

Language, Power, and Persuasion: Toward a Critique of Deliberative Democracy

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We live for words and die for words – Principles we can't afford.
When all our breath has turned to words – Whose side are you on?
You tell the world your hands are tied – History three times denied.
The sea of change is three miles wide – Whose side are you on?

Chumbawamba, "Tubthumper"

The past twenty years have witnessed the consolidation of deliberation as the normative basis of democratic theory. Although different versions of deliberative democracy vary in scope and degree of institutionalization, they share the assumption that the rational consensus engendered through discussion should serve as the normative guide for democratic politics. Although this tradition has roots in the birth of bourgeois liberal thought, it has received renewed attention due to Habermas's reformulation on the basis of discourse ethics. In his middle period, Habermas had attempted to ground rationality in the structure of discourse itself, in the ideal preconditions of intersubjective communication.¹ His more pragmatist heirs, however, jettison transcendental truth claims while maintaining that deliberation can enhance the legitimacy of consensual solutions to the moral dilemmas which divide citizens.²

In this paper I challenge deliberation as a normative ideal for democratic politics. Whereas the earlier concept of the public sphere served to illuminate how specific social forces, institutions, and spaces contributed to the process of democratization, the more abstract idea of rational "discourse" obscures these political elements. Discursive democracy is an analytic reconstruction based on the mechanism of consensus formation of the bourgeois world of letters in eighteenth- and nineteenth-century Europe. The concept of the bourgeois public sphere, however, differs in crucial aspects from the abstract normative ideal of discursive democracy. The bourgeois public sphere emphasizes the social basis of a particular form of political organization; the ideal of discursive democracy, in contrast, relies on an abstract notion of consensus, thereby obscuring the ways in which power structures limit the range of possible outcomes. The spatial nature of the metaphor of the "public sphere" lends itself to analysis of specific institutions of public opinion formation as well as their relative accessibility or closure. Discursive democracy's emphasis on communication as the universal basis of democratic politics, however, hides the fact that even linguistic competence is

hierarchically distributed and implicated in the reproduction of dominant exclusions.

In order to make this argument I will proceed in three stages. First, I analyze Habermas's original formulation of "universal pragmatics" in order to show that it is based on unconvincing assumptions about the transparency of language and neutrality of communication. Next, I argue that recent political theories based on communicative ethics are incoherent when they attempt to strengthen the legitimacy of discursive democratic institutions without interrogating the necessary underlying philosophical assumptions. Finally, I conclude that democratic theory needs to do more than adjudicate between conflicting claims by appealing to reasonable arguments, since reasonableness is itself a social construction which usually benefits those already in power. Under existing conditions of inequality in late capitalism, appeals to intersubjectively valid norms can be a way of structuring contestation to perpetuate the status quo. Democratic theory must consider how critical perspectives capable of challenging the dominant definition of rationality are generated, contested, and institutionalized.

I. Language and Power

Habermas's attempt to ground rationality in the preconditions of communication suggests an original solution to the on-going debate between Kantian universalism and Hegelian ethical life. The essence of Habermas's universal pragmatics is that the premises of communication itself contain the possibility of rational consensus. Consensus is possible because understanding is the *telos* inherent in human speech. Normative validity is not the result of the individual's monological reason but the intersubjective process of dialogue. In the counterfactual ideal speech situation, all speakers implicitly raise and accept the following validity claims: the truth of the propositional content, comprehensibility of utterances, the truthfulness or authenticity of the speaking subject, and appropriateness given the existing context.³ These four elements are crucial for Habermas's position that discourse is not merely a means of discovering universal normative validity but also a form of binding social integration which provides sociologically and psychologically compelling motivations for action. Interaction is aimed at achieving agreement (*Einverständnis*) through recognition of these validity claims. Lying, deceiving, and misleading are parasitic forms of communication which suspend the assumptions on which "normal" speech is based. In other words, the ideal speech situation is a regulative ideal which formalizes the conditions of actual interactions which lead to consensus formation. Habermas does not claim that all cases of communication actually embody this ideal, but rather assumes that speech itself, to be coherent, must be implicitly based on a system of "universal and necessary" validity claims.

If discourse ethics is more than another reformulation of neo-Kantianism, it is

precisely because it takes intersubjectivity and therefore language seriously. If language itself, however, is constituted by a fundamental instability and determined by prior relations of power, then the normative validity of the resulting intersubjective consensus would always be provisional and open to further contestation. In his more recent formulations, Habermas explicitly grants that any actual consensus is fallible and open to future revision.⁴ No actual agreement, even one reached under appropriate conditions, is conclusive proof against future challenge. The validity of any truth claim is intrinsically bound to the process of argumentation, which by definition denies the possibility of closure. The crucial question thus becomes whether the ideal speech situation as a heuristic device functions to obscure or to elucidate existing exclusions and asymmetries. It is necessary to evaluate the ideal speech situation at two levels. First, we can consider whether Habermas's reconstruction of linguistics (what he calls universal pragmatics) reflects the actual parameters of "normal" speech in ways that make the ideal a meaningful model. In effect, we must ask whether Habermas's empirical claims about linguistic structures provide a sufficient basis for his conclusions about the rationality of communication.⁵ Second, we can look at how the ideal speech situation functions as a regulatory ideal. In other words, what are the political implications of establishing norms through this sort of consensus? Only then can we draw conclusions about the relationship between language, reason, and democracy.

According to Habermas, consensus is possible because of the "already operative potential for rationality contained in the everyday practice of communication."⁶ This claim is based on the assumption that under ideal conditions, language is fully transparent. Consensus is the realization of the structural potential inherent in speech itself and therefore provides a rational basis for universal norms. This characterization of speech, however, is highly contested in both post-structuralism as well as in certain strands of the analytic philosophy of language.⁷ Drawing upon the work of Wittgenstein, Bakhtin, and Derrida, I will suggest that the structure of language itself undermines the possibility of fully determined meaning. Language is not the name for an already existing reality nor the expression of a fully formulated idea. Language cannot be completely determined because it is constantly being reconstituted by social conditions and erased by custom and practice. This means that instances of miscommunication and manipulation are not accidental, secondary effects, but rather part of the nature of language itself.

In his *Philosophical Investigations*, Ludwig Wittgenstein offers a thorough critique of correspondence theories of language (including his own in the *Tractatus*). Instead of conceiving of language as referring to real objects, he suggests that we think of language as "a form of life," a set of rules and meanings embedded in concrete customs and practices. For Wittgenstein, unlike Saussure, these rules are not a finite set of fully analyzable structures. He denies that language can be approached from a static perspective as a closed system with internally consis-

tent, formalizable principles. Signs refer not just to other signs, but to an entire history of previous usages. For Wittgenstein, rules are practices connecting different uses of the same sign, which provide the context for linguistic innovation. He suggests that rather than understanding a rule as a definable and imitable procedure, “[l]et us imagine a rule intimating to me which way I am to obey it; that is...a voice with in me says: ‘This way’!”⁸ Whereas the term rule usually implies a clear principle which can be analyzed and taught, for Wittgenstein language functions more as “some way of hearkening, some kind of receptivity.”

In a series of examples, Wittgenstein illustrates why language cannot be understood as prior to the communicative context. In the beginning of *Philosophical Investigations*, he offers the famous example of a primitive language game whereby a workman instructs his assistant by naming different tools. Whereas a correspondence theory of language assumes that the term “slab” refers to the material object, it may also express the command “bring me a slab.”⁹ In other words, social context is intrinsically linked to language itself. For Wittgenstein, this performative use of language is not a separate category, but one example of the many ways in which the exigencies of communication determine the meaning of the linguistic sign. In a second example, Wittgenstein notes that typically a person reacts to the gesture of pointing by looking in the direction of the finger tip rather than following the direction of the wrist. This instinct reflects a shared background knowledge about how such a sign functions. In other words, the linguistic signifier itself communicates meaning only in so far as an entire system of background conditions can be taken for granted. Wittgenstein employs a series of similar examples in order to denaturalize the assumed correspondence between a sign and meaning. He does not, however, reduce language entirely to social context nor to the intention of the speaker. Instead, Wittgenstein analyzes the mutual interrelationship between language and the social context of communication. The concept of “family resemblances” suggests that although there is not any unitary structure which can account for each specific use of a word, there is nevertheless a genealogical relationship which links each usage with its past.

What does Wittgenstein’s understanding of language mean for deliberative democracy? It casts doubt on Habermas’s premise that the ideal speech situation provides the basis for rational, intersubjective consensus about norms. While raising and interrogating validity claims, the speakers in dialogue unavoidably take for granted a whole series of enabling background conditions. Wittgenstein demonstrates that it is impossible to analyze communication independently of its social and political context. Although Wittgenstein himself does not thematize the political implications, it becomes clear that language itself reflects prior hierarchies and differences between speakers and social groupings. According to Pierre Bourdieu, language is a form of symbolic power.¹⁰ Like economic power, symbolic power benefits the elite who disproportionately possess social capital, the linguistic and analytic skills conventionally defined as rational. Even in the

hypothetical case of the ideal speech situation in which all speakers fulfil the assumptions of “truth, comprehensibility, and rightness,” the exclusively rational character of the resulting consensus is illusory because the standards used to evaluate criteria such as comprehensibility privilege certain skills over others. Language competency is a skill which, like other forms of symbolic power, is unevenly distributed.¹¹ The entire range of popular forms of speech – use of dialectic, different conventions of politeness, subservient (or alternatively confrontational) address, personal narrative rather than general arguments – serve to marginalize certain speakers independently of the intentions or good will of the other participants in the conversation.

Bakhtin’s work on speech genres helps illustrate why language can never be understood as a neutral medium for communication. He distinguishes between the sentence and word, as elements of language, and the utterance, a unit of communication.¹² The utterance can exhibit varied grammatical and compositional structures (from a single word to a novel) since it is defined not by syntax but by expressive criteria. Thus, although utterances are guided by standards of grammar, they also exceed the analyzable content of language. An utterance is essentially the way in which the speaker uses and appropriates language in order to create meaning. In order to be comprehensible as communication, however, utterances must also refer to a broader system of meaning. Bakhtin uses the term “speech genre” in order to show that successful communication depends on more than mastering how to form correct sentences; it also involves understanding a set of linguistic conventions appropriate to a specific context or community. Examples include daily dialogue, the brief military command, standards used in business documents, specialized jargon of academics, medicine, or law, subcultural slang, poetry, and aristocratic manners and their related stylized forms of address. Communication is successful to the degree that the speaker and listener have both assimilated the patterns of the relevant speech genre. Bakhtin argues that individuals with an excellent command of language may nevertheless feel helpless in certain spheres of communication because they do not have the requisite facility with the appropriate speech genre.¹³ Thus, someone may engage successfully in academic debate yet be silent and awkward in social conversation. The choice of speech genre itself influences the effectiveness and content of communication.

Another constitutive marker of the utterance is its addressivity, the fact that it is directed towards someone. Bakhtin emphasizes that both the composition and the style of an utterance depend on the anticipated audience. Thus, social position, rank, and power are constantly marked and reproduced in speech. Although differentiation of speech genres is more extreme in the case of aristocratic societies, class structure always co-determines the speaker’s facility with and use of rhetorical styles. For Bakhtin, the expressive dimension of language is entirely found in the utterance and the speech genre. There is no neutral speech genre; the use of a specific speech genre expresses, among other things, the speaker’s attitude towards the listener. Bakhtin explains: “Objectively neutral styles presup-

pose something like an identity of the addressee and the speaker, a unity of their viewpoints. . .” But this identity and unity are purchased at a price. Rather than being based on real neutrality, they are the products of a prior suppression of difference. Thus, speech, an apparently universal, rational form of communication is not necessarily a neutral terrain for mediating conflict since the choice of idiom already privileges certain speakers.

For both Wittgenstein and Bakhtin, it is not the individual’s intentions but the nature of language itself which makes completely transparent communication impossible. This is the implication of Wittgenstein’s statement that “an intention is embedded in its situation, in human customs and institutions. If the technique of the game of chess did not exist, I could not intend to play a game of chess.”¹⁴ In other words, it is not the intentions of the actors but the structure of the political arena in which discussion takes place that largely determines the resulting “consensus.”

It is crucial to note that how language is imbued with (and reproduces) power is not merely contingent or accidental. The crucial difference between Habermas’s universal pragmatics and Wittgenstein’s and Bakhtin’s positions is that the latter understand the instability of language as a constitutive rather than contingent moment. Habermas has never denied that power effects the legitimacy of certain types of speech, but argues that these external conditions could, in theory, be bracketed in the ideal speech situation. His entire theoretical edifice is built on the distinction between communicative (life-world) and instrumental (system) rationality. He insists not only that all speakers come to a rationally motivated agreement, but that they do so for the same reasons. This in turn depends on the idealizing assumption that participants use the same linguistic expression in the same way. In his most recent major work, *Between Facts and Norms*, Habermas insists:

The ideal character of semantic generality shapes communicative action inasmuch as the participants could not even intend to reach an understanding with one another about something if they did not presuppose, on the basis of a common (or translatable) language, that they conferred identical meaning on the expressions employed. Only if this condition is satisfied can misunderstandings prove to be such.¹⁵

Habermas clearly acknowledges that this is an idealizing presupposition, a heuristic device, which may often be violated in actual discursive situations. But it is the ideal itself which is problematic. The very nature of conversation itself would change if, following Bakhtin, we assumed that identical words could connote very different meanings to different interpretative communities. For Bakhtin, understanding is not simply about truth or falsity. Instead, insight comes from the realization that two genuinely conflicting meanings may both be accurate, and that this reveals something important about the structural contradictions of society. Whereas Habermas starts with the ideal of a language free of domination, Bakhtin sees language as thoroughly and intractably implicated in power.

Following Austin, Habermas acknowledges the existence of a category of utterances called performatives, which obtain meaning only in reference to the external authority of the speaker.¹⁶ Austin's speech act theory first formalized the concept of "illocutionary force," i.e., situations in which language is used to perform an action rather than to refer to an entity. Austin employed a series of examples such as christening a boat, making a promise, or performing a marriage ceremony in order to illustrate that language itself can be a form of action. This is a radical innovation because it implies that the meaning of an utterance depends neither simply on its referent (Ayer) nor on its relationship to other elements of linguistic structure (Saussure), but rather on the broader social context. Austin, however, saw performatives as a special category of linguistic utterance following definable rules. He argued that it is possible to specify conditions of felicity for a speech act: that the speaker employ the right words ("I pronounce you husband and wife"), have the right intention, and possess the correct qualifications. Austin acknowledged the intrinsic link between language and context, speech and power, yet did not follow his insight to the more radical conclusion that all language reflects the fundamental instability of the social conditions. Instead, he tried to analyze the distinctive features of performatives in order to distinguish them from the normal process of communication. Thus, rather than acknowledge the interrelation of language and power, the category of performatives served to protect normal communication from social reality, thereby reasserting the fundamental ability of language to tell the truth. Similarly, Habermas acknowledged that the effectiveness of certain kinds of speech depends on institutional authorization, but saw these cases as conceptually distinguishable from the conventions of normal communication.¹⁷

In "Signature, Event, Context," Derrida engaged in a sustained critique of Austin's position. Derrida acknowledged the important innovation in Austin's argument, i.e., that the concept of performative utterance revealed that communication is not purely the expression of an already constituted meaning, but rather a product of force, "an original movement, an operation, and the production of an effect."¹⁸ Derrida claimed that despite this important opening, Austin failed to consider a prior instability within the nature of language itself. Specifically, Derrida focused his criticism on Austin's distinction between felicitous and infelicitous speech acts.¹⁹ For example, the successful performance of a marriage ceremony depends on certain conventions such as the qualification of the person performing it, the intention of the participants (for example, that they are not acting in a play), and the completion of the ceremony. Whereas for Austin, the possibility of an infelicitous speech act is an exception to the rule, for Derrida the possibility of failure is constitutive of language itself. Language is structured by the gap between what we mean and what we say. In other words, language is an objective, pre-existing set of structures and therefore can never be identical to the individual consciousness or subjectivity. Another way of expressing this insight is the necessary difference between an individual usage of language and the sedi-

mentation of all previous instances which are attached to the sign. For Derrida, iterability is the nature of language itself. Iterability expresses the signifier's dual quality of both identity (the stability of the material sign) and difference (between various instances of its usage). Iterability is the defining characteristic of language, the property of intelligibility in the absence of any particular sender or receiver.

Derrida emphasizes that all language is a form of writing. Writing is language which is detached from the author who intends meaning. The prominence he assigns to the idea of writing suggests that all communication is based on a fundamental absence, a spatial-temporal distance between the speaker and audience as well the sign and the system of signification. This does not imply that meaning is impossible. For Derrida, it is precisely the undecidability of linguistic structure that makes meaning possible. Difference is intrinsic to language; it is the necessary gap which opens up the conceptual space for contesting and constructing meaning through subversive repetition, (re)interpretation, and change.

According to Derrida, Austin's analysis is informed by an ideal, the successful performative in which the speaker means what she says and this intention is clearly communicated. The *telos* of serious, literal speech is the perfect correspondence between the speaker's intention and the linguistic formulation. It is this same normative ideal which structures Habermas's universal pragmatics and the theories of deliberative democracy which it has inspired. But for Derrida, the metaphoric, poetic, and material traces are always already part of the linguistic signifier. While not denying the possibility of communication, Derrida reminds us that the correspondence between intention and speech is necessarily always imperfect. Dialogue, the basis of the communicative models of democracy, is one instance of a more general semiotic process, not its founding moment. Habermas's response to this point is not convincing. He claims that because "Derrida overgeneralizes this one linguistic function – namely the poetic – he can no longer see the complex relationship of the ordinary practice of normal speech to the extraordinary sphere."²⁰ But what Derrida tries to illustrate is precisely that no single mode of communication can serve as the critical vantage-point to assess possibilities and limitations of different forms of language.

In "White Mythology," Derrida argues that an investigation of metaphysical language reveals the impossibility of totally transparent rational argument.²¹ By analyzing the metaphoric nature of philosophical language, Derrida illustrates the arbitrary character of the distinction between *mythos* and *logos* which is constitutive of Western thought. He explains that logos, or rationality, is really the mythology of the West: "Metaphysics – the white mythology which reassembles and reflects the culture of the West: the white man takes his own mythology, Indo-European mythology, his own logos, that it is, the mythos of his own idiom, for the universal form of that he must still wish to call Reason."²²

Derrida argues that the analytic, rationalist idiom of western metaphysics is no less metaphorical than other forms of mythology. The metaphoric nature of

analytic concepts has become so entrenched in common speech patterns that the original literal meaning has eventually been erased. These forgotten metaphors constitute the language of rationality, which is premised on an impossible correspondence between the signifier and the signified. In other words, metaphysics claims to be superior to mythology because it bypasses the sensual world and offers direct access to meta-physics, that which is beyond empirical reality. Derrida reveals that this is impossible because of the original metaphoricity of language which always leaves a trace of its empirical referent.

To clarify this argument, Derrida discussed the term *usure*. *Usure* has two levels of meaning which correspond to the two-sided nature of this process of metaphoricity and erasure. Derrida explains that *usure* can mean usury, the extraction of excessive profits. The usury function of language occurs when sensual phenomena take on metaphysical significance. For example, the word *idea* originally referred to the physical sensation of sight. Philosophical jargon appropriated the visual metaphor of sight in order to describe a cognitive capacity. Finally, the common understanding of the term *idea* was replaced by the metaphorical, philosophical meaning. Furthermore, through *usure*, or the erasure of this process, only a trace of the metaphor remains and it is hidden from memory. Nietzsche concurs:

What then is truth? A mobile army of metaphors, metonymics, anthropomorphism: in short, a sum of human relations which became poetically and rhetorically intensified, metamorphosed, adorned, and after long usage, seemed to a nation fixed, canonic and binding; truths are illusions of which one has forgotten that they are illusions. . .²³

This is precisely what Derrida's deconstructive analysis is meant to demonstrate. Because metaphoricity is intrinsic to the structure of language itself, the binary opposition between metaphysics and mythology cannot be stable.

At first glance, Wittgenstein's understanding of language as communication seems antithetical to the poststructuralist critique of speech as the metaphysics of presence. Both Derrida and Wittgenstein, however, address the same problematic. Both engage in a thorough critique of theories of the transparency of language. Furthermore, they attempt to analyze shifting relations between the context of the production of meaning and the material sign which provides a link between different instances.²⁴ Like Bakhtin, they challenge the coherence of Saussure's distinction between language competence (*langue*) and actual instances of language usage (*parole*). Coming from different traditions and methodologies, they converge on a criticism of the metaphysical desire to analytically fix a language purified of traces of history and power.

In a series of essays collected in *Language and Symbolic Power*, Pierre Bourdieu takes this one step farther by directly interrogating who benefits from positing discursive consensus as the solution to moral or political problems. He claims that Saussure's position that *langue* is "a collective treasure shared by all members of the community" is ideological precisely because it obscures the fact

that language competence is not shared equally.²⁵ Any consensus which brackets rather than engages this fact is likely to reproduce existing social and political inequalities. By appealing to the standards of rationality and reason, discursive democracy masks an irrational core at the heart of its project.

II. Language and Rationality

Habermas acknowledges that actual communicative situations often do not resemble the ideal speech situation because of the effects of power. However, he claims that no series of counterexamples of distorted communication between disempowered listeners and dominant speakers reflects inadequacies in the ideal speech situation as a regulatory ideal. Habermas argues that by appealing to the ideal speech situation to adjudicate between competing norms, there is a guarantee that “the individual informal constraints of the better argument will prevail.”²⁶ The proponents of discursive ethics claim that the normative benefits are twofold. First, by forcing individuals to appeal to reasonable standards and generalizable arguments, public deliberation can engender a rational consensus. Second, the struggle to achieve the background requirements of deliberation (for example, equal respect for all participants) could provide a motivation for political change in order to undermine the structures that distort communication, such as economic inequality or racism.

Amy Gutmann and Dennis Thompson develop this second point extensively in *Democracy and Disagreement*. They claim that meaningful political discussion can only take place when all participants enjoy basic liberty, respect, and fair opportunity.²⁷ This is one important area which distinguishes contemporary theories of deliberative democracy from their historical prototype, the bourgeois public sphere. Rather than merely bracketing status differences, they recognize that substantive equality between participants is necessary for a normatively valid political consensus. The fact that equal respect and reciprocity are necessary preconditions of any meaningful political conversation provides a normative justification for establishing greater equality.

To a certain degree, there is an area of agreement between my position and the deliberative democrats’ defense of the egalitarian preconditions of the discursive situation. Reciprocity and equality, however, must be fought for rather than assumed. Dialogue itself cannot achieve its own necessary preconditions, i.e., the equality and reciprocity which are prior to any truly mutual exchange. For this we need another definition of politics, rooted in contestation, struggle, and resistance. Often the dominant group is only willing to question the practices which reinforce its privilege and consider alternatives when it is compelled to do so. Although the new consensus will ideally be a product of deliberation and genuine consensus, such a discussion can only take place when either structural or institutional change provides the resources for sustaining an alternative vision.

In *Reasonable Democracy*, a theoretical defense of Habermas's discourse ethics, Simone Chambers unwittingly demonstrates how this process works. She offers a detailed case study of the politics of language in Québec. She points out that until the French majority passed Bill 101, the Charter of the French Language, the English speaking minority took their linguistic hegemony for granted. Although the Québécois had long expressed anxiety about the homogenizing affects of cultural assimilation, English speakers refused to acknowledge the "internal and external threats, underwritten by economic and social power" which tended to privilege their cultural position.²⁸ Only after the electoral victory of the *Parti Québécois* in 1977 and the stringent linguistic regulation that followed, were English speakers forced to rethink the interrelationships between power, identity, and language. Although subsequently some English speakers made good on threats to leave Québec, most focused their efforts on appealing the more onerous part of the law, the ban on English language signs. According to Chambers, the debates and discussion surrounding this campaign lead to a new consensus that the French and English shared a generalizable interest in respecting linguistic autonomy – which required proactive support for the French language but not an outright ban of the public use of English. Chambers concludes that this case reflected the discursive learning process which is at the heart of deliberative democracy. Such a discussion, however, was only possible once the mobilization, electoral victory, and subsequent legal measures taken by the French Québécois forced the English speakers to listen. This example indicates that a *purely* discursive vision of politics has a tendency to reproduce the status quo. Before the law was passed, English speakers felt no need for a public discussion about linguistic autonomy, which they perceived as a matter of private choice. Institutional changes such as the Charter of the French Language forced participants to rethink their previous assumptions. What appeared both just and inevitable from a position of power only became open to reconsideration when the tables were turned. Thus, the capacity to listen to the other is not merely a rational skill but also has an experiential component. Chambers' own example shows that deliberation can play an important role in the reconstitution of a new consensus, but it will only have progressive effects when combined with other elements of democratic politics such as resistance, mobilization, and structural change.

The crucial question is not whether the give and take of public discussion can have a salutary effect on politics (undoubtedly it can), but rather what are the implications of positing an ideal speech situation as the model of democracy. We must consider whether the ostensibly impartial criteria for making reasonable arguments might sometimes undermine rather than reinforce the basic respect necessary for engaging in a successful conversation. Could the call for a reasonable consensus on areas of disagreement be another way of reinforcing the status quo, which due to its stability, longevity, or the lack of alternatives almost inevitably appears reasonable? Positing a rational consensus free from power may be a way of legitimating existing democratic institutions but this does not mean

that it is an effective way of contesting the concentration of power. In fact, power is more effective when it can mask itself as rationality or objectivity.

This danger is especially apparent in Habermas's appropriation of Kohlberg's moral psychology. According to Kohlberg's model, only at the sixth level, post-conventional morality, is the individual capable of evaluating moral conflict in terms of universal principles. Individuals from non-western cultures, marginalized subcultures or classes, and lower levels of academic education (perhaps also women) are less likely to attain the sixth level of this scale. The danger implicit in this model is that the sort of moral reasoning or communicative competence expressed by marginal groups will be delegitimized as irrational. Thus, the very standard of impartiality which is supposed to guarantee equal access to forums for public reasoning could serve to marginalize and exclude certain participants.²⁹

III. Discursive Democracy

In part in order to avoid these potentially paternalistic implications, several political theorists have formulated a hybrid project, a version of deliberative democracy which is not based on claims about the *telos* inherent in human communication.³⁰ This project is both more and less ambitious than Habermas's original articulation of an ethics founded on universal pragmatics. While jettisoning the untenable theoretical claims about rationality and language, deliberative democrats complicate their task by shifting from the ethical to the political arena. Whereas Habermas originally tried to establish the normative validity of intersubjective consensus, political theorists must also consider how public deliberation about matters of general concern can serve to generate, evaluate, or control policy decisions. Thus, the challenge is how to make sure that representative decision making bodies like parliaments are held accountable to the instances of moral consensus generated through the diffuse deliberations of the public sphere.

While rejecting the universalist language of the early Habermas, Seyla Benhabib argues that the "idealized content of practical rationality" provides a normative foundation for democratic deliberation.³¹ She still maintains the need for some "moral ideal of impartiality" to serve as a basis for democratic politics because in the absence of such an ideal, it would not be possible to come to decisions about the common good. Benhabib claims that procedures of deliberation generate both legitimacy as well as practical rationality. Although the rationality of the consensus is not guaranteed a priori, deliberation can clarify citizens' choices and preferences, improve their understanding of issues, and challenge them to develop a more reflexive point of view. The process of articulating claims in public forces citizens to consider alternative viewpoints and formulate mutually acceptable solutions.³² Thus, Benhabib, in a crucial revision of Habermas's positions, concludes that the rational character of deliberative democracy should not be located in the validity of the consensus itself; instead, practical rationality is engendered in the on-going process of public conversation. Similarly, James

Bohman argues that the normative basis of a deliberative polity cannot be the epistemological certainty of impartiality, but rather the openness of conversation. He explains: "to offer a reason is to call for a response from others."³³

Despite a certain family resemblance to communicative ethics, Gutmann and Thompson establish the need for more deliberative political institutions on a different foundation. They make no claims about the intrinsic rationality or normative validity of discourse itself. They grant at the outset that they cannot prove "that deliberative democracy can guarantee social justice either in theory or in practice."³⁴ Instead, they argue that in the absence of any clear normative consensus, the only fair way to adjudicate between conflicting values in a pluralistic society is through democratic procedures, i.e., institutions which offer each citizen an equal opportunity to participate in the collective resolution of the problems which affect them. Gutmann and Thompson conclude that the only way to fulfil this standard substantively is by constructing a mediating position which avoids both the dangers of pure proceduralism (e.g., the tyranny of majority rule) and the formalism of constitutionalism. The deliberative forums which they envision, both in government institutions and civil society, are limited by clearly specified protection of individual rights while giving citizens a meaningful opportunity to influence the issues they find most important. Like Benhabib, they stress that the process of public deliberation ideally encourages the individual to take a broader perspective, helps clarify what is at stake in moral disagreement, and thereby provides crucial civic education.³⁵

These reformulations of deliberative democracy represent an important revision of the lingering universalism and foundationalism in Habermas's early position. Significantly, they emphasize the open-ended process of conversation, thereby decreasing the likelihood that any single, contingent standard of impartiality will be fixed as a universal referent. But there remains a certain circularity in these arguments.³⁶ Deliberative democrats claim that only a democratic process constrained by a prior commitment to equal respect, a pluralist outlook, and individual liberty will generate normatively compelling outcomes. Yet these foundational principles are assumed as the basis rather than the consequence of public discussion.³⁷ This leaves the difficulty of justifying the foundational principles unresolved.

Benhabib responds that this lacuna should not be understood as a debilitating vicious circle but rather the hermeneutic circle which characterizes all political and moral reasoning.³⁸ Since we can never begin deliberation *tabula rasa*, the only possible strategy is to engage in a process of critical reflection whereby foundational principles and contextual applications can continually interrogate one another. Similarly, Simone Chambers argues that pre-existing moral intuitions provide a valid starting point for the process of critical interrogation. The method of philosophical discussion is not to deny such intuitions, but to articulate and revise them in light of challenges from other perspectives, thus reaching reflective equilibrium.³⁹ For example, the process of collective deliberation about

distributional conflict can revise our understanding of the meaning of equality, liberty, and reciprocity and how they function as regulatory ideals. Following the model of judicial reasoning, the resolution of specific cases takes place within the guidelines provided by foundational principles; through this process of reflection, the principles themselves are revised and given concrete meaning. For Benhabib, this deliberative process could function on the model of the judiciary, but it must be extended and radicalized across a broader section of institutions and contexts.

This argument is convincing; however, it elides the distinction which Benhabib tries to maintain between her own position and the antifoundationalist, poststructuralist models of radical democracy developed by theorists she criticizes, such as William Connolly, Chantal Mouffe, and Ernesto Laclau. Benhabib claims that “antifoundationalist theorists of democracy are circular in that they either posit or simply take for granted precisely those moral and political norms of citizens’ equality, freedom, and democratic legitimacy...”⁴⁰ In fact, the poststructuralist strategy is precisely the embedded critical reflection which Benhabib cautiously appropriates. Poststructuralist theorists also see their project as a careful reflexive engagement with foundational concepts such as freedom, equality, and citizenship, but they emphasize the provisional character of these concepts and the political nature of theorizing itself. For poststructuralists, the universal is not a regulatory principle to be defended, but an ideological object to be critically interrogated in order to understand its political effects. Ernesto Laclau, for instance, argues that social reality, like language, is not structured as a seamless totality, but rather contains multiple contradictions and reflects adaptations to changing contexts. Thus the universal, the search for stable foundations, is a way to fill this structural lack, a symbol of the missing fullness.⁴¹ Rather than taking universals for granted, poststructuralists investigate the relationship between normative theory and its function in specific historical and political contexts.

Still, Benhabib is right to point out that there is something unconvincing about a position which does not offer a theoretical justification of its own necessary premises. This criticism is valid for those theories which assert the centrality of deliberation without defending the rationality of discourse. If there is nothing intrinsically rational about the nature of public deliberation, it is unclear why this mechanism should be preferred to the alternatives such as voting, protesting, organizing, or bargaining. In other words, by jettisoning Habermas’s universal pragmatics, theorists like Gutmann and Thompson also give up any normative priority to the process of deliberation. Since they grant that they cannot make any empirical claim that deliberation engenders more just or more effective outcomes, it is unclear why deliberation should play a central role in democratic theory and practice. If, as Bourdieu suggests, language competence is distributed hierarchically, if it reproduces rather than reveals – let alone undermines – inequalities, then why should we assume it is the best way to guarantee citizens’ control of elites?

Gutmann and Thompson argue that “to the extent that the political struggle takes place on the basis of deliberation rather than of power, it is more evenly

matched. The deliberative playing field is more nearly level.”⁴² It is unclear whether this claim is based on anything other than wishful thinking. Empirical studies have demonstrated that participatory, discussion-based forums are not more successful than conventional political strategies at engaging minority and low income citizens.⁴³ In fact, “the more intensive the form of participation, the greater the tendency to over represent high-status members of the population.”⁴⁴ Relying on a systematic survey of 15,000 Americans, Sidney Verba and his collaborators found that of all forms of participation, voting is most equally distributed among social classes. Furthermore, after campaign contributions, the more deliberative form of participation, “membership on a local board,” was most clearly linked to high income and status.⁴⁵ This finding is consistent with a long tradition of empirical research on political participation, which finds that feelings of personal efficacy are a powerful predictor of political participation.⁴⁶ The mechanisms are clear: both high status jobs and an academic education are the main ways of transmitting the authority, organizing skills, and public-speaking ability, which are crucial in more intensive forms of participation. Similarly, in an in-depth case study of face-to-face democracy in a Vermont town meeting, Jane Mansbridge found that lower income and lower status citizens were especially unwilling to participate in deliberative forums because they felt weak education and speaking skills would open them to public ridicule.⁴⁷ The consensus of empirical evidence indicates that political struggles that take place on the basis of deliberation are more heavily weighted in favor of elites. Furthermore, as Bourdieu points out, since symbolic power can appear to be egalitarian (or at least meritocratic), it is particularly good at masking its own effects.

It is revealing that the first argument in favor of deliberative democracy is that it “contributes to the legitimacy” of the decision-making process.⁴⁸ Ultimately, this claim is crucial, although perhaps not in the way its proponents intend. Without any intrinsic normative value in discourse itself, there is no *morally* compelling reason in its favor. Nonetheless, its proponents are right in suggesting that deliberation could contribute to the legitimation of existing democratic institutions. Deliberative forums sometimes provide a way of channeling dissent into reasonable arguments and moderate claims which are assimilable within the existing decision-making structures. Furthermore, by providing public justification of political decisions, they can help maintain support for the existing system. In fact, many of the public hearings implemented in the 1970s in response to calls for more citizen participation were largely symbolic in nature – a gesture aimed at co-opting dissent without any real effect on policy.⁴⁹ For example, by going through the motions of listening to neighbors’ dissenting opinions about zoning, bureaucrats attempted to create a consensus around development issues that were nevertheless predetermined by overriding priorities about economic growth. This is an especially likely implication of a model like Habermas’s most recent formulation. In *Between Facts and Norms*, Habermas separates a weak public whose “deliber-

ative practice consists exclusively in opinion formation and does not also encompass decision making” from a strong public which takes institutionalized forms and is authorized to make binding decisions.⁵⁰ The problem is that he does not clarify how to guarantee accountability to the diffuse forums which generate public opinion. Furthermore, the sorts of consensus likely to be reached in non-binding deliberations are different than the agreement reached in decision-making forums. When deliberation culminates in a binding decision, the fear of premature or disadvantageous closure may motivate the participants to engage in less flexible, more strategic forms of interaction.⁵¹ If there are no mechanisms for linking the diffuse conversations of the public sphere to the arenas of formal political power, then deliberative democracy cannot achieve the hoped for effects.

Admittedly, this bifurcation between deliberation and decision, reason and power, is precisely the problem some proponents of substantive participation want to reform. They want to give real power to deliberative institutions as a check on bureaucratization, technocracy, and the self-interest of representatives. Gutmann and Thompson claim that the first institutional implication of their analysis is to bridge the gap between forums for reason and arenas of power. Inspired by the lottery system of Ancient Greece, James Fishkin advocates a system of deliberative opinion polls, whereby randomly selected citizens could influence policy through consensus reached after several days of intensive, face-to-face discussion.⁵² Other advocates, emphasizing the logistical difficulties of integrating deliberative mechanisms into the policy-making process of a complex society, call for the revitalization of the public sphere, an informal forum for political discussion which could have indirect impact on elected representatives. A proliferation of deliberative forums in civil society could help generate the informed public opinion necessary to build consensus, expand participation, constrain the opportunistic behavior of representatives, and thereby give real meaning to citizenship. Benhabib concludes: “It is through the interlocking net of these multiple forms of associations, networks, and organization that an anonymous ‘public conversation’ results.”⁵³

But the haunting question remains: whose voice predominates in this public conversation? It appears as if some of the discredited assumptions of old-fashioned pluralism have been recuperated in the model of deliberative democracy. Interest groups are rearticulated as the vibrant associational life in civil society. The public sphere, the diffuse space where private individuals gather to deliberate on matters of public concern, serves to moderate, mediate, and guarantee a fair consensus. Certainly, there are differences between pluralism and deliberative democracy. Whereas pluralists usually took individual interests for granted, deliberative democrats see the process of public discussion as an opportunity to reshape genuinely shared norms. Nevertheless, implicit in both models are the assumptions that the political arena is basically neutral and that diverse groups can meet on the essentially level playing field of the public sphere in order to frame normative guidelines for politics. In other words, this version of the public

sphere assumes an underlying homogeneity of interests.⁵⁴ Conflict is not the product of fundamental social antagonism, but rather of individuals' incapacity to take a sufficiently public-spirited viewpoint. Disagreement is not the result of an inegalitarian or irrational system, but rather of individuals' or groups' shortsighted self-interest. If we reject or at least question these premises, however, resolving conflict becomes not a theoretical task but a practical problem which can only be resolved through structural change.

The dilemma is the following: how can we resolve conflict in a pluralistic society where there are different, sometimes opposing, notions of the good? In *Deliberative Democracy*, Jon Elster suggests that there are three possibilities: arguing, bargaining, and voting. For Elster, these three strategies are the core of democracy because they facilitate the aggregation and transformation of preferences.⁵⁵ The crucial transformative dimension, however, requires more than just arguing. It also involves the mobilization and organization of political actors whose needs and viewpoints are perceived as illegitimate, inchoate, or unimaginable from the dominant perspectives. In "Rethinking the Public Sphere," Nancy Fraser considers the role of the public arena in stratified societies where deliberative processes tend to perpetuate the advantage of dominant groups. She argues that a single, unitary public domain is likely to reproduce existing relations of subordination, because marginal groups do not have the resources to develop alternative understandings of their needs, objectives, and strategies.⁵⁶ Developing and strengthening such alternative understandings may require strategically separate spaces, which Fraser calls "subaltern counter-publics." Building the material and ideological resources to challenge existing exclusions demands the whole repertoire of tactics – from canvassing to consciousness raising, fundraising to festivals – developed by contemporary social movements. These transformative dimensions of democracy are crucial because genuinely consensual solutions are most likely to arise when the widest possible range of knowledges are explored rather than suppressed.

Once we jettison the epistemological privilege of discourse as a way of resolving social conflict, we must evaluate deliberation as one of a variety of possible procedures of interpreting and realizing the normative core of democracy. Although it would go beyond the scope of this essay to engage in a sustained discussion of the different theories of democracy, a provisional framework is useful. Following the French Marxist philosopher Henri Lefebvre, I suggest that democracy involves an equal possibility to work out counter-projects, discuss them with authorities, and force authorities to take them into account.⁵⁷ This definition acknowledges the complexity of modern democracy, which inevitably involves representation and authority. Nevertheless, it also emphasizes that both active participation and accountability are necessary in order to maintain popular sovereignty.

Deliberation, in the sense of an open discussion aimed at achieving rationally motivated consensus, is most appropriate for the second component of the democratic process: discussing popular initiatives with authorities. At this stage, it is most crucial to formulate generalizable reasons, listen to all possible objections, and rethink previous conclusions. But this will only be effective if the prior and subsequent steps are also realized. Deliberation by itself is not enough. The final aspect of democracy, forcing authorities to take new needs into account, involves structural or institutional changes in the basis of power. Empirical studies such as Piven and Cloward's *Poor People's Movements* show that authorities were willing to initiate programs to deal with critical needs like urban poverty only after significant mobilization and collective action. It is these crucial dimensions of mobilization and power which advocates of deliberative democracy ignore.

The process of interpreting new needs and values reveals the limitations of overemphasizing a consensual, universalistic conversation. It is usually extremely difficult to articulate new problems and approaches because community-wide biases restrict the range of possible alternatives. New problems and their solutions appear as unimportant or particularistic from the perspective of the existing normative consensus. Thus, it is not coincidental that the prominent social movements, including the working class, civil rights, and feminist movements, all went through a period of separatism. This was necessary in order to generate subaltern counter-publics capable of articulating and disseminating new definitions of justice and greater acceptance of plurality. The goal of such separatism is not permanent balkanization, but rather a temporary retreat to a protected space in which it is possible to explore and test genuinely alternative ways of framing collective problems. Since existing institutions tend to reproduce the dominant interpretations, it is necessary to create new institutions which can incubate alternative approaches before such ideas have gained widespread acceptance. This critical capacity is often born out of the experience of marginality or the double consciousness of those located at the nexus between different cultural positions.⁵⁸ Such a critical capacity can be a source of renewal rather than instability because maintaining a truly dynamic and inclusive public culture requires a high degree of diversity, criticism, and plurality.

In a very thoughtful discussion of the process of political innovation and change, James Bohman argues that social critics and social movements have the capacity to form new publics, therefore bringing new issues and strategies onto the public agenda. He suggests that innovation is only possible when such critics "disclose" new ways of framing social reality. The function of disclosure is to denaturalize deeply entrenched understandings and assumptions.⁵⁹ His concept of disclosure, which encompasses irony, personal narrative, aesthetic interventions, theatricality, and visibility, radically departs from the Habermasian vision of language. Rather than raising validity claims to truth and appropriateness, such strategies employ irony and inappropriateness precisely in order to disrupt the dominant ways of seeing. Thus, Bohman's

conception is a deliberation indebted more to the concept of performativity than the enlightenment heritage of universal rationality.

My argument is not that dialogue does not have a crucial role to play in the political process. Clearly, to the degree that profound moral disagreements over policy issues like abortion can be settled or at least mitigated through public deliberation, this is preferable to bombing clinics and assassinating providers. If soundbites and packaged commercials could be replaced by substantive political discussion, the democratic process would be strengthened. Furthermore, the requirement of publicizing political decisions and thereby augmenting the accountability of representatives would be beneficial. Instead, my argument is that placing deliberation at the center of political theory has certain effects which must be interrogated. Under the guise of equality and impartiality, deliberative democracy privileges the communicative strategies of elites. By strengthening the conceptual tools of the dominant paradigm, it encourages the reproduction of existing hierarchies. Gutmann and Thompson grant that if disagreement ran too deep there would be no point in argument.⁶⁰ But it is precisely these profound conflicts which distinguish politics from administration. Standards of impartiality and reasonableness, publicity and accountability are crucial for the fair administration of existing judicial and political norms. My point is not that there is no place for deliberation, but rather to argue that there is something more crucial at stake in democracy. Realizing abstractions such as reciprocity, equality, and opportunity is usually a process of historical struggle rather than theoretical consensus. This struggle does not take place primarily on the abstract terrain of language, but at the concrete sites of resistance, the literal, symbolic, and imaginary barricades, forums, and fortresses where the people mount challenges to currently hegemonic visions of collective life.

NOTES

1. See Jürgen Habermas, *Theory of Communicative Action*, vol. 1, tr. Thomas McCarthy (Boston: Beacon, 1984); "Legitimation Problems in the Modern State" and "What is Universal Pragmatics" in *Communication and the Evolution of Society*, tr. Thomas McCarthy (Boston: Beacon, 1979); "Morality, Society, and Ethics," *Moral Consciousness and Communicative Action*, tr. Christian Lenhardt and Shierry Weber Nicholson (Cambridge: MIT Press, 1990); "A Reply to My Critics" in John B. Thompson and David Held, eds., *Habermas: Critical Debates* (London: Macmillan, 1982).

2. See Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge MA: Harvard University Press, 1996); James Fishkin, *Democracy and Deliberation* (New Haven, Yale University Press: 1971); John Dryzek, *Discursive Democracy* (Cambridge: Cambridge University Press: 1990); Seyla Benhabib, "Toward a Deliberative Model of Democratic Legitimacy," *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton: Princeton University Press: 1996); Simone Chambers, *Reasonable Democracy: Jürgen Habermas and the Politics of Discourse* (Ithaca: Cornell University Press, 1996); James Bohman, *Public Deliberation: Pluralism, Complexity, and Democracy* (Cambridge MA.: MIT Press, 1996).

3. Habermas, "What is Universal Pragmatics," *Communication and the Evolution of Society*.

See also Thomas McCarthy, *The Critical Theory of Jürgen Habermas* (Cambridge MA: MIT Press, 1978), 290.

4. Habermas, *Theory of Communicative Action*; "A Reply to My Critics," 230; *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, tr. William Rehg (Cambridge MA: MIT Press, 1996). See also Patchen Markell, "Contesting Consensus: Rereading Habermas on the Public Sphere," *Constellations* 3, no. 3 (1997).

5. Habermas opens himself up to this challenge when he claims that his approach is a "reconstructive science," which is therefore open to empirical challenge. He defines his procedure as a formalization of the assumptions of normal speech. In fact, the ideal of neutral and transparent speech is not the reconstruction of a potential in everyday interaction, but instead a logical deduction of the criteria for rational agreement. Thus, rather than reflecting the critical theory approach of immanent critique, it is much more indebted to the Kantian method of transcendental deduction of the possibility of knowledge. This point, however, is not critical for the development of this argument of this paper.

6. Habermas, "Questions and Counterquestions," *Habermas and Modernity*, ed. Richard Bernstein (Cambridge MA: MIT Press, 1985), 196.

7. Jacques Derrida, *Margins of Philosophy*, tr. Alan Bass (Chicago: University of Chicago Press: 1982); *Limited Inc*, tr. Samuel Weber (Evanston: Northwestern University Press, 1988); *Dissemination* (Chicago: University of Chicago Press, 1981).

8. Ludwig Wittgenstein, *Philosophical Investigations*, tr. G.E.M. Anscombe (Oxford: Blackwell, 1976), §232.

9. *Ibid.*, §2, 19.

10. Pierre Bourdieu, *Language and Symbolic Power*, tr. Gino Raymond and Matthew Adamson (Cambridge MA: Harvard University Press, 1991).

11. Bourdieu, *In Other Words: Essays Towards a Reflective Sociology*, tr. Matthew Adamson (Cambridge MA: Polity Press, 1990).

12. M.M. Bakhtin, *Speech Genres and Other Late Essays*, tr. Vern McGree (Austin: University of Texas Press, 1986), 73.

13. *Ibid.*, 80.

14. Wittgenstein, *Philosophical Investigations*, §337, cited in Bourdieu, *Language and Symbolic Power*, 172–3.

15. Habermas, *Between Facts and Norms*, 19. See also Maeve Cooke, *Language and Reason: A Study of Habermas's Pragmatics* (Cambridge MA: MIT Press, 1994), 30.

16. J.L. Austin, *How To Do Things With Words* (Cambridge MA: Harvard University Press, 1975).

17. In "What is Universal Pragmatics," Habermas summarizes his position in the following way: "It is further assumed that communicative competence has just as universal a core as linguistic competence. A general theory of speech actions would thus describe exactly that fundamental system of rules that adult subjects master to the extent that they can fulfil the conditions for a happy employment of sentences in utterance, no matter to which particular language the sentences may belong and in which accidental contexts the utterances may be embedded." 26.

18. Jacques Derrida, *Margins of Philosophy*, tr. Alan Bass (Chicago: University of Chicago Press, 1982), 321.

19. Austin, *How To Do Things With Words*, 12–16.

20. Habermas, *The Philosophical Discourse of Modernity*, tr. Shierry Weber Nicholson (Cambridge MA: MIT Press, 1987), cited in Benjamin Lee, "Textuality, Mediation, and Public Discourse," *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge MA: MIT Press, 1992), 410.

21. Jacques Derrida, "White Mythology: Metaphor in the Text of Philosophy," *Margins of Philosophy*.

22. *Ibid.*, 213.

23. Frederick Nietzsche, "On Truth and Falsity in their Ultramoral Sense," *Complete Works of Nietzsche*, ed. D. Levy, vol. 2, 180. Cited in *ibid.*, 217.

24. Henry Staten, *Wittgenstein and Derrida* (Lincoln: University of Nebraska Press, 1984).
25. Cited in Bourdieu, *Language and Symbolic Power*, 43.
26. Habermas, *Knowledge and Human Interests*, tr. Jeremy Shapiro (Boston: Beacon, 1971).
27. Gutmann and Thompson, *Democracy and Disagreement*, 12. Also on this topic see Jack Knight and James Johnson, "What Sort of Equality Does Deliberative Democracy Require?" in James Bohman and William Rehg, eds., *Deliberative Democracy: Essays on Reason and Politics* (Cambridge MA: MIT Press, 1997), 279–320.
28. Chambers, *Reasonable Democracy*, 215.
29. Subsequent research showed several serious flaws in Kohlberg's work. First, it was impossible to distinguish empirically between the two levels of post-conventional morality. Second, it was necessary to resort to an ad-hoc theory of regression to explain why many subjects embraced a sceptical moral standpoint after reaching the highest level. These combined with other flaws have led Habermas to rethink his reliance on developmental psychology. See "A Reply to My Critics," 258–261.
30. For a theory especially sensitive to the issues of power and language see Iris Marion Young, "Communication and the Other: Beyond Deliberative Democracy," in Benhabib, ed., *Democracy and Difference*, 120–35; Young, *Intersecting Voices: Dilemmas of Gender, Political Philosophy, and Policy* (Princeton: Princeton University Press, 1997).
31. Note the term "practical rationality" refers to Habermas's distinction between practical discourses (aimed at generating consensus about ethical life), aesthetic/expressive, and cognitive discourses. These three components make up the integrative functions of the life world which he contrasts with purposive-instrumental form of rationality (the system). Seyla Benhabib, *Situating the Self* (New York: Routledge, 1992); "Toward a Deliberative Model of Democratic Legitimacy," *Democracy and Difference*.
32. Benhabib, "Toward a Deliberative Model of Democratic Legitimacy," 71–2.
33. James Bohman, *Public Deliberation*.
34. Gutmann and Thompson, *Democracy and Disagreement*, 18.
35. Benhabib, "Toward a Deliberative Model of Democracy," 71.
36. Daniel M. Weinstock, *American Political Science Review* 91, no. 3 (1997): 724.
37. Thompson and Gutmann write, "Citizens value basic liberty and opportunity...for reasons other than the role of these values in democratic deliberation." *Democracy and Disagreement*, 17.
38. Benhabib, "Toward a Deliberative Model of Democracy," 78; see also *Situating the Self*, 30.
39. Chambers, *Reasonable Democracy*, 31–42.
40. Benhabib, "Toward a Deliberative Model of Democracy," 71.
41. Ernesto Laclau, *Emancipation(s)* (London: Verso, 1996), 28.
42. Gutmann and Thompson, *Democracy and Disagreement*, 133. For an alternative viewpoint see Adam Przeworski, "Deliberation and Ideological Domination" and Susan Stokes, "Pathologies of Deliberation" in Jon Elster, ed., *Deliberative Democracy* (Cambridge, Cambridge University Press, 1998).
43. Jeffrey Berry, Kent Portney, and Ken Thomson, *The Rebirth of Urban Democracy* (Washington D.C.: Brookings Institution, 1993), 81–9.
44. Jack H. Nagel, *Participation* (New York: Prentice Hall: 1987), 58.
45. Sidney Verba, Kay Lehman Scholzman, Henry E. Brady, *Voice and Equality: Civic Voluntarism in American Politics* (Cambridge MA: Harvard University Press, 1995).
46. Sidney Verba, Norman H. Nie, and Jae-on Kim, *Participation and Political Equality: A Seven-Nation Comparison* (Cambridge: Cambridge University Press, 1978).
47. Jane Mansbridge, *Beyond Adversary Democracy* (New York: Basic Books, 1980).
48. Gutmann and Thompson, *Democracy and Disagreement*, 41.
49. Berry, Portney, and Thomson, *The Rebirth of Urban Democracy*, 37; see also Barry Checkoway, "The Politics of Public Hearings," *Journal of Applied Behavioral Science* 17, no. 4 (1981): 566–82.
50. Habermas, *Beitraege zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats* (Frankfurt: Suhrkamp, 1992), 373. This follows a distinction originally made by Nancy Fraser in

"Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy" in Craig Calhoun, ed., *Habermas and the Public Sphere* (Cambridge MA: MIT Press, 1992).

51. Chambers, "Talking Versus Voting: Democratic Trade-Offs and Tensions," paper presented at the American Political Science Association Annual Meeting, Washington D.C., August 1997.

52. James Fishkin, *Democracy and Deliberation*.

53. Benhabib, "Toward a Deliberative Model of Democracy," 74.

54. See for example Gutmann and Thompson, *Democracy and Disagreement*, 55. For an alternative, more conflictual vision of the public sphere, see Dana Villa, "Postmodernism and the Public Sphere," *American Political Science Review* 86, no. 3 (Sept. 1992).

55. Jon Elster, *Deliberative Democracy*, 6. This is a simplification of Elster's position, since he also discusses the misrepresentation of preferences. I am bracketing this claim because it brings up complicated issues which, while not contradicting claims made in this article, are unrelated to the central line of argument.

56. Nancy Fraser, "Rethinking the Public Sphere," 123.

57. Henri Lefebvre, *Production of Space*, tr. Donald Nicholson-Smith (London: Basil Blackwell, 1991), 419.

58. On this issue see Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (Cambridge MA: Harvard University Press, 1993).

59. Bohman, *Public Deliberation*.

60. Gutmann and Thompson, *Democracy and Disagreement*, 16.