical evaluation” (ib.).

3.3 Deliberative democracy: the critical boundaries of a new theoretical paradigm.

At this point, it is possible to draw some initial conclusions: discourses on a “theory” or “deliberative conception” of democracy began to circulate in the early 1980s, within a debate on the foundations of American democracy that engaged mostly scholars of American history and constitutional thought. In light of the re-emergence of a vision inspired by the anti-Federalist

tradition, which tended to read the Constitution as a project that sought to restrain the original, democratic aspirations of the revolutionary phase - and, on the other hand, in light of a reading that in a certain sense “annexed” the very Constitution to the interpretative framework of modern pluralist theories - some scholars proceeded to fundamentally re-interpret the sense of Madison’s design. The crucial issue of this reinterpretation began from a discussion of the different views of the classical problem of factions and all that the topic implied: what was the role of interests and interest groups? How is the political process to be conceived? How is the dominance of private interests over the “general” interest to be prevented? But also, is there actually something definable as such? Is a “common good” truly identifiable? How can it be achieved? Can we think of it as a mere aggregation of private, exogenous interests - rooted in the natural, pre-political rights of men; or, on the contrary, as a good that arises by virtue and in the very course of a deliberative and democratic process?

All these questions implied not only diverse interpretations of the Founding Fathers’ original design (a “protective” view of democracy, against the dangers of a tyranny of the majority, versus a view that privileged the possibility of civic auto-determination and self-rule); but these questions also fully entered the contemporary theoretical debate on the conceptions and changes of American democracy (the supremacy of big interest groups, the waning of a classical liberal model: not coincidentally, as we have recalled above, Lowi’s End of Liberalism was often evoked in the course of these discussions).

Especially in Sunstein’s pages, the main theoretical alternative was already outlined well: on one hand, an idea of democracy as aggregation of given and exogenous preferences, defined “privately” on the basis of individual interests; on the other, an idea of democracy as a process of transformation of preferences - a process that was to be as reflective and considered as possible, in the course of public debates and collective argumentation.

The new theoretical field of deliberative democracy was therefore beginning to trace its own boundaries by identifying some “adversaries”: that is, some alternative and competing paradigms, against which the new vision was defining its own contents. In particular, we can single out the different “borders” along which the new theory, and its critical projections, was unfolding:

- a) the critique of the pluralistic paradigm of contemporary political science (the pluralism of interest groups as the key to an equilibrium that could prevent the dangers of the tyranny of the majority): against this view, it was proposed to revisit the Republican ideal of a “common good” to be defined and built in a deliberative manner, by a civic practice of self-determination, that could contrast the deep distortions afflicting contemporary democracies due to the increasing weight of powerful interest groups.
- b) the critique of an elitist-competitive vision of democracy, as read and interpreted by Schumpeter, Downs and their followers. Several critical attacks had been launched on

this front since the 1960s, by the supporters of a participatory view of democracy: but these criticisms now resumed in a different historical context and developed in a renewed form. It was no longer, or only, a matter of opposing the various Schumpeterian visions with a conception of democracy founded on the direct empowerment of citizens, but of radically challenging a “minimalist” view of democratic procedures as a mere competitive selection of the governing elite: in the new deliberative conception, a different theory of democratic legitimacy itself was beginning to take shape - a legitimacy that does not arise only by means of fair electoral procedures, but is also shaped discursively, in the public sphere, by virtue of an inclusive (as much as possible) and, in so far as inclusive also democratic, deliberation.

- c) the critique of the utilitarian paradigm of contemporary social sciences (closely related to the previous point). In the reflections of the rising “deliberative democracy”, great significance will be given to the critical controversies on, and within, rational-choice and social-choice theories. Jon Elster is the scholar who will examine some essential intersections of our genealogical reconstruction: indeed, it is through Elster’s work that social choice theory, or rather the critique to the prevailing version of this theory, will fully enter the circuit of deliberative democracy’s theoretical reflection. Thus, the radical critique, and even the “complication”, of a merely self-interested image of individuals, will tend to become an essential theoretical requirement of a different conception of democratic procedures. Elster contributes first with *Sour Grapes* (1983), a work that, as we have already seen, was quoted by Sunstein, who drew from it some fundamental elements in support of his account; his next contribution was the essay entitled *The Market and the Forum: Three Varieties of Political Theory* (1986), to be considered one of the “foundational” texts of the new theory⁴⁰. It is noteworthy that this essay - first published in a collective volume, published by Elster himself and Aanund Hylland (1986), devoted precisely to the Foundations of social choice theory⁴¹ - was

⁴⁰ This essay by Elster will be then included in the first important anthology on deliberative democracy (that edited by James Bohman and William Rehg, 1997), and thus gained great fame.

⁴¹ The book also included contributions by Brian Barry, Donald Davidson, Allan Gibbard, Robert Goodin, John Roemer and a conclusion by Amartya Sen. Noteworthy is, particularly, Goodin’s essay entitled *Laundering Preferences* - on those preference which are sickeningly untenable and morally unacceptable, “dirty” or “nasty”, before which the only possible common reaction appears to be that: “there must be something terribly wrong with any principles that requires us to respect those preferences” (ib., p. 77). In his essay, Goodin intended to overcome “an impoverished conception of individual preferences”: the standard version of social choice theory, for the most part, takes these preferences as “an individual’s ranking of various social states. Whatever underlies this ordering ordinarily goes undiscussed. But, in truth, there is much more to individual utilities than is captured by simple numbers and rank-orderings. ‘Utility information’ can and should be seen to include information about why individuals want what they want, about the other things they also want, about the interconnections between and implications of their various desires, etc. Obviously, this goes beyond the sort of information social choice theorists ordinarily ask us to collect - or their models are capable of processing” (1986, pp. 76-77). Goodin, in later years, will make other important contributions to deliberative theory: see, especially, Goodin, 2003 and 2008.

actually a text in which Elster simply literally re-proposed some parts of *Sour Grapes*, only re-framing them in an innovative way⁴².

- d) the critique of a vision of deliberation inspired by Rousseau - that is, deliberation as decision and expression of a direct power of citizens -, that had been borrowed by many "participatory" theorists. This conception was opposed with a re-proposition of the Aristotelian notion of deliberation and an idea of legitimacy of democratic procedures as based on inclusion in the deliberative process, and not as the direct expression of will. Here, the contribution of Bernard Manin was decisive: his essay (*On Legitimacy and Political Deliberation*, 1987) became an integral part of the construction of the new paradigm, as Joshua Cohen will recall⁴³.
- e) finally, as we have seen in our analysis of Besette's and Sunstein's works, the critique of certain interpretations of the American constitutional design's foundations, that derived from two opposite perspectives: on one hand, a "pluralist" vision of the Madisonian theme of factions; on the other, a conception typical of the Anti-federalist tradition, that focused on democracy as communitarian self-rule, by face-to-face procedures, that was based on the direct exercise of civic virtues and education as antidotes to the formation and prevailing of factions. To these two visions, another conception of constitutional design was opposed - that of a deliberative democracy, which did not reduce democracy to a process of simple bargaining or mere selection of the governing elite, but likewise

⁴² In those years, Elster began his studies on that which he had defined, in the subtitle of *Sour Grapes*, as "the subversion of rationality": a "subversion" of the conventional criteria of rational choice theory, that did not void the standard model of utilitarianism, but limited and circumscribed it, and above all complicated and enriched the possible model of a rational behaviour. Elster's line of research had already produced, in 1979, the fundamental *Ulysses and the Sirens*: a work that, as Elster himself will say in the Preface of *Sour Grapes* (1983, p. vi), recalled that "men sometimes are free to choose their own constraints"); and then, with *Sour Grapes*, recalled instead the idea that "the preferences underlying a choice may be shaped by the constraints") (ib.).

⁴³ Manin's essay, first published in France in 1985, but without much resonance, as the author mentions in a conversation with Loïc Blondiaux (Manin, 2002, p. 44), will receive instead much attention in American academia, especially within that "participative current" that characterized the positions of a part of the intellectual Left. At the center of Manin's essay there is a reconstruction of the concept of "deliberation" in the history of Western thought, that argues a precise claim: it is the process of will-formation, more than its direct expression, that must be considered as the source of democratic legitimacy: "the source of legitimacy is not the predetermined will of individuals, but rather the process of its formation, that is, deliberation itself. An individual's liberty consists first of all in being able to arrive at a decision by a process of research and comparison among various solutions. As political decisions are characteristically imposed on all, it seems reasonable to seek, as an essential condition of legitimacy, the deliberation of all, or more precisely, the right of all to participate in deliberation. [...] a legitimate decision does not represent the will of all, but is one that results from the deliberation of all. It is the process by which everyone's will is formed that confers its legitimacy on the outcome, rather than the sum of already formed wills". (Manin, 1987, p. 351-2). Further: "It is unrealistic, and, more important, unjustified, to assume that individuals faced with the necessity of having to make a political decision already know exactly what they want. The free individual is not one who already knows absolutely what he wants, but one who has incomplete preferences and is trying by means of interior deliberation and dialogue with others to determine precisely what he does want. When individuals approach political decision making, they only partially know what they want. We are justified in taking as a basis for legitimacy not their predetermined will but the process by which they determine their will. This is the process of deliberation" (ib., p. 363-4).

not based on the virtues of communitarian self-rule or on the immediateness of citizens' opinions and interests. The relevance of this "critical border" cannot be underestimated: we cannot dwell on this aspect here, but suffice it to recall that James Fishkin's first important works dealt precisely with the great themes of the American political tradition (specifically, see *Tyranny and Legitimacy: A Critique of Political Theories*, 1979) and that his work of 1991 (*Democracy and Deliberation. New Directions for Democratic Reform*), where he first proposed the model of the deliberative poll, began with a diagnosis of the evils or risks of contemporary American democracy, of its trend of prevailing "direct-majoritarian" forms of democracy, and the difficulty of simultaneously guaranteeing the three basic principles, conditions or dimensions, of a normative vision of democracy: Political Equality, Non-tyranny and Deliberation.

From above, we may draw a confirmation of a hypothesis: the building-process of the new theoretical field of deliberative democracy was experiencing the action of different, and mostly independent theoretical and disciplinary approaches, which only later will begin to address each other - there are philosophical (Cohen, Manin), legal-constitutionalist (Bessette, Sunstein), social theory (Elster), approaches; but also, and not secondarily, by Fishkin, approaches which were typical of political science.⁴⁴

If we consider, on the whole, these five "critical frontiers", we can certainly find some elements of contiguity with the theoretical framework that had been prospected by the various models of "participatory democracy" in the 1960s and 1970s; but we can first identify those elements that undoubtedly mark a detachment, or even extraneousness, compared to the participatory model of the previous decades. Surely, a critique of the pluralistic school and of Schumpeterian models was very much present in the attempts to elaborate a model of participatory democracy; but that critique had been developed along lines that would eventually result weak, especially in relation to the feasible definitions of the institutional orders that were to support such a model. As regards the "third" frontier, the critique of utilitarian rationality that was proper of mainstream contemporary social sciences was often absent from those attempts, or merely

⁴⁴ Yet, it is noteworthy that Fishkin, in his 1991 work, did not quote Bessette, Elster or Cohen, and cited only one of Sunstein's essays of that period (*Beyond the Republican Revival*, 1988). In his footnotes, Fishkin cited Barber's work, as a "thoughtful defence" of a view founded on "small-scale direct democracy" (ib. p. 110), but he inserted it among those conceptions of democracy that appeared to be "chimerical goals of a great deal of recent reforms" (ib., p. 50). Fishkin also cited a piece by Jane Mansbridge on the limits of direct, face-to-face democracy. The only author cited by Fishkin which we also find cited by the other first deliberative theorists was Bruce Ackerman, specifically his essay entitled "Beyond the Republican Revival" (see, below, note 45). It is meaningful that Fishkin, in the Acknowledgments of one of his more recent works (*When the People Speak*, 2009), remembers his debt towards a "father" of American political science, Robert Dahl: "on the normative side I want to thank some key teachers and colleagues. Robert Dahl first inspired me to think about democratic theory" (ib., p. ix).

mentioned; only Barber was to give it adequate attention. It was, however, a new critical ground that could be compatible with a “participative” model of democracy.

However, it was on the other two critical borders that a sharp break in continuity, a radical rethinking of some basic theoretical assumptions of the previous models, emerged.

As we recalled in Section One, participatory views were founded – to varying extents and forms – on some common assumptions: strong emphasis on the local and communitarian dimension; an idea of participation as direct empowerment and community control; a rejection, or at least a broad mistrust, of political representation; the adoption, or even idealization, of consensual decision-making procedures, with little significance ascribed to an actual deliberative dimension; centrality entrusted instead to forms of direct and egalitarian exercise of power. None of these tiles featured in the framework proposed by the first “deliberative” theorists, in any way: rather, they are elements that were entrenched in the very Anti-federalist tradition that participative views sought to revive and that Besette and Sunstein had instead taken as a subject of polemic.

At the end of the 1980s, the process of building the new theoretical framework will reach a first, fundamental result: Joshua Cohen’s essay entitled *Deliberation and Democratic Legitimacy* (1989) can certainly be considered the text that signals, with great impact, the entry of deliberative democracy into contemporary theoretical debate. Cohen himself traced the coordinates within which his text was located and indicated the three “sources” that had brought him to work out the idea of a deliberative democracy: the first was that “highlighted in recent discussions of the role of the republican conception of self-government in shaping the American constitutional tradition and contemporary public law”⁴⁵; the second source was that proper to some “radical democratic and socialist criticism of the politics of advanced industrial societies”. In a footnote, Cohen highlighted some connections with certain features of the participatory democracy of the previous period: “I have in mind, in particular, criticisms that focus on the ways in which material inequalities and weak political parties restrict democracy by constraining public political debate or undermining the equality of the participants of that debate” (2009, p. 17, and note 3).

The third “source” was fundamental, for Cohen: John Rawls’ work. Some of the central features of the idea of deliberative democracy, Cohen writes, “are highlighted in Rawls’ account of democratic politics in a just society, particularly in those parts of his account that seek to

⁴⁵ Besides Sunstein’s essay, which we have already analyzed, Cohen cited other contributions of Sunstein (*Naked Preferences and the Constitution*, 1984, and *Legal interference with Private Preferences*, 1986), and the contribution of another famous scholar of American constitutional history and thought, Bruce Ackerman, with his essay *Discovering the Constitution* (1986), where the premises of his major work were laid – *We, the People* (1991 and 1998), which reconstructed American history and politics on the basis of some (only three) great constituent and deliberative periods. Cohen also cited a work by Michelman (*The Supreme Court, 1985 Term-Foreword: Traces of Self-Government*, in *Harvard Law Review*, 100, 1986).

incorporate the 'liberty of the ancients' and to respond to radical democrats and socialists who argue that the 'basic liberties may prove to be merely formal' (ib., p. 17).⁴⁶

Besides this essential acknowledgement, Cohen also mentioned other authors who influenced his work, thus signalling a convergence: as he states in a footnote (ib., p. 21, note 20), "since writing the first draft of this section of the essay" (referring to the second section of his essay, that discussed the contents of a properly defined "ideal deliberative procedure" and of a "formal conception of deliberative democracy"), "I have read Jon Elster (*The market and the Forum: Three Varieties of Political Theory*, 1986) and Bernard Manin, ("On Legitimacy and Political Deliberation", 1987), "which both present", Cohen underscored, "parallel conceptions", adding a fundamental note: "the overlap is explained by the fact that Elster, Manin and I all draw on Jürgen Habermas", quoting some of the German philosopher's texts of the 1970s and, finally, his more recent *Theory of Communicative Action* (1981)⁴⁷.

Thus, at this point Rawls and Habermas enter the scene, but still act on the background: their works of the 1970s had offered a preliminary framework for those who sought to elaborate the new "idea" of deliberative democracy. If, as we have seen, in a first phase the theoretical field of deliberative democracy was shaped by identifying adversaries and alternative theories, much more had yet to happen to reach a full and positive definition of this new paradigm. Other actors had yet to appear: these will be, again, Rawls and Habermas, two of the greatest figures of latter 20th-century philosophical thought, who - after having provided some initial frameworks of reference - will directly contribute, with their works of the 1990s, to the elaboration of a more complete theoretical account of the new perspective.

Thus, Cohen's words offer us important clues: a constellation of ideas, suggestions and theoretical approaches was emerging, which began to design, also positively, the boundaries of the field of deliberative democracy. We are before a set of scholars who first acted independently, and only later started to influence each other, and who will issue themes and proposals that act in various directions.

Thus, we are now better able to identify the points around which the different currents of thought on the construction of the new paradigm converged: the opposition between the given and exogenous nature of preferences and their being transformable and endogenous; that is, in other terms, between the idea that individuals' irreducibly conflicting self-interests can only be

⁴⁶ In a footnote, Cohen cites Rawls' texts from which he had drawn his major inspiration: that is, sections 36, 37, 43 and 45 of *A Theory of Justice*, and a Tanner Lecture, on *The Basic Liberties and Their Priority*, (1982), which then will become Lesson VIII of *Political Liberalism*.

⁴⁷ *Theorie des kommunikativen Handelns* was translated into English in 1984 by Thomas McCarthy. The other works by Habermas cited by Cohen are *Legitimation Crisis* (1975, translation of *Legitimationprobleme im Spätkapitalismus*, 1973) and *Communication and the Evolution of Society*, (1979, the translation of two essays drawn from *Zur Rekonstruktion des Historischen Materialismus* and of the essay "Was heisst Sprachpragmatik?", 1976, in Apel K.O. (ed.), *Sprach-pragmatik und Philosophie*. I retrieved this information in Luca Corchia, *Jürgen Habermas. A Bibliography: works and studies (1952-2010)*, Pisa, Il Campano-Arnus University Books, 2010).

an object of an aggregative procedure and/or of a practice of negotiating, and the opposite idea that it is possible to transcend private interests (to “process” and elaborate them, rendering them more reflective). Also, the difference between the idea that the “common good” is a mere summation or combination of individual interests (or even, at worst, the effect of a tyrannical imposition), and the idea that collective decisions can be made by democratic and public deliberation, and that their goals may also include the quest for “a common good”. Thus, on the background, we may see the contraposition between a classic liberal assumption on the pre-political nature of individual interests (which must be protected) and a “republican” view of the common good, (which must be collectively built and politically constituted).

Finally, we can reconnect the threads which tied the different authors we have encountered: Elster proposed a theoretical reflection which, moving from a critique of the foundations of social choice theory, introduced new models for processes of formation and transformation of individuals’ preferences, and contested their exogenous structure; Sunstein identified in the American constitutional design an underlying vision of democracy that is not limited to registering and assuming naked preferences or to finding an equilibrium based on the reciprocal neutralization of interest-groups, but rather that seeks to elaborate, refine and transform individuals’ immediate interests, opinions or political judgements; Manin, on other bases, questioned a vision of democratic legitimacy founded on the immediateness of individual will directly translated into a decision, and re-proposed an Aristotelian conception of deliberation as a considered judgment that precedes decision. All these positions can be joined on the basis of this outcome: democratic politics finds its most profound realization in public, discursive processes of transformation of political opinions and judgements: that is, in a dimension that will be defined precisely as deliberative and democratic.

§. 4. Conclusions. “Participatory Democracy” and “Deliberative Democracy”: two different theoretical models for connecting participation and political decision

Over the years, several scholars have attempted to retrace the origins and history of deliberative democracy⁴⁸. In the first important anthology on the subject - edited by J. Bohman and W. Rehg (1997) - the very sequence of the essays chosen presupposed an interpretative key, and only four texts were defined “Major Statements” of the idea of deliberative democracy: Jon Elster’s *The Market and Forum: Three Varieties of Political Theory*, Jürgen Habermas’ *Popular Sovereignty as Procedure*, Joshua Cohen’s *Deliberation and Democratic Legitimacy*, and John Rawls’ *The Idea of Public Reason*. In the Introduction, the editors mentioned the alternative theoretical visions, compared critically to which the new theory had defined its own profile: namely, “the elitist

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theory of democracy propounded by Joseph Schumpeter and his disciples" (ib. p. x); and "the economic theory of democracy", proposed by Anthony Downs, which aimed "to model the competitive political process on rational-choice assumptions" (ib., p. xi)

These were, for Bohman and Rehg, "the two main sources for liberal democratic theory up to 1970"; and in such a context, "the pluralist model of democracy proposed by Robert Dahl and others provided an influential framework for interpreting Madisonian democracy" (ib., p. xii). "Although Dahl's de-centralized, "polyarchal" version of pluralism shed much of Schumpeter's elitism, it retained the emphasis on competition, interests, and voting" (ib.). So, Bohman and Rehg noticed, "this climate was a rather inhospitable one for conceptions of public deliberation about a common good": it was indeed precisely on the remote feasibility of an idea of common good, or on its logical inconsistency, that those theories were strongly based.

However relevant the presence and the influence of such thinkers as John Dewey and Hannah Arendt might have been in the post-war period, it was only "in the late 1960s" that the competitive-pluralist model began to partially lose dominance. The Vietnam War (with "the increasing perception that decision making in government was bureaucratic and beyond the control of citizens") and, more generally, the diffusion of a critical judgement on the forms that the liberal model of government was assuming, brought to the foreground opinions, movements and theoretical reflections that radically contested its foundations and sought an alternative vision in participatory democracy, thereby also sparking "renewed interest in the possibilities for consensual forms of self-government"⁴⁹.

So far, Bohman and Rehg's reconstruction appears to converge with what we have seen in previous chapters ("the theoretical critique of liberal democracy and revival of participatory politics gradually developed through the 1970s")⁵⁰; however, the evolutionary line that they formulate later appears less convincing (perhaps also because of its conciseness). On one hand, they recall how "it is only in the 1980s" that "a concept of deliberative democracy began to take definite shape" - and how the term itself "seems to be coined by Joseph Bessette, who argued against elitist (or "aristocratic") interpretations of the Constitution"; on the other, it appears that they wish to suggest a continuity, or even a progressive combination, between the two theoretical perspectives: "Bessette's challenge joined the chorus of the voices calling for a participatory view of democratic politics" (but, as we have seen, this was not properly the focus of Bessette's arguments). All these voices questioned the foundational assumptions of "economic" and pluralist models of democracy and, at the same time,

"took their cue from a variety of deliberative contexts and motifs: direct democracy, town-hall meetings and small organizations, workplace democracy, mediated forms of public reason among citizens with diverse moral doctrines, voluntary associations, and deliberative constitutional and judicial practices regulating society as a whole, to name just a few" (ib., p. xiii).

⁴⁹ Here, the authors cited the work by Mansbridge that we have analyzed above.

⁵⁰ Although, as we state below, it is more correct to date the origins of "participatory democracy" to the early 1960s.

Although this list is a lively rendition of the climate in which the new theoretical orientations arose, in our opinion it is not capable of identifying the real theoretical line along which deliberative democracy was defining itself, indeed, rather, distancing itself from theories and practices of participatory democracy.

Our thesis is that this dividing line lies in the different ways of interpreting the connection between participation, deliberation and political decision. In participatory theories, the distinctive feature of its understanding of democracy is the dimension of direct empowerment. This dimension of equality in the exercise of a decisional power had been conceived differently by the various authors, as had the relations with the institutions of representative democracy: we have seen previously how Benjamin Barber, for example, claims that a close connection exists between public talks, decision-making and action and how he suggests a coexistence between politics in the participatory mode and mechanisms of representative democracy (identified with "liberal" democracy); but it was Carole Pateman's view to be especially emblematic: "in the participatory theory, 'participation' refers to (equal) participation in the making of decisions, and political equality refers to equality of power of determining the outcome of decisions..." (Pateman, 1970, p. 43).

Equality of the power that individuals exercise in decision-making is the key of this understanding of democracy and participation. It is neither public discussion, nor public reason-giving, that comes into play here: what matters is only participation in a decisional process and the capability of doing so in conditions of equality, that allow all individuals to exercise a fair share of power, and thus affirm their immediate will.

The same notion was expressed, perhaps more influentially, since it gained widespread and enduring popularity, by the image of the "ladder of participation" proposed by Sherry R. Arnstein in 1969: a ladder in which each "rung" denoted the different possible levels of citizens' participative involvement, depending on the degree of power they were able to exercise - from the lowest level of non-participation (manipulation, therapy), to tokenism (information, consultation, placation), to proper forms of citizen power (partnership, delegated power, community control). The wide acceptance, but also the equivocalness, of this image (still frequently cited today) are rooted in a sort of implicit requirement of the first theories, and then in the "common feeling", on the idea of participatory democracy: namely, the idea that "true" participation would be that which confers or attributes "power" to participating citizens. In Arnstein's short essay we can find an exemplary summary of ideas that will enjoy widespread circulation: for example, the polemical contraposition of "going through the empty ritual of participation and having the real power needed to affect the outcome of the process" (ib., p. 216): an enduring framework that today often assumes traits that may be more properly defined as "populist": "citizens must be able to decide!" is the rallying cry of all those who interpret the

meaning of citizens' direct participation in this light... against the "elite", the politicians, and every form of mediation and representation.

It is from this view that the idea of deliberative democracy sharply detached itself.

Jane Mansbridge's critical reflection on the experiences of small participatory democracies had previously introduced some essential theoretical distinctions, underscoring the conditions that could enable the practice of democracy on the basis of consensual procedures, radical egalitarianism and face-to-face interactions, and the conditions that required, instead, equal protection and respect of diverse and conflicting interests, through democratic procedures that unavoidably called for negotiation and/or aggregative mechanisms based on the majority rule.

Later, in the 1980s, the first elucidation of deliberative democracy (Besette, Sunstein, Elster, Manin) will focus on some topics that did not fall entirely within participatory theories: the non-immediate or immediate, endogenous or exogenous, nature and structure of the preferences entering a decision-making process; the definition of deliberation as the source of democratic legitimacy; individual autonomy as capability for reflective formation of his own opinion and judgement in the political sphere; the sharp delimitation between the aggregation of given preferences and the process of their formation and transformation in the course of a deliberative procedure. As emerged from our previous analysis, the critique of an elitist-competitive and pluralistic view of democracy was certainly common to the two perspectives⁵¹, but the idea of a direct exercise of some form of power was entirely extraneous to the first theoretical elaborations of deliberative democracy.

We believe that Bohman and Rehg's vision of a "continuity" between participatory and deliberative theories is based on their account of deliberative democracy as a process of public reasoning for the common good and on their adoption of a normative view that assumes rational consensus as the goal of this "public use of reason"⁵². Indeed, this perspective risks obscuring the distinctive lines between what emerges, in the 1980s, as deliberative democracy and what had been proposed as participatory democracy in the 1960s and 1970s. The latter had indeed placed strong emphasis on consensus as the goal of a democratic and participative decision-making process, and had highlighted the consensual procedures (the agreement of all participating

⁵¹ It is to be stressed that elitism and pluralism cannot be identified, and actually featured significant differences, although some participatory theorists, in the debate of the 1960s, had tended to conflate them. In particular, Dahl's harsh answer (1966) to Walker's critique (1966) hinged precisely on his refusal to consider his own pluralist theory as elitist, and on the claim that it absolutely did not preclude the development of the most varied forms of civic participation.

⁵² "Broadly defined, deliberative democracy refers to the idea that legitimate lawmaking issues from the public deliberation...In short, it presents an ideal of political autonomy based on the practical reasoning of citizens. But is this ideal feasible or even desirable?". Among the questions which must be answered, they inserted the following: "In societies as culturally diverse as our own, is it reasonable to expect deliberating citizens to converge on rational solutions to political problems?" (p. ix). It is not a mere coincidence that, in the bibliographic notes, Bohman and Rehg both quoted, for the same reasons, and without any distinction, Pateman's, Barber's, and Mansbridge's work; and, even more questionably, Rawls' Theory of Justice itself (p. xxviii).

individuals or, at least, the absence of some power of veto) through decisions could be reached. The idea of common good that can be found in the texts of the first theorists of deliberative democracy is entirely different; for Besette and Sunstein, it was a matter of refuting a view of "pluralism" as a mere aggregation of "private" interests and a conception of the common good as a summation and/or combination of individual preferences; and advancing another idea, opposite to these conceptions and rooted in republican thought, such that the common good could be achieved only by means of a widespread deliberative process, through the public voice thus shaped, and through a reflective transformation of individuals' immediate preferences.

In Elster's works of the 1980s, one of the crucial aspects was the critique to the theory of expressed preferences that lay at the heart of traditional rational choice models; centrality can also be ascribed to his reflections on the conditions and mechanisms by which preferences are shaped, the interplay among constraints and opportunities that leads to the formation of adaptive or counter-adaptive preferences. Manin, with even greater force, rejected unanimity as the condition for the legitimacy of a democratic decision and recalled an idea of deliberation as a dialogical and discursive process that could overcome the partiality and immediateness of individual "will". Furthermore, in Manin, the idea of inclusive deliberation as a source of democratic legitimacy (a theme that was completely absent in participatory theorists) and of a legitimacy produced as an outcome of the deliberation of all, and not of the expression of the will of all, was also crucial.

In other words, the question of equal power in decision-making processes, and the issue of participation as direct exercise of an equal share of power, did not affect these first definitions of deliberative democracy in any way. Rather, primary significance was given to the perception of the dangers that could derive from the identification of "will" with "decision", that does not question the process through which opinions and judgements are shaped and does not give due attention to the institutional mechanisms through which individuals' interests and passion should be "filtered" and "transcended". Another pillar of participatory democracy was also radically reshaped by these first accounts of deliberative democracy: the idea of the educational purposes of participation. In particular, since *Sour Grapes* and then in his 1986 essay, Elster had defined these purposes only as a possible "by-product" of participation, and openly distanced himself from participatory theorists by stigmatizing some of their claims as expressions of a "narcissistic" (1997, p. 25) and "self-defeating" conception of politics (Elster, 1983, p. 100).

It is beyond the scope of this article to follow the further developments of the deliberative paradigm: yet, we can state that the separation from the accounts of participatory democracy began to undergo a partial attenuation when - once the normative model of an "ideal deliberative procedure" was defined - significant sections of deliberative theorists and practitioners will devote themselves to planning and experimenting with participatory practices inspired by that model, and will attempt to "apply" it within circumscribed spaces of

deliberation, thus attempting to “prove” its plausibility and also to challenge the charges against its “unrealistic” character that several critics soon began to raise. In later years, when these participatory models and devices seeking to “experiment” with the deliberative ideal began to spread and be practised, the issue of their decisional power unavoidably returned to the center of attention. The many critical reviews which, over the years, have attempted to account for these experimentations often begin with this very question: “how much real power” do such practices have? What effects do they have on policy outcomes? What kind of empowerment do their promoters (very often, the policy makers themselves) attribute to them?

By answering these questions, some deliberative theorists will again approach the theoretical tradition of participatory democracy: the point of contact will be exactly the notion of some direct and decisional power on part of deliberating citizens. This idea of “decisional” power will tend to unify very different approaches: paradoxically, but not excessively so, it will be typical of both those who criticize deliberative democracy as an expression of a strategy of “depoliticizing conflict” (a real deliberative democracy should have decisional power: it does not happen; ergo, deliberative democracy is only a mystification), and those who, sometimes naively, will instead champion it, and present it, as such, as the formula to pursue in strengthening the wavering foundations of our representative democracies (there is another syllogism here: a “real” deliberative democracy must have decisional powers; it may happen, and it does happen; ergo, deliberative democracy is a new form of democracy which can and deserves being aimed for).

Indeed, to ask this question (how much “decisional power” is attributed to a deliberative process or device?) implies, in our opinion, some serious theoretical misgivings. The basic question is very similar to that which posed (highlighting their radical weakness) in relation to the first and most ambitious accounts of participatory democracy: do we deal with participatory models which envisage, or postulate, a fully and completely defined institutional order? If so, we cannot escape another question: what is the source of democratic legitimacy of a deliberative or participative procedure that aims to exercise some sort of power and to produce politically binding decisions? It is clear that it is one thing to claim that a deliberative/participative process may exercise some kind of influence - and, in this sense, even “power” - over a decision-making process that, however, pertains to an institution endowed with its own political and constitutional legitimacy; and that it is another to claim that such a deliberative/participative process should have, or might have, as such, its own decisional power; yet another is to assume (or demand) some kind of formal pre-commitment by institutions to “renounce” a share of their sovereignty or to “devolve” their powers.

A theoretically significant issue emerges on the background: what is the real theoretical status, or foundation, of what we call deliberative democracy? Do we mean, with this term, some new and complete form of democracy, that is alternative or complementary to other forms of democracy (in particular, the representative form)? Or is it more correct to talk of a

deliberative conception of democracy as a theoretical, critical and normative paradigm for the “real democracies” of our time, all characterized by varied, and sometimes even opposing, “interpretations” of the principles of representative democracy, but that can all nevertheless be ascribed under this form?

We believe that this second sense of deliberative democracy is the more correct interpretation: it is a critical and normative paradigm capable of encompassing the deliberative dimension that, in various measures, intensities and qualities, is inherent in these democracies - thus acting both as a theory that enables analysis of the reality of our democratic orders and as a set of normative claims, that enable not only partial and limited “experiments”, but also the proposal of a new political view and conception of institutional decision-making processes.

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