

Thinking in Common

by Justine Lacroix

Is the project of deliberative democracy unrealistic? Against the cynical assimilation of democracy to a set of voting procedures aimed at satisfying the interests of the greatest number, Charles Girard argues that deliberation is a relevant ideal for a society of equals.

About: Charles Girard, *Délibérer entre égaux. Enquête sur l'idéal démocratique*, Paris, Vrin, 2019. 384 p., 28 €.

The political decision in a democracy is not a “stopping point” reducible “to the arbitrary choice of a sovereign will,” wrote Charles Girard and Bernard Manin in an op-ed published in *Le Monde* in early summer 2020. Thus, the two philosophers recalled that no emergency situation exempts representatives from the duty to justify the orientations taken. This justification is not to be confused with a simple pedagogical exercise, but must allow to weigh the “pros and cons” involved in any decision such that implemented measures do not elude control by collective deliberation.

The conviction that public deliberation among equals is the foundation of democratic legitimacy is at the heart of Girard’s work, from the anthology of texts he published with Alice Le Goff in 2010, *La démocratie délibérative* (deliberative democracy), to his latest book, *Délibérer entre égaux. Enquête sur l'idéal démocratique* (deliberating among equals: an inquiry into the democratic ideal). Against the “realistic challenge” which reduces democracy to a mere electoral procedure, Girard

seeks to show that the ideal of an association of equals capable of debating the rules that are to be imposed on everyone is not only *justified*—that is, necessary to achieve equality among citizens—and *coherent*—that is, capable of achieving the common good—but, above all, *relevant* with respect to the conditions of the contemporary world.

A Justified and Coherent Ideal Against the Realistic Challenge

At first glance, the so-called “realistic” conception of democracy, as originally formulated by Joseph Schumpeter,¹ seems to have the advantages of scientificity and simplicity. Starting from the double postulate of the irrationality of individual wills and the antagonism of particular interests, this conception does not burden itself with any call for political autonomy and the common good: More modestly, but also apparently more firmly, it contents itself with respect for electoral procedures and civil peace. As Girard shows, however, this conception is no less divorced from reality than the normative models of democracy to which it is opposed. On the one hand, the assimilation of the public to an inconsistent, irrational and docile crowd has been refuted by advances in the human sciences, and especially in social psychology, which has highlighted the diversity of possible interactions among the publics concerned. On the other hand, the posited correlation between electoral competition and civil peace does not pass the test of empiricism, as history and current events provide many examples of authoritarian regimes that guarantee internal stability. A further step must therefore be taken if democracy is to remain identified with elections. The “aggregative” conception of democracy takes such a step by positing that the advantage of voting is to treat citizens as equals and to satisfy the greatest number of them. However, this overlooks the fact that voting in itself is not enough to ensure equality, which presupposes a social context wherein participants can make autonomous choices. Moreover, the results of majority voting alone cannot serve as a basis for the obligation to obey them, *a fortiori* if the choices made are guided by heteronomous motivations or lead to unjust outcomes, particularly in the area of individual rights. Indifferent to both the origin and content of choices that result from

¹ Joseph Schumpeter, *Capitalism, Socialism and Democracy* (1942), New York, Harper Perennial Modern Thought Edition, 2008.

the electoral process, the aggregative interpretation of democracy is no more convincing than its realistic variant.

On the other hand, by shifting attention from the aggregation of choices to the conditions of their formation (particularly social and economic conditions), deliberative democracy corresponds to a demanding conception of political equality. It is justified not by the fact that it *ipso facto* ensures respect for political autonomy and the promotion of the common good—the confrontation of reasons can help to foster this, but it can also favor heteronomy and conformism—but because it contributes, through publicity of information and contradictory debate, to equalizing the conditions between each person’s political judgment: “In order to make decisions as equals, citizens must deliberate as equals” (p. 20).

There is no guarantee, however, that the deliberative exercise will always lead to decisions that satisfy the common interests of all. While Jürgen Habermas’s thesis on the co-originality of human rights and democracy² suggests a possible congruence between popular sovereignty and fundamental rights, it fails to demonstrate that the exercise of public debate protects human rights, notably because these are presupposed by the deliberative process. As for the Rawlsian concept of “public reason,” which rests on the assumption that citizens only advance reasons acceptable to others in the public space, it does not pertain to the deliberative interpretation of democracy. Indeed, public reason “substitutes (...) the logic of justification for that of persuasion” (p. 189) and presupposes that a consensus has been reached on principles defined in an unquestionable fashion. Even though democratic deliberation is the only way to reconcile political autonomy and the pursuit of the common good, “the tragic dilemma between justice and legitimacy” can never be completely eliminated. Curiously, Girard refrains from asserting the “coherence” of democratic deliberation, even though his reasoning appears to point towards a concept of democracy that does not so much obey the rules of logical rigor as it accounts for the unpredictability and fallibility of a human action caught in a particular, ever-evolving history.

²Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge, MIT Press, 1996.

Is Democratic Deliberation Possible?

In an original departure from the fashionable currents of contemporary political theory, Girard primarily locates the deliberative principle *in* the representative regime. Yet, in recent years, a quick reading of Bernard Manin's masterwork, *Principes du gouvernement représentatif* (principles of representative government), has given credence to the idea that, contrary to lottery voting, representation is not a democratic procedure.³ In doing so, one forgets that Manin defines representation as a “mixed” regime, wherein the elitist component of elections is compensated by the *recurrent* character of electoral campaigns—which forces governments to anticipate voters’ choices—and by the requirement that public decisions be subject to the test of public opinion and free discussion. Moreover, if representation imposed itself from the end of the 18th century onwards, it is not only because of the elites’ distrust of the popular masses, but also because “the concern for legitimacy through consent prevailed over the concern to ensure strict distributive justice in the allocation of responsibilities” (p. 251).

Girard does not reject the partial recourse to alternatives like lottery voting in our representative regimes. But he does recall that, like elections, lottery is not fully satisfactory from the perspective of democratic principles. While voting by universal suffrage leaves very unequal chances of being chosen, it does at least leave equal chances of influencing the choice of representatives. **By contrast,** lottery voting gives everyone an equal chance of being chosen, but removes any possibility of choice: “The vertical inequality of impact between elected officials and voters is supplanted by the equally radical inequality between those drawn by lot and the others. On the other hand, the horizontal inequality of impact between voters is replaced with a total absence of impact on the choice of representatives” (p. 251). The downside of the greater diversity of decision-makers in lottery voting is that these are independent of public opinion, while the decisive advantage of democratic representation is precisely accountability.

This deliberative interpretation of democracy does not presuppose that *all* public decisions are taken following a public deliberation involving all citizens, but that decision-making arenas are open to a mobilized public who can criticize and guide the decisions taken. How is this possible in complex and fragmented societies such as ours? Once again, contrary to many currents of contemporary political

³ See in particular Francis Dupuis-Deri, *Démocratie. Histoire politique d'un mot*, Montreal, Lux, 2013.

thought, Girard refuses to see the several recent theoretical and/or practical initiatives as satisfactory substitutes for the deliberation of the people. For instance, he notes that the “deliberative polls” defended by James Fishkin⁴ are based on the “untenable” (p. 285) idea that groups with comparable socio-demographic characteristics and subject to the same conditions of debate will evolve towards similar positions, which amounts to ignoring that deliberative processes are unpredictable depending on the participants involved. As for the “deliberation days” in neighborhood schools or cultural centers proposed by Fishkin and Bruce Ackerman,⁵ they risk polarizing opinions by juxtaposing local arenas. They thus overlook the importance of unity in deliberation—a flaw they share with citizen assembly projects. The point here for Girard is not to discredit these innovations whose role can be “decisive,” but to recall that these so-called “face-to-face” deliberations do not replace the deliberation of the people as a whole.

If the latter is to take shape, efforts must be directed rather at mass media regulation so as to bring about a *mediated* collective deliberation. Such deliberation is often deemed impossible in view of the evils that plague contemporary media—ranging from the degradation of political debate into entertainment to the influence of commercial and financial interests. As for the hopes placed in the Internet as a new medium for a spontaneous and egalitarian form of deliberation, they were cut short in the face of the opinion bubbles, rumors and fake news proliferating on social networks. Yet, these pathologies are not “inevitable,” emphasizes Girard, who is rightly surprised that contemporary normative theory does not hesitate to envision radical transformations of the state, civil society, and even productive structures, but seems to renounce an ambitious reflection on the mass media. However, “a deliberative theory of democracy that abandons the possibility that the public media sphere might allow a public confrontation of reasons cannot at the same time convincingly assert that this ideal is relevant to contemporary societies” (p. 294). The book ends with a few avenues for this broader project—now pursued by Girard—of instituting a form of media regulation that would help turn freedom of expression into genuine political freedom.

⁴ See in particular James Fishkin *When the People Speak. Deliberative Democracy and Public Consultation*, Oxford, Oxford University Press, 2009 and *When the People are Thinking*, Oxford, Oxford University Press, 2018.

⁵ Bruce Ackerman, James Fishkin, *Deliberation Day*, New Haven, Yale University Press, 2005.

Who Deliberates?

Filled with great analytical rigor, the investigation rests on in-depth knowledge of the various currents of the deliberative paradigm, the logic of which Girard brilliantly restores while pointing out its flaws. He thus demonstrates that nuance and philological probity do not preclude great originality and solidity of the arguments. The fact remains that the quasi-mathematical nature of the demonstration obscures two questions. The first—Who deliberates?—has fueled democratic struggles to this day. The issue is touched upon at the beginning of the book, but is quickly brushed aside with a pithy “an adequately delineated people being postulated [...]” (p. 36). Due to this absence, the deliberative model (no doubt against Girard’s will) sometimes resembles a French garden, wherein deliberations are regulated in a carefully pre-determined place. Drawing on the contributions of Rawls and Habermas and the best of contemporary English-speaking political theory, the reflection might benefit from integrating a little of the “untidiness” instilled by Claude Lefort’s explorations of the “savage” dimension of democracy⁶ or Jacques Rancière’s discussion of those who have compelled their interlocutors to recognize “the equality of speaking beings.”⁷ If, as Girard points out, public deliberation is indeed the foundation of democratic legitimacy, it is especially because social struggles are always in part demands for inclusion in interlocution networks deemed “relevant.” The people must not only be “postulated” and “delimited” for a deliberative process to be initiated. It emerges and evolves according to the demands of those who, through their sometimes untimely interventions, also assert themselves as sharing a common world. The persistent equation between nationality and citizenship and the temptation to reduce the legitimate political community to an identity-based definition are a reminder that the circle (or circles) of deliberative democracy are always structurally incomplete.

The second question—Where to deliberate?—is closely related to the first. On several occasions, and in particular in his critique of the “Deliberation Day,” Girard insists on the importance of unity in deliberation: It is necessary, he writes, “that everyone be exposed to the same data and narratives (...) the juxtaposition of local deliberative arenas does not allow the people to deliberate” (p. 289). But is this not to remain trapped in the scheme of a centralized state that has retained full control over the phenomena occurring on its territory? Both the aspirations and needs of “local” democracy and the transfer to the European level of numerous policies affecting the

⁶ Claude Lefort, “Préface,” *Eléments d’une critique de la démocratie*, Paris, Gallimard, 1979, p. 23.

⁷ Jacques Rancière, *Le maître ignorant*, Paris, 10/18, 2004, p. 163.

daily lives of citizens invite us to extend and complicate the deliberative process unfolding at the national level by means of transnational or decentralized spaces of deliberation. It is not certain that insistence on the unity of the deliberating people can always be reconciled with true democratic vitality, as the latter also presupposes that policies are debated and controlled where they are effectively adopted and then implemented.

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