

Against deliberation.

by Lynn M. Sanders

Deliberation, which has become a democratic standard in American political settings, has also an undemocratic appeal. Foremost among the undemocratic charges against deliberation is that its proponents cannot guarantee equality of opportunity to those who want to participate in it. Furthermore, critics of deliberation argue that the problem of ordinary citizens committing excesses when they participate in deliberative processes must be addressed. The advantages and disadvantages of deliberation are evaluated and an alternative model for democratic politics is proposed.

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Admittedly, opposing deliberation seems irrational.(1) A commitment to deliberation is, after all, a commitment to finding a way to address concerns, resolve disagreements, and overcome conflicts by offering arguments supported by reasons to our fellow citizens. Deliberative democracy promises legitimate--that is, morally justifiable and rationally produced--solutions to vexing political problems. Especially when these problems are difficult, affording no clear way to arrive at unequivocally satisfactory solutions, deliberation recommends itself because it relies on a broad consideration of alternative solutions, increasing the likelihood that the perspectives held by all members of a heterogeneous community will be given voice. And deliberation is also clarifying and enlightening, highlighting the moral issues at stake in political debates and allowing citizens to elucidate these issues for themselves.

Arguments on behalf of deliberation continue to proliferate, and this steady stream of endorsements of deliberation reinforces the supposition that deliberation enhances democracy. Democratic theorists now take deliberation to be the exemplary practice or activity for democrats, and they gear their arguments toward its realization. Hence deliberation has become a standard for the accomplishment of democracy: it is what democratic theorists aim for, our ideal and our aspiration. When democratic theorists suggest remodeling our politics, it is in the direction of making them more deliberative (Gutmann and Thompson 1996).

What, then, could be wrong with deliberation? To begin, one might simply be suspicious of the near consensus among democratic theorists on its behalf. It isn't clear, after all, that this wide endorsement has itself emerged through a genuinely deliberative process: democratic theorists are a select group who cannot and do not claim in any way to represent the perspectives of ordinary citizens. Although ordinary citizens constitute the demos on whose behalf arguments about deliberation are made, the recommendation of deliberation is not, typically, justified by arguments, especially not substantive or empirical ones, that deliberative democracy is what ordinary citizens would themselves recommend.(2)

The absence of this (deliberative) justification for recommending deliberation does not by itself make deliberation obviously antidemocratic. But it does, I think, justify an exploration of the possibilities for arguing against deliberation. So that is my enterprise here. I attempt to articulate some reasons why deliberation might not appeal to ordinary citizens, or at least not to many residents of the United States, at least not given the way we live now. And, correspondingly, I suggest that these observations provide some reasons why deliberation should not necessarily and automatically appeal to democratic theorists, either.

THE TROUBLE WITH DELIBERATION

The deliberative ideal might trouble proponents of democracy for a number of reasons. For one thing, it carries conservative or antidemocratic connotations usually overlooked by well-intentioned theorists. Appeals to deliberation, I will argue, have often been fraught with connotations of rationality, reserve, cautiousness, quietude, community, selflessness, and universalism, connotations which in fact probably undermine deliberation's democratic claims. More seriously than this, however, is that appealing to deliberation, or taking it for granted as an appropriate democratic standard, may have a destructive effect.

Democratic theorists have articulated, in formal terms, the prerequisites of deliberation; they have sketched what conditions would have to be achieved for deliberation to proceed. Foremost among these conditions is the achievement of mutual respect: citizens who deliberate must address each other as equals and acknowledge this status by offering reasonable, morally justifiable arguments to each other. The (careful) articulation of these formal standards, however, is a far cry from an assessment of the probability of meeting them. In the absence of such an assessment, appeals to deliberation do nothing to challenge an undesirable status quo.

Most perniciously, even though the requirement of mutual respect is assumed, not investigated, another expectation associated with deliberation is probably realized in our political culture. Some citizens are better than others at articulating their arguments in rational, reasonable terms.

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Some citizens, then, appear already to be deliberating, and, given the tight link between democracy and deliberation, appear already to be acting democratically.

If we assume that deliberation cannot proceed without the realization of mutual respect, and deliberation appears to be proceeding, we may even mistakenly decide that conditions of mutual respect have been achieved by deliberators. In this way, taking deliberation as a signal of democratic practice paradoxically works undemocratically, discrediting on seemingly democratic grounds the views of those who are less likely to present their arguments in ways that we recognize as characteristically deliberative. In our political culture, these citizens are likely to be those who are already underrepresented in formal political institutions and who are systematically materially disadvantaged, namely women; racial minorities, especially Blacks; and poorer people.

My initial claim about deliberation's historical connotations depends on a review of how and why political thinkers have appealed to it. This review will show that deliberation has at least a few suspicious antidemocratic associations. My second and larger claim, concerning deliberation's potentially counterproductive effects, depends on attention to particular facts about what happens when American citizens actually get together to deliberate. Although these facts are perhaps disheartening, looking at what actually happens in democratic discussions, and noticing when they seem to go best, also suggests ways to improve democratic discussion in the United States.

The facts about deliberation in American settings, at least as I have gathered them, show that what happens when American citizens talk to each other is often neither truly deliberative nor really democratic. This is partly, but not only, because the material prerequisites for deliberation are unequally distributed. It is partly, but not only, because some Americans are more likely to be persuasive than others, that is, to be learned and practiced in making arguments that would be recognized by others as reasonable ones--no matter how worthy or true their presentations actually are. It is also because some Americans are apparently less likely than others to be listened to; even when their arguments are stated according to conventions of reason, they are more likely to be disregarded. Although deliberators will always choose to disregard some arguments, when this disregard is systematically associated with the arguments made by those we know already to be systematically disadvantaged, we should at least reevaluate our assumptions about deliberation's democratic potential. Deliberation requires not only equality in resources and the guarantee of equal opportunity to articulate persuasive arguments but also equality in "epistemological authority,"

in the capacity to evoke acknowledgement of one's arguments.

These are insidious problems, not easily addressed within the confines of arguments about deliberation, which depend crucially on the accomplishment by democratic citizens of mutual respect for each other, but are bereft of evaluations of whether this is a realistic possibility. Because the achievement of mutual respect is practically remote, democratic theorists should ask whether arguments on behalf of deliberation do anything to bring about the achievement of truly democratic, or indeed truly deliberative, discussions. Perhaps a model of democratic discussion other than deliberation would attend more directly to these insidious problems. So I conclude this essay by suggesting that we forget deliberation for the time being, and try to imagine a model for democratic politics that more plausibly encourages mutual respect--something that advocates of deliberation, after all, really want.

THE LASTING MARRIAGE OF DELIBERATION AND DEMOCRACY

Democratic theorists argue that deliberation cultivates democracy, for good reason. Deliberation has a bad side: its conservative connotations, its unfortunate manifestations in American practice. Yet democratic theorists believe that deliberation makes democracy pregnant with two distinct but related offspring: increased autonomy and an expanded sense of community.

To contemporary theorists, enhancing autonomy means, in part, educating citizens to consider policy and broader political questions rather than leaving these things up to a specialized, technically informed elite. Democratic theorists want deliberation for everyone, not for some particular representatives. They oppose pluralist conceptions of democracy, especially its interest-group variants, because they "place no premium on political participation" (Sunstein 1988, 1546).

So advocates of democratic deliberation want to involve ordinary citizens in the process of rational decision-making that pluralists leave to experts.(3) Sometimes deliberation is recommended for its educational effects, for its promise to make citizens smarter, along the lines of Mill's suggestion in *On Liberty*. For example, Bernard Manin says that "political deliberation and argumentation . . . constitute processes of education and training. . . . they spread light. . . . the people educate themselves" (1987, 354). This training is not a simple matter of intellectual improvement: "Only public deliberation and political action allow citizens to realize--both to make real and to become aware of--their dignity and powers as responsible agents

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and judges" (Pitkin and Shumer 1982, 44). Deliberation, at least in its most promising formulations, teaches citizens to see things they had previously overlooked, including the views of others, and therefore to become better citizens. This is clearly the kind of thing Ackerman hopes for when he suggests that base prejudices will be transformed, and worthy intuitions like hatred of racism vindicated, through rational criticism and dialogue (1980, 353).

Autonomy is a civic or political, not individualistic, project, and it is quite usual to find democratic theorists also advocating deliberation for its potential to uncover a communal identity. Again, this tendency seems directly linked to the quest for an alternative to interest-group liberalism. So, for example, Sheldon Wolin, in the founding issue of the now-defunct journal *democracy*, announced that the state of affairs at the dawn of the eighties had brought on a crisis of identity, a need to figure out "who we are as a people" (Wolin 1981, 10). And Cohen and Rogers, whose 1983 book *On Democracy* began "These are dark times," found that in the midst of a lot of what might be called politicking was a total absence of democratic community:

Attempts at coalition-building proliferate. Debates and programs of action

abound. Think tanks and policy research institutes steadily multiply. New

corporate political action committees and private newsletters are born each

day. . . . But if those who occupy the commanding heights of private power

are mobilizing their forces, those who live beneath them are in startling

disarray . . . there is no common voice (Cohen and Rogers 1983, 16-17).

The pursuit of a common voice is specifically posed here as a remedy to the accumulation of private power and special interests.

So in its best or truest form, deliberation is a process of political discussion that excludes no one. It improves all citizens intellectually, by heightening their ability to consider policy and political problems; personally, by allowing them to realize their untapped capacities for observation and judgment; and morally or civically, by teaching them about the political concerns of other citizens and by encouraging mutual respect. Modern advocates of democratic deliberation aim to develop communal

sensibilities without requiring a potentially oppressive education in civic virtue. They aspire to replace a faceless and possibly corrupt technocratic elite with informed, considerate and just, reasoning and reason-giving citizens.

REASONS FOR A DIVORCE

Even on this truest, best version, deliberation still provides no solution for, and possibly exacerbates, the hardest problem for democrats, and therefore misses by its own standards. American democratic theorists who want to discourage elitism, expand citizen participation, improve the ability of citizens to discuss policy questions, and evaluate political candidates, and before all this, heighten citizen respect for each other, need to take one problem as primary. This problem is how more of the people who routinely speak less--who, through various mechanisms or accidents of birth and fortune, are least expressive in and most alienated from conventional American politics--might take part and be heard and how those who typically dominate might be made to attend to the views of others.

Contemporary democratic theorists are, to be sure, aware of the seriousness of this problem of disenfranchisement. So, for example, when Cass Sunstein makes the case that the best thing about republican thought is its commitment to deliberative democracy, he hastens to point out what's bad about it: deliberation, he says, cannot neatly be separated from republican practices of exclusion of women, Blacks, and those lacking property (Sunstein 1988, 1539). Bernard Manin argues that deliberation is worth praising because a truly deliberative process issuing in legitimate political decisions utterly requires the participation of "all" (1987, esp. 352, 359). Knight and Johnson carefully emphasize the importance of "free and equal access to deliberative arenas" (1994). Fishkin's recent proposal to revitalize American democracy through a "deliberative opinion poll" makes equal consideration of everyone's preferences an essential precondition to democracy (1991, 30).

Further, some democratic theorists not only mention the importance of formal equalization of access but also advocate structural or economic reforms to guarantee that all citizens have the resources--time, money, education, skill at arguing--required for deliberation. For instance, Cohen and Rogers (1983) notice that "the absence of material deprivation is a precondition for free and unconstrained deliberation" (p. 157) and that "material inequalities can subvert a structure of free and equal public deliberation by translating into sharply unequal capacities for political action" (p. 158). They urge the elimination of gross material inequities and also recommend free public education and state-financed child care. Education ensures the development of deliberative

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capacities, and child care on this view guarantees that women can participate in politics after they have learned how to deliberate by going to school. Johnson and Knight have systematically addressed these problems and attempted to specify the (formal, not institutional) nature of the remedies to inequity that must precede deliberation (1996).

These acknowledgements of the prerequisites to deliberation, and these attempts to instill deliberation with a participatory and inclusive impulse, are far from trivial. They in fact must be made if deliberation is to qualify as democratic. Yet they do not, I think, fully address problems of exclusion, because there is too great a disjuncture between the hardest problems that democracy's proponents must grapple with and the formality of the acknowledgments and recommendations that democratic theorists make.

Some critics have noticed the manifestation of this disjuncture in the abstract talk of democratic theorists. Indeed, this abstraction may be absolutely necessary for proponents of deliberative democracy, because acknowledgment of the hardest problems, that is, the systematic disregard of ascriptively defined groups such as women and Blacks, would violate the deliberative tenet to attend to the force of argument rather than the interests of particular groups (Phillips 1995, 155 ff.). Indeed, democratic citizens as described in these theories seem to live on another planet (quite literally, in the case of Ackerman 1980): they are devoid of race, class, and gender and all the benefits and liabilities associated by Americans with these features. Abstraction from these ascriptive characteristics--their disregard--clearly assists attempts to end discrimination based upon them; as well, however, abstraction deprives theorists of a way to notice systematic patterns of exclusion.

A deeper, more difficult problem than abstraction lurks. Even if democratic theorists notice the inequities associated with class and race and gender and, for example, recommend equalizing income and education to redistribute the resources needed for deliberation--even if everyone can deliberate and learn how to give reasons--some people's ideas may still count more than others. Insidious prejudices may incline citizens to hear some arguments and not others. Importantly, this prejudice may be unrecognized by those citizens whose views are disregarded as well as by other citizens.

Proponents of deliberation are especially badly equipped to address this problem. They depend on open arguments against prejudice to overcome it, and on the susceptibility of prejudice to reason. Not only do they believe in the existence of settings where nothing matters except for an

idea's intellectual force and its communal utility, as in Habermas's ideal speech situation (Habermas [1962] 1992; Calhoun 1992) or in Ackerman's insistence that a speaker's superiority can never be invoked as a reason to prefer an idea (1980, 4, 11); they also expect prejudices to be challenged in deliberative settings and for others to "face up" to them (Gutmann and Thompson 1996). When disregard based in prejudice goes unrecognized by both those who are subject to it and those who are prejudiced, prejudices cannot possibly be challenged.

Prejudice and privilege do not emerge in deliberative settings as bad reasons, and they are not countered by good arguments. They are too sneaky, invisible, and pernicious for that reasonable process. So worrying about specifying what counts as a good argument, or trying to enhance reason-giving either via the formulation of better rules and procedures or by providing the time, money, and education necessary to become a responsible deliberative citizen, does not engage some of the most serious challenges to the possibility of achieving democratic deliberation. Some people might be ignored no matter how good their reasons are, no matter how skillfully they articulate them, and when this happens, democratic theory doesn't have an answer, because one cannot counter a pernicious group dynamic with a good reason. Sometimes, giving reasons isn't anything like the right project and suggesting that the disregarded argue against prejudice or discrimination is offensive in and of itself.(4)

THE ANTIDEMOCRATIC APPEAL OF DELIBERATION

Although he is a somewhat predictable target, Joseph Schumpeter neatly exemplifies three of the time-honored charges against democracy. These charges, which persist in different degrees to the present day, are that the masses are bound to get out of control when they get together, that they are incapable of rational argument, and that they cannot see beyond their narrow selfish concerns.

For the first, Schumpeter invoked the observations of Le Bon, who, on Schumpeter's reading, succeeded in showing

the realities of human behavior when under the influence of

agglomeration--in particular the sudden disappearance, in a state of

excitement, of moral restraints and civilized modes of

thinking and feeling, the sudden eruption of primitive impulses,

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infantilisms and criminal propensities--he made us face gruesome

facts that everybody knew but nobody wished to see and he thereby dealt

a serious blow to the picture of man's nature which underlies the

classical doctrine of democracy and democratic folklore about revolutions.

(Schumpeter [1942] 1976, 257)

Lowly passions, citizens' lack of restraint when set loose in public--not anything so lofty or principled as a desire for autonomy, for example--are the true sources of inspiration for the great democratic revolutions. Public assembly seems, on Schumpeter's view, a recipe for extracting only the basest performances of which humans are capable.

In addition, according to Schumpeter, most citizens aren't that smart. For the average citizen, "mere assertion, often repeated, counts more than rational argument." Schumpeter had no shortage of catch-phrases for conveying his general lack of esteem for the intelligence of the many. The average citizen "is impatient of long or complicated argument," possesses "weak rational processes," is "not `all there.'" "People," Schumpeter announces, "cannot be carried up the ladder." Since average humans are likely to yield more readily to prejudice and manipulation than to rational argument, not to mention the invitation to crude excess that is risked when they assemble, Schumpeter concludes that the typical citizen "drops down to a lower level of mental performance as soon as he enters the political field. He argues and analyzes in a way which he would readily recognize as infantile within the sphere of his real interests. He becomes a primitive again" (Schumpeter [1942] 1976, 257, 262).

Finally, Schumpeter also was convinced that average citizens could barely discern a common interest. If political matters resembled the concerns of daily life in the home or in business, there might be some hope for minimal comprehension of civic affairs--so local politics might be less afflicted by the ignorance of the average citizen. But Schumpeter allows that "even there we find a reduced power of discerning facts, a reduced preparedness to act upon them, a reduced sense of responsibility." And when it comes to national and international affairs, there is no basis for hoping that citizens might see anything like a common good, because these affairs "lack a direct and unmistakable link with ... private concerns." Citizens aren't capable of apprehending any interest beyond one that

immediately and obviously concerns themselves (Schumpeter [1942] 1976, 260, 261).

It is quite common to put Schumpeter's complaints about democracy in perspective by recalling the context in which he wrote, with its specific historical provocations. For instance, David Held, in making the point that Schumpeter was hardly an original thinker, remarks that

Schumpeter's highly critical account of more participatory schemes of

democracy . . . echoed closely the opinions of many Western commentators

and politicians at the time who felt "excessive" participation might

produce the mobilization of the demos with highly dangerous consequences:

among the experiences uppermost in their minds was no doubt the Bolshevik

revolution and the mass rallies which signaled the advent of Nazi

Germany. (Held 1987, 165)

Credit for sensitivity to the historical lessons of mass excess is frequently extended to the American political scientists who followed and in some measure echoed Schumpeter, such as the authors of *Voting* (Berelson, Lazarsfeld, and McPhee 1954) and *Robert Dahl* (1956).

Yet the antidemocratic sentiments that Schumpeter exemplifies are both too old-fashioned and too persistent to be linked directly to the history of twentieth century Europe. Schumpeter's views of the masses were solidly in place in Sir Philip Sidney's *Arcadia*, the best selling book, after the Bible, in seventeenth century England (Herzog 1989). Sidney sketches a zealous multitude incapable of any constant opinion, both at the mercy of manipulative rulers and in need of skillful leadership. There's no hope of a discussion of common interests in Sidney's account of democratic assembly:

But when they began to talk of their griefs, never bees made such a

confused humming: the town dwellers demanding putting down of imposts;

the country fellows, laying out of commons: some would have the prince

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keep his court in one place, some in another. All cried out to have new

counselors, but when they should think of any new, they liked

them as well as any other that they could remember. . . . At length they

fell to direct contrarities. (Sidney 1984, 383)

Not only predating him, views like Schumpeter's followed American political science into the sixties, appearing, for instance, in Almond and Verba's *The Civic Culture* (1963). Similarly, Philip Converse's quest for ideas among the American mass public, leading him through revisions and refinements of survey instrumentation, concluded with the lament that "what needs repair is not the [survey] item but the population" (1963, 176). The views that Schumpeter published in 1942 were hardly novel; neither was Schumpeter the end of them.

I want to suggest that the appeal to deliberation has offered something of an all-purpose solution to each of the problems named by Schumpeter and others. Paradoxically, this solution is satisfying to both elitists and democrats. Because of its connotations of cautiousness and order--because deliberation is by definition not hasty--it establishes a standard to invoke in complaints about unruly or excessive behavior. Deliberation also connotes thoughtfulness. Appeals to deliberation amount to demands for a certain kind of discourse in democratic political settings: reasonable, foresighted, steady, and oriented to a common, not sectarian, problem.

The aristocratic (or antidemocratic) use of these standards has been to claim that the many fail to be deliberate: that is, they are too hasty, or insufficiently thoughtful, especially about problems not of immediate concern to them. But democrats also subscribe to them: many democrats have tried to meet the aristocratic objections to democracy by adopting these objections as standards for how democratic political discussions should range or be restricted.

So democrats end up saying that the many should be involved in politics but that they should deliberate about it. Both defenders and enemies of the masses have advanced deliberation as the perfect antidote to democracy. Democracy's staunch supporters do not celebrate it as a place for the many to gather and express intemperate views: instead, eager to offset criticisms of democracy as short-sighted and inept mob rule, they suggest how it can be made more rational, slow-paced, and communally oriented. In the following sections, I explore the resonance between apparently conservative

and apparently democratic discussions of deliberation.

DELIBERATION AND THE AVOIDANCE OF INTEMPERANCE AND INEPTITUDE

Edmund Burke was a vociferous advocate of a more tranquil politics and the author of some of the more colorful images of popular excess in the history of political thought. Burke found the French National Assembly anything but deliberate; in fact, he considered it a sham, playing

the farce of deliberation with as little decency as liberty. They act

like the comedians of a fair before a riotous audience; they act amidst

the tumultuous cries of a mixed mob of ferocious men, and of women lost

to shame, who, according to their insolent fancies, direct, control,

applaud, explode them, and sometimes mix and take their seats amongst

them, domineering over them with a strange mixture of servile petulance

and proud, presumptuous authority. (Burke [1790] 1987, 60)

Although Burke was hardly a democrat's best friend, he didn't find the multitude entirely without redemption: if it could just slow down, it might not be completely outlandish. "The multitude, for the moment, is foolish," he said, but only for the moment, "when they act without deliberation" (as quoted in Pitkin 1967, 181). Unfortunately, however, though he admitted that they were endowed with deliberative capacities, Burke considered the deliberate sense of the multitude too remote and too long in coming to make it safe for them to direct their own politics. Better that they avoid the overstimulating atmosphere of the political assembly and leave politics to someone less inclined to rashness.

Burke is, of course, the exemplary conservative. But self-styled democrats also sketch democratic excess in language that closely approximates his. The American political scientist Donald Downs, for example, echoes Burke in his account of the political extremism surrounding attempts by radical feminists to pass antipornography legislation in Minneapolis and Indianapolis. Downs reports that "many knowledgeable leaders expressed strong reservations about the lack of deliberation, the

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one-sidedness, and the surreal sense of moral emergency that prevailed" in Minneapolis. In describing the hearings on pornography held by the City Council, Downs, both in his own words and in quoting others, refers to the "antics" of supporters of the antipornography ordinance, their "emotionalism," their "rant and rave" as opposed to "precise thinking," their "hysteria," and the way the activists "applauded, booed, hissed, and cried." And in fact, Downs says that a sense of moral emergency and one-sidedness are "precisely the qualities that the politically mature and tolerant society aspires to tame" (Downs 1989, 66, 82-3, 86-7, italics added).

To be clear, the point here is not about the extent to which Donald Downs decries restrictions on pornography. Instead, it is that both Downs and others whose views he reports condemn the antipornography activists by saying that they were, in no small measure, insufficiently deliberate. And though Downs (1989) makes this condemnation in the name of democracy (for example, he says that "the extreme positions taken during ... the new attack on pornography have demeaned the quality of public discourse . . . and jeopardized the quality of democratic debate" (p. xvii), his appeals to deliberation clearly resonate with Burke's conservative emphasis on the need for containment and the avoidance of excess.

Unqualified distrust of the self-control and reasonableness of the many may seem out of place in our relatively democratic age, but a judiciously expressed skepticism is not at all foreign to modern policy thinkers. Worries about the contradiction between deliberation and democracy, about public discussions spinning into chaos, are regarded as legitimate concerns for policy managers. The task of these bureaucrats has become, on the modern American view, not just the management of public policy and public issues per se, but the management of the public discussion itself.

For instance, more than a third of the essays in a collection edited by Robert Reich, *The Power of Public Ideas*, are explicitly devoted to the question of how policy makers might develop public debate on policy matters. But it's clear that this is tricky business, even for those students of public policy, like Reich, who clearly endorse the goal of democratic involvement. A certain wariness accompanies all of Reich's recommendations that public managers bring policy matters under the public purview. Reich warns: "public deliberation will take up inordinate time and resources . . . and it can easily cycle out of control" (Reich 1988, 154). Even well-intentioned public managers need to know just how messy things can become.

Closely affiliated with the objection that the masses are

inclined to be overwhelmed by mob psychology in the political assembly is the worry that they aren't sufficiently rational to think straight. This too is an old-fashioned objection. For example, in the seventeenth century, Sir Thomas Pope Blount announced that "the numerous rabble" were "but brutes in their understanding . . . having nothing but their outsides to justify their titles to rationality" (as quoted in Thomas 1983, 43-4). But the view has not entirely faded from the scene. Not so long ago, Charles Lindblom was nearly as unflattering

as Sir Thomas: "most people want policy making generally to be democratic. But they also want it to be intelligent" (Lindblom 1980, 6).

The idea that deliberation should be restricted to experts--to those particularly equipped with the skills for rational discourse--is an idea that pervades other modern theories that at least formally purport to be democratic. If the masses are lacking, their true interests can best be pursued by someone better equipped at managing political affairs than they are. The second chapter of C. B. MacPherson's *The Real World of Democracy* is a long attempt to justify the idea that the "vanguard state . . . may be called democratic": if the masses themselves exhibit no taste for the struggle for human equality, then an elite group may direct them to it, pursuing the people's true interests better than they themselves can (MacPherson 1965, 22).

An alternative to rule by experts is, however, available to democrats. If the masses are lacking, they might be improved. And it may be exactly involvement in public affairs that will educate them to the capacities for citizenship. The most famous exemplar of the educative effects of political deliberation is Mill. Although he was suspicious enough of average citizens to suggest in *Representative Government* that their votes should be outweighed by their better-educated fellows, Mill still located some uplifting potential in political discourse, for instance in *On Liberty*.

Average people can be improved in a number of ways through their involvement in politics. Not only might they develop basic competency at citizenship, they also are likely to become better human beings, acquiring both individual autonomy and a sense of common involvement. Many contemporary democrats extend this hope to all citizens: they want everyone involved in politics, but they also want everyone to be deliberate about it.

DELIBERATION FOR EVERYONE

Modern democratic theorists want public deliberation to be common in two ways. They hope that all citizens will

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deliberate together, because their activity of participating in a discussion of common problems should inspire a sense of autonomy. And, in contrast to antidemocrats, like Sir Phillip Sidney and Joseph Schumpeter, who doubt the average citizen's ability to comprehend anything but a private interest, modern democratic theorists believe this broader orientation can be reached by the masses and recommend wide involvement in political deliberation as a course to it. Public discussions are common for modern democratic theorists in a second sense, then, in terms of their subject matter or orientation. A norm of finding a common voice, of resurrecting some form of a communal interest, pervades contemporary democratic theory.

Including everyone in the pursuit of a common interest or identity seems democratic: it's a goal founded on expanded participation, and it contains the aspiration that something worthwhile--a sense of empowerment and a stake in the community--will come out of this participation. Yet this democratic aim carries certain antidemocratic implications. Both the pursuit of a common voice and the vehicle--deliberation for everyone--used in that pursuit may be fundamentally antagonistic to important democratic aims. There are probably limits to the extent to which everyone can deliberate together, which I will discuss later. But the pursuit of a common voice itself is, somewhat paradoxically, an exclusive aim. Although modern democratic theorists did not decide to focus on a communal identity because they thought the masses needed special urging to see beyond their narrow and selfish concerns, in the end this focus ends up resonating with conservative indictments of mass politics in potentially troubling ways.

When Jane Mansbridge defines deliberation, she also reveals the contemporary democratic inclination toward the pursuit of commonality. Mansbridge, however, is careful to allow for a form of deliberation that advocates the articulation of difference: deliberation may "shape the character of those who engage in it, in the direction of more habitually recognizing conflicts of interest." If patterns of oppression make it unlikely that some groups will succeed in articulating these differences, they need to retreat from the more general discussion and deliberate among themselves, to discover their true interests. Ultimately, however, commonality is the goal: "the presence of others encourages 'we' rather than 'I' thinking. . . . when a society needs to discourage individual self-interest and encourage altruism, deliberation in public will often serve that end" (Mansbridge 1991, 7-8).

Other contemporary theorists share Mansbridge's recognition that the project of mutual deliberation needs to preserve some space for acknowledging conflicts and differences. Hanna Pitkin, for instance, points out that

distributive justice--presumably one of the aims of deliberation--requires acknowledging individual selves in the community (Pitkin 1981).

Pitkin and Shumer not only acknowledge the possibility of conflict in democratic discussions but consider conflict integral to them: "conflict--handled in democratic ways, with openness and persuasion--is what makes democracy work, what makes for the mutual revision of opinions and interest" (Pitkin and Shumer 1982, 47; see also Gutmann and Thompson 1996). Yet clearly there's a priority here, an expectation of arrival at some kind of consensus. Special interests are to be revised, modified, or shifted in the name of discovering something common. In addition, common life not only emerges in deliberation but is expected to assist it. Charles Larmore, along with John Rawls, suggests that disagreements may be resolved or bypassed when citizens can refer to the "beliefs they still share" or to "common ground" (Larmore 1996, referring to Rawls 1971).

Pitkin and Shumer, Mansbridge, and Larmore, represent attempts by contemporary democratic theorists to acknowledge conflict and difference within a broader project to uncover, and rely upon, a communal orientation. These approaches, however, carry a risk that particular perspectives and interests will be effaced, especially in the interests of minorities or oppressed groups. Neither perspective suggests a way to identify when or if particular interests should be publicly honored. Neither suggests a standard for deciding when the community as a whole must attend to very particular perspectives, or whether such attention has any place in deliberation.

Yet surely there are occasions when democratic assemblies should do nothing like pursue the common good but instead should just listen and respond to particular complaints. The testimony of Japanese Americans relocated during World War II before Congress was, for example, such a moment. The first major problem with the democratic pursuit of a communal orientation through deliberation is this risk of discrediting particular interests.

One of the more promising approaches to thinking about honoring particularity comes from acknowledging the need for democrats to listen as well as to talk in their deliberations. Benjamin Barber announces this need in *Strong Democracy*:

The participatory process of self-legislation that characterizes strong

democracy attempts to balance adversary politics by nourishing the

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mutualistic art of listening. "I will listen" means to the strong democrat

not that I will scan my adversary's position for weaknesses and potential

trade-offs, nor even (as a minimalist might think) that I will tolerantly

permit him to say whatever he chooses. It means, rather, "I will put myself

in his place, I will try to understand, I will strain to hear what makes us

alike, I will listen for a common rhetoric evocative of a common purpose or

a common good. (Barber 1984, 175)

Yet what is acknowledged by the listener is only what can be incorporated, what is identifiably similar. While what is different, distinctive, unique, or uncommon may be articulated, it is not, on the model of listening detailed by Barber, attended to or acknowledged. Preferred attention to what's common increases the risks of outright denial of the perspectives of minorities. If these perspectives are unsettling, discomfiting, or if members of the dominant group have an interest in ignoring them, then the risks contained in seeking a common voice increase. For example, White feminists have tended to think in terms of a generic category of woman, an approach which may usefully encourage some form of solidarity but also denies White women's complicity with racism. This point has emerged clearly in the criticisms that Black feminists have made of the universalizing tendencies in White feminist theory and politics (Smith 1982; hooks 1981; Joseph and Lewis 1981; Dill 1983; Spelman 1988; Collins 1990).

Given the difficulties of acknowledging and crediting particular interests in the midst of a broad pursuit of commonality, it is not surprising to find that demanding honor of a higher value than oneself can also work to discredit social movements forged around the particular interests of oppressed groups. The language used by Albert Martin, a husband abandoned in his wife's pursuit of her own individuality and the author of *One Man, Hurt* is an extreme example: Martin complains of "the enshrinement of individuality, the freedom of self, at the expense of marital union and social compromise" (quoted in Klatch 1987, 128).

When someone like Martin calls for social compromise, we readily identify this appeal with an attempt to resurrect a state of affairs characterized not only by unity but also by

dominance and inequality. Yet such an appeal is not readily distinguishable from ostensibly more moderate perspectives (compare Bellah et al. 1985). In settings where there are gross inequities in power and status, calling for compromise may be perilously close to suppressing the challenging perspectives of marginalized groups. Such suppression, when it occurs, is not democratic. And avoiding it requires an ability to notice which individuals regularly have more power than others, and whose perspectives regularly dominate. The appeal to democratic deliberation doesn't, at least by itself, provide a way to take notice of and respond to such imbalances.

Learning to deliberate in America might be inseparable from indoctrination in familiar routines of hierarchy and deference, because the settings where Americans deliberate aren't isolated from status inequalities. The extent to which these concerns are troubling will be clearer following a review of some of the apparent facts about deliberation collected in social scientific studies of juries.

THE POSSIBILITIES FOR DELIBERATION IN THE UNITED STATES

The question of whether democrats can achieve democratic goals through deliberation may be addressed by looking at how deliberation actually seems to proceed in settings where American citizens talk to each other, face to face. Status inequalities and regular patterns of social oppression might intrude when Americans deliberate sufficiently to make democratic goals, such as enhancing community and autonomy, remote and unlikely. Depending on how pernicious these problems are, they may persist even when everyone knows how to deliberate and has the time, money, and information for it. Promoting broad participation in democratic discussions may require more than guaranteeing the material prerequisites to deliberation or suggesting the pursuit of a common voice.

If American politics is ever considered really democratic, it is in the institution of the jury: juries are supposed to capture what's best about American democracy. When individual citizens participate in the administration of justice, law seems less remote, less magisterial. Citizen participation helps secure the reputation of legal institutions as at least partly buttressed by popular sovereignty. And juries also seem a bulwark of individual liberties, since jurors are inclined to fend for those who stand accused. The massive empirical study of American juries by Kalven and Zeisel compared verdicts delivered by juries in criminal trials to the determinations judges would have rendered had the cases been heard without juries. Almost four-fifths of the time, judges and juries agreed, but when they differed, jurors were more likely than judges to find in favor of the defendant (Kalven and Zeisel 1966).

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Further, because citizens are involved in the administration of justice, albeit through the lens of a particular case, they are encouraged to consider the questions before them from a broader, social perspective and to leave aside, at least temporarily, their immediate and personal concerns.

Participation on a jury seems to involve exactly the skills and capacities that democrats hope Americans might practice in other settings: the deliberative jury is supposed to be composed and considerate, exactly not an angry mob. In the jury, citizens call on their rational faculties and consider a common, or at least impersonal, not personal, problem. Juries appear to be something like schools for democrats, as Tocqueville suggested they were. But of course Tocqueville had particular lessons in mind, not necessarily those admired by contemporary theorists. Tocqueville considered Americans in need of reminders about status and deference, which he thought were ideally communicated through the mechanism of the civil jury. Unlike criminal trials, where Tocqueville anticipated modern social science by suspecting that jurors would sympathize with defendants, civil trials on his view could encourage juries to look to judges for expertise and guidance. And participation on juries was further laudable, in Tocqueville's eyes, because each juror "comes into daily contact with the best-educated and most-enlightened members of the upper classes." Tocqueville thought lawyers counted as a "class apart" from the people, resembling "Egyptian priests, being, as they were, the only interpreter[s] of an occult science" (Tocqueville 1969, 275, 267).

Although Tocqueville found much to recommend in the humbling aspects of the courtroom, he assumed a basically homogenous jury inferior in class and status to judges and lawyers. He didn't explore the possibility that citizens might defer to each other. Yet contemporary social scientific evidence suggests that exactly that happens, in ways that are entirely unsurprising and predictable given the inequalities familiar in the broader society. When Americans assemble in juries, they do not leave behind the status, power, and privileges that they hold in the outside world.

Most jury deliberations begin with the selection of group leader, a foreperson. Far more often than not, the person selected is a White male with a college degree. Postgraduate work, a high-status occupation, and previous jury experience further enhance the chances of being selected. Women are chosen to head juries much less frequently than their representation on juries suggests they should be (Hans and Vidmar 1986).

Gender, racial, and economic privilege do not determine selection as jury leader in a direct or immediate sense,

however. Instead, they increase the likelihood of behavior that leads to selection as head of the jury. Speaking first and sitting at the head of the table increase the probability of being chosen as foreperson, and high-status men engage in these behaviors more often (Hans and Vidmar 1986). An account of the way that the jury foreman was selected in the trial of John De Lorean captures these dynamics: "The first item of business was to select a group leader. Vern Lahr, a former highway patrolman, mentioned the issue first and stood capably at the blackboard asking for nominations. Not surprisingly, he was chosen for the job" (Hans and Vidmar, 1986, 16).

Another important enhancer of the chance to be selected as foreperson is a claim of some kind of prior experience, though not necessarily experience with jury service. In a study of mock juries, Phoebe Ellsworth and her colleagues found that, though almost two-thirds of the jurors studied were women, men were chosen to head juries nearly 90 percent of the time. Ellsworth reports that

For ten of the eighteen juries, the process of foreman selection can be

summed up by the phrase "choose a man who says he has experience." . . .

Since we knew which of our subjects had actually served on real juries, we

were able to find out whether the people chosen as foreman were actually

more likely to have had prior jury experience than the other jurors. They

were not more experienced: 39 percent of the foremen had served on

juries, as compared with 36 percent of the other jurors, an insignificant

difference. Thus, a foreman is someone who claims experience, not

necessarily someone who has it. (Ellsworth 1989, 213)

Selection of the foreperson encapsulates patterns repeated through the course of the jury's deliberations. Studies conducted over the last four decades have consistently reinforced the basic finding that men talk more in juries; jury leaders, already more likely to be men, are also inclined to participate more than other jury members in deliberation. Even when the foreman is excluded from the calculations of who generally talks most during

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deliberations, men still dominate the discussion by significant amounts (Hans and Vidmar 1986; Marsden 1987; Hastie, Penrod, and Pennington 1983).

The simple fact that men talk more than women in jury deliberations might give pause to democrats inclined to hold strictly to a standard of equal participation in group discussions. If it's demonstrable that some kinds of people routinely speak more than others in deliberative settings, as it is, then participation isn't equal, and one democratic standard has fallen. But democrats needn't give up so easily. One might relinquish the standard of strictly equal participation and say instead that as long as most or all views available to the group are somehow expressed and considered, it doesn't matter who says what or whether some people talk more than others.

Yet studies of juries suggest that whether an idea is expressed in the first place, whether it is apprehended by the group, and whether it prevails in deliberations, all depend on whether the idea has a talkative promoter. For instance, the mere propensity to talk a lot appears to increase the chances that one will be viewed as presenting compelling arguments. Studies of juries and other small groups indicate that individuals who speak the most are likely to be viewed as most persuasive by other group members and that it is the quantity of remarks, not their quality, that seems to drive these perceptions (Marsden 1987). In principle, each juror's perspective should be given equal weight in group deliberations, but simply increasing the volume of one's commentary seems to increase the chances that one's opinions will prevail.

Studies of the behavior of interracial groups in American classrooms support the general finding that emerges from studies of juries, that members of the dominant group in society also tend to dominate in small groups working on a common problem. Dominance is shown in these studies not to be attributable to any greater skill on the part of the dominant group. One early study found that when interracial groups work together on a collective task, White students are more active and influential.

Katz, Benjamin and Goldston found that black college students displayed

marked social inhibition and subordination to white partners in a

cooperative problem-solving situation, even when subjects were matched on

intelligence and made to display equal ability at the task . . . Whites

initiated more interaction than blacks; both blacks and whites talked

more to whites than to blacks. (Cohen 1982, 210-1).

Importantly, these studies controlled for factors such as age, height, socioeconomic status, and attitudes toward school. Even when students were matched on these demographic factors as well as on ability at the problem-solving task pursued by the group, high-status members were routinely treated as if their contribution to the group problem were better. They spoke more during group discussions, and they were given more opportunities to make suggestions; in postmeeting questionnaires, group members perceived the high-status participants as having better ideas and as having done more to guide the group. These results hold whether the racial comparisons are between Anglo and Mexican American students, black and white students, Native Americans and whites, or Israelis or European and Middle-Eastern background students (Cohen 1982).

If dominance in group discussions is not attributable to the superior skills at reasoning, argument, or deliberation of the dominant group, then it is not likely that distributing the skills for deliberation more widely will solve the problems of unequal participation or influence. Instead, improving democratic discussion seems to require interventions in the structure of group deliberations.

Jury studies provide fodder not only for democratic worries about the course of group deliberations in the United States but also for suggestions about how discussions might be structured to make problems of dominance and hierarchy less pressing. For instance, it appears that some styles of group discussion are more likely to elicit the views of all group members than are others. Social psychologists distinguish between "evidence-driven" and "verdict-driven" deliberation styles in juries. Verdict-driven juries decide to take a vote early on to see where everyone stands. They tend to arrive at their final determinations relatively quickly, with the verdict almost always reflecting the position of the majority in the initial vote. By contrast, juries engaging in evidence-driven deliberations tend to discuss the merits of certain perspectives on the evidence without taking an initial vote or otherwise associating certain jurors with certain perspectives.

When jury deliberations are focused more on eliciting a range of views instead of on the common problem of arriving at a verdict, they appear likely to provoke both a more considerate discussion and one that leaves jurors more satisfied with their participation: jurors on evidence-driven juries report thinking they have done a good job more frequently than do jurors on verdict-driven

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juries (Hans and Vidmar 1986; Brown 1986). Further, if a jury decides to defer voting until discussing the evidence, it can apparently hold off the mechanisms that allow some individuals to dominate discussions:

In an ideally fair and rational deliberation process, all the arguments of

both factions will be weighed before coming to a decision, which may be

required to be explicitly unanimous. The majority, we know, has some power

to influence the perceptual judgments of the minority by the force of

conformity, which has nothing to do with rational argument, and it is also

known that small minorities in juries sometimes agree to go along" with a

unanimous verdict although they have not been persuaded that it is correct.

(Brown 1986, 286)

Verdict-driven deliberations reduce the chances of a broad consideration of all views on the evidence, reduce the likelihood of a rational discussion, and increase the pressures to conformity. But verdict-driven deliberations are more in keeping with a male style of discourse and are more likely to occur when men head juries. Some social-scientific studies suggest that women are more likely than men to encourage an evidence-driven style of deliberation. Women appear to accommodate different points of view better than men do.

In studies of as-female groups, the more active speakers tried to draw out

the more silent members, which is a key characteristic of evidence-driven

juries. In contrast, in all-male groups, the more active members eventually

ignored the less active members, which is a key characteristic of

verdict-driven juries. The men displayed competitiveness with other men,

whereas the women expressed cooperation with other

women. In mixed groups,

however, the women consistently became more silent. If women are encouraged

to speak more and men are reminded to listen more, women may be able to

bring to jury deliberations their tendency to engage in evidence-driven

discussion. (Marsden 1987, 6034; see also Kanter 1979)

If part of what deliberation means is bringing more participants and more perspectives into common discussions and to ensure that different views are considered seriously, it is not likely to be increased just by distributing the skills for deliberation more widely. That is, ensuring participation in deliberation, and guaranteeing a discussion that calls on all perspectives, is not just a matter of teaching everyone to argue. To meet the concern of equal participation, democrats should explicitly attend to issues of group dynamics and try to develop ways to undercut the dominance of higher-status individuals.

Democratic deliberation might also be endorsed as a surer course than decision making by an elite group to a fair or just decision about issues of common interest. In this case again, however, studies of juries suggest that who participates most in common deliberations has some bearing on what the outcome of those discussions will be, and on whether those decisions will be viewed as fair or just by all members of the community.

Some studies of juries have examined the question of whether the jury is competent to arrive at a fair or just verdict. Competency in many of these studies has been assessed by examining the correspondence between verdicts rendered by judges as compared to juries. Since, as a general matter, judges and juries tend overwhelmingly to arrive at the same verdicts, by this standard, jury deliberations look fair or right in terms of their outcome, despite the apparently troubling dynamics of deliberations (Hans and Vidmar 1986; Hastie, Penrod, and Pennington 1983).

Other jury studies, however, suggest that the dynamics of deliberation--who dominates, whose perspective is suppressed--might be quite consequential for the fairness or justice of the outcome of deliberations. Phoebe Ellsworth and her colleagues found, in studies of "death-qualified" juries (juries composed of individuals willing to impose the death penalty in capital crimes), that these juries are more likely to convict than other juries: they are biased against the defendant (Cowan, Thompson,

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and Ellsworth 1984; Fitzgerald and Ellsworth 1984). A jury composed of death-qualified jurors is also unrepresentative of the broader population. It is more likely to be made up of White men who are Christians, Republicans, and wealthy, and less likely to be composed of women, Blacks, poor people, Democrats, Jews, atheists, or agnostics.

A supposition we might draw, putting together the findings about death-qualified juries and what we know about the dynamics of deliberation, is that, to the extent that higher-status individuals dominate jury discussions, juries may veer toward convicting defendants. Further evidence in this direction has emerged from studies of the responses of jurors to testimony by experts on domestic violence, in trials of women who have claimed to have killed their batterers in self-defense. Regina Schuller found that male jurors were "more likely to favor guilty verdicts and to offer unfavorable interpretations of the defendant's state of mind and of her ability to leave the situation in which she found herself" (Vidmar and Schuller 1989, 154). Attitudes about crime and about who deserves to be convicted are not randomly distributed across the population of jurors. Instead, conviction-proneness appears to be concentrated in individuals who possess characteristics similar to the characteristics of those who tend to dominate discussions. The dominance of higher-status individuals in discussions may shift not only the style but the outcome of these discussions.

The most important democratic hope for deliberation is that deliberation, in juries or elsewhere, enhances citizenship by inspiring autonomy and a sense of community; in other words, it produces conditions of mutual respect. Yet again, social hierarchies and patterns of oppression may hamper this goal, afflicting deliberation sufficiently so that participation instills a sense of alienation rather than either autonomy or community.

Firsthand accounts by African American jurors in the trial of Robert Chambers (who, before the jury had reached a final verdict, pleaded guilty to first-degree manslaughter in the death of Dawn Levin) reinforce the view that jurors who are privileged in terms of race, economic background, or gender tend to have perspectives quite different from those who are not, belying the expectation that deliberation might inspire, or help recall, a sense of community. The distance between jurors' perspectives may be sufficient so that less privileged jurors feel that their views are discounted, a possibility clearly not in keeping with the promotion of a sense of autonomy.

Robert Nickey was serving on a jury for the third time in the Chambers trial. He testified in the 1988 public hearings of the New York Judicial Commission on Minorities to his

belief that his views were systematically unheeded by White jurors. Nickey reported asking the other jurors if they would have any difficulty convicting Chambers of murder with intent if he were Black, and having his inquiry met with silence. He also expressed his disillusionment with the legal system: "I always felt and was taught that justice was blind to race, color, or creed. But that is not so here in New York" (as quoted in Davis 1989, 1569). Indeed, the reactions to the verdict in the Simi Valley trial of the police officers accused of beating Rodney King, and to the criminal trial of O. J. Simpson, reveal a profound distrust of the idea that Americans might resolve their disagreements by resorting to a common ground.

Because dominance appears to be a function of status and the attributions of superiority that accompany it, distributing skills and resources for deliberation is unlikely to ensure more egalitarian and democratic discussions. Perhaps more obviously, neither is urging the discovery of a common voice likely to address the problems of inequality in group deliberations. The goal of democratic discussion should not be teaching everyone to deliberate, but trying to figure out a way to make sure that everyone participates and is effectively represented and taken seriously in discussions.

AN ALTERNATIVE TO DELIBERATION?

I should say that I am not entirely against deliberation. But I am against it for now: I think it is premature as a standard for American democrats, who are confronted with more immediate problems. And I think the standard has pernicious consequences, to the extent that it is distracting from more basic problems of inclusion and mutual recognition, and to the extent that it favors a form of expression and discourse that makes it likely that the talk of an identifiable and privileged sector of the American public will dominate public dialogue.

Modern democrats' identification of deliberation with the pursuit of a common voice steals attention from the egalitarian concern to enhance effective participation. Although modern democratic theorists also want to honor the concern to bring the perspectives of the disenfranchised into public discussions, their appeal to deliberation undercuts this concern. The invitation to deliberate has strings attached. Deliberation is a request for a certain kind of talk: rational, contained, and oriented to a shared problem. Where antidemocrats have used the standards of expertise, moderation, and communal orientation as a way to exclude average citizens from political decision-making, modern democrats seem to adopt these standards as guides for what democratic politics should be like. And the exclusionary connotations of these standards persist.

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Arguing that democratic discussion should be rational, moderate, and not selfish implicitly excludes public talk that is impassioned, extreme, and the product of particular interests. This is one set of indictments of the democratic appeal to deliberation. The evidence from social scientific studies of deliberation in juries and classrooms suggests a further criticism. The model of deliberation simply does not take sufficient account of the ways that status and hierarchy shape patterns of talking and listening to ensure that all perspectives are considered, that participation in a public discussion instills a sense of autonomy, and that the pursuit of a common interest does not coincide with the promotion of the views of the dominant.

An alternative to deliberation as a model for democratic politics has to begin by trying to rule out the problems that the critique of deliberation reveals. That is, the alternative should avoid stated or implicit requirements that talk be only rational and moderate, or that the only perspectives worth attending to are perspectives that illuminate what is common.

Instead of focusing so exclusively on deliberation, American democrats could cull an alternative model from their political history. The idea of giving testimony, of telling one's particular story to a broader group, has important precedents in American politics, particularly in African American politics and churches (Smitherman 1977). Suggesting testimony as a potentially better standard for democratic discussions than deliberation does not rule out

deliberation, just as suggesting deliberation does not rule out testimony. Both may have some place in a broad democratic process. But the current state of American politics is sufficiently exclusive, sufficiently afflicted by patterns of dominance, so that evenhanded group deliberations are unlikely. Public discussions in the United States seem likely to replicate the hierarchies that are identifiable in domains that aren't explicitly political. For example, the quality of life in the United States is vastly different for Black Americans than for Whites, whether these differences are measured in terms of income, employment, health, or education (National Research Council 1989). But the epistemological problem is perhaps even more daunting: Whites and Blacks see different worlds. There are few policy or political issues on which Whites and Blacks are willing to express even remotely similar views to survey interviewers: on virtually all matters of American public opinion, Blacks and Whites are divided by a wide (and of course statistically significant) gulf (Kinder and Sanders 1992). Evidence about racial and gender differences in jury deliberations, while not definitive by itself, supports the sketch of American society as a society characterized by important divisions between groups whether measured in terms of power, status,

quality of life, or political views. If we allow that some Americans are more alienated than others, that some are relatively disenfranchised, then the model of democratic politics subscribed to by democratic theorists should try to remedy, not reinforce, these problems.

Testimony might be a model that allows for the expression of different perspectives rather than seeking what's common. The contrast between the pursuit of commonality, and the simpler aim to include and represent a fuller range of critical voices, is at the core of the difference between deliberation and testimony. For example, where Cohen and Rogers complain of the lack of a "common voice" (1983, 17) bell hooks articulates the need for critical voices:

Yearning is the word that best describes a common psychological state

shared by many of us, cutting across boundaries of race, class, gender, and

sexual practice. Specifically, in relation to the post-modernist

deconstruction of "master" narratives, the yearning that wells in the

hearts and minds of those whom such narratives have silenced is the longing

for critical voice. . . . [Rap music] began as a form of "testimony" for the

underclass. It has enabled underclass black youth to develop a critical

voice, as a group of young black men told me, a "common literacy." Rap

projects a critical voice, explaining, demanding, urging. (hooks 1990, 27)

What is fundamental about giving testimony is telling one's own story, not seeking communal dialogue. Although hooks refers to the development of a "common literacy," this voice is common to a group that is usually excluded from the discourse of the dominant, and the voice that contributes to a "common literacy" is posed by hooks in opposition to, and as a criticism of, this dominant discourse. There's no assumption in testimony of finding a common aim, no expectation of a discussion oriented to the resolution of a community problem. Testimony is also radically egalitarian: the standard for whether a view is worthy of public attention is simply that everyone should

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have a voice, a chance to tell her story. What might recommend testimony right now to democrats is the need to bring more perspectives into democratic discussions and to figure out a way not to close off the views of any because they are different, not common. Unlike deliberation, the standard of testimony does not exclude positions if they are voiced in an immoderate or emotionally laden way. Testimony encourages the democratic consideration of the worthiness of perspectives not obviously rooted in common ground and not necessarily voiced in a calmly rational way. In other words, testimony could open the possibility of reasonable, collective consideration of novel, if disquieting, perspectives.

Testimony has something of a precursor in the thought of John Stuart Mill, a writer more regularly construed as a proponent of democratic deliberation. The nineteenth century British society that Mill tried to reform in his writing was, like contemporary American society, afflicted by divisions and exclusions. When Mill spoke about the benefits of including a disenfranchised group, women, in public discussions, he spoke about the primary aim of hearing an excluded perspective, not discovering a common voice. In *The Subjection of Women*, Mill wrote that nothing definitive can be known of women, since "women themselves have given but little testimony." They had not been allowed to "tell anything to the general public" (Mill 1975, 454, 456).

Nothing that Mill said in 1869, or that bell hooks says today, suggests that all that democratic politics should ever be about is citizens telling their own stories, in their own ways, to each other. But both Mill and hooks attend to immediate and pressing problems of exclusion and difference in a way that contemporary theorists avoid. When the perspectives of some citizens are systematically suppressed in public discourse, then democratic politics should aim simply and first to ensure the expression of these excluded perspectives. Instead of aiming for a common discussion, democrats might adopt a more fundamental goal: to try to ensure that those who are usually left out of public discussions learn to speak whether their perspectives are common or not, and those who usually dominate learn to hear the perspectives of others.

NOTES

(1.) The first draft of "Against Deliberation" was presented at the Midwest Political Science Association Annual Meeting in April 1991. Since then I have presented it formally to other groups, discussed it with many, many people, and have, upon request, distributed it in one version or another to still others. This wide circulation has

produced innumerable valuable comments and reactions, and too much good advice to incorporate here. While few of these readers will be able to locate here my responses to their specific suggestions, I still want to acknowledge them, along with others who did not read the essay but responded to my requests for advice about it. For this help, I am grateful to Elizabeth Anderson, Robert Calvert, Michael Dawson, Phoebe Ellsworth, Jon Elster, Don Herzog, Stephen Holmes, Jim Johnson, Jack Knight, Bernard Manin, Michael Neblo, Rick Pildes, Steve Pincus, Frank Sposito, Jackie Stevens, Laura Stoker, Cass Sunstein, Joan Tronto, and many others I've neglected in this list.

(2.) This is not to disregard attempts, such as those made by Rawls (1993) and Larmore (1996) to articulate the conditions that reasonable citizens might agree upon in order to develop morally justifiable solutions to their disagreements. Instead, my generalization refers to the dearth of attempts to consider whether ordinary citizens are likely to act reasonably, as reason is considered by contemporary moral philosophers and democratic theorists.

(3.) Though on some forms of pluralism, rational decision making isn't what die specialists do, it is cutting deals instead. In the most classic statement, Bentley discusses pluralism as a clash of interests diet is reconciled via skills far removed from reason-giving (1908); for a recent variant, see Becker (1983). Sunstein (1988) casts deliberation (in part) as the antithesis of interest-group pluralism. See also Mansbridge (1992).

(4.) In Frederick Douglass's 1852 Fourth of July Oration, he objected to the idea that he would be expected to argue against slavery (Foner 1950).

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