

The Politics of Presence

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Print publication date: 1998
Print ISBN-13: 9780198294153
Published to Oxford Scholarship Online: Nov-03
DOI: 10.1093/0198294158.001.0001

Deliberation, Accountability, and Interest
DOI:10.1093/0198294158.003.0006

Abstract and Keywords

Deliberative democrats are usually opposed to group representation, criticize models of politics that rely on the aggregation of individual or group interest, and reject strict mechanisms of accountability that would make it impossible for political representatives to change their minds in the process of deliberation. This chapter argues that the success of deliberation depends on some guarantee that the heterogeneity of the citizen body is adequately represented. The literature on deliberative democracy is the right to challenge strict notions of accountability. It needs, however, to address more fully the mechanisms for ensuring that all citizens have equal access to decision-making assemblies, and to recognize the continuing importance of group interest and group advocacy in politics.

Keywords: accountability, decision-making, deliberation, democracy, group advocacy, group interest, group representation, heterogeneity, interest aggregation

The case studies explored in Chapters 3, 4, and 5 throw up a variety of potentially divergent issues, but one feature is common to all. In each instance, the politics of presence has referred back to a notion that different groups have different kinds of interest, and that, failing more equitable distribution of political office between different groups, there is little basis for believing that public policy will be equitable between all. The precise character of group interest has proved somewhat slippery; thus, interests may be gendered without any implication that all women share the same set of interests; racial and ethnic minorities may have a strong sense of themselves as a distinct social group, but this can coincide with an equally strong sense of division over policy goals; territorial minorities may see their own interests and concerns as ignored by the wider community, but still have to grapple with their internal diversity. In much of what I have argued so far, I have treated this as part of the dynamic between ideas and presence, arguing that any simplistic assertion of a unified group interest underplays the importance of policy debate. This should be understood, however, as a modification

rather than an attack on group interest, and it does not, of itself, challenge the status of group interest in politics. At this point in the argument, I want to return more directly to the relationship with deliberative democracy, and what this latter tradition implies about the role of interest in politics.

The project of equal or proportionate presence moves in close but uneasy association with the project of deliberative democracy. The two converge in recognizing a problem of political exclusion, and both of them have addressed who is present in political debate. But the relationship remains distinctly touchy, partly because the (p. 146) first has a self-consciously reformist bias. It chooses to deal with representative democracy as currently given, and it focuses its attention on the composition of existing élites. Additional links are often forged to programmes of wider and deeper democratization; in the arguments for gender parity, for example, this further connection is frequently made. But the politics of presence distinguishes itself from the more ambitious explorations of deliberative democracy by concentrating on reforms that are immediately achievable or mechanisms that are already in place. It occupies what its own advocates may ruefully acknowledge as a half-way house of remedial reform.

Deliberative democracy, by contrast, tends to start from characterizations of the ideal. Joshua Cohen sees deliberative democracy as a 'fundamental political ideal',¹ whose independent value must first be established before moving on to consider its material conditions. The ideal then serves as a guide for the more day-to-day work around institutional design: if we know what we are aiming for, we can more readily distinguish between those conditions and structures that best encourage its development, and those that would stand in its way. In their later work on associational democracy, Cohen and Rogers then appeal to deliberative principles to determine which policies would best promote deliberative practice.²

This initial point of distinction is not in itself decisive, for there is no intrinsic contradiction between what could be short-term and longer-term goals. But the contrast shades into a more substantial set of problems, revolving around the different status each attaches to group interest. Though the arguments for including previously excluded groups and perspectives are rarely couched solely in terms of representing group interest, this is inevitably one part of the whole. In some cases, this becomes the dominant concern, and it then runs up against a deep distaste among deliberative democrats for the politics based around interest. From the other side, of course, deliberative democrats sometimes seem to inhabit a world of romanticized dreams, and when they invoke the supposedly common concerns that are going to transcend the politics of faction, they expose themselves to legitimate criticism about underplaying genuine conflicts of interest.

(p. 147) Though Iris Young now puts her arguments for group representation more explicitly in the context of what she prefers to call 'communicative democracy', her initial formulations in *Justice and the Politics of Difference* relied heavily on criticizing this politics of transcendence. When oppressed groups are called upon to put their own partial interests aside—to address the shared concerns of all humanity, to think beyond their own interests and needs—this injunction can lock them into the very structures they are trying to dislodge. The ideal of impartiality is always, in Young's view, 'an idealist fiction', ³ one that imagines us capable of standing apart from previous experience to reach a universal point of view. The fiction turns out to be peculiarly advantageous to those groups whose dominance is secured by long established structures of privilege. Such groups need not make their own partiality explicit: to borrow from Cass Sunstein's formulation, they can appeal to doctrines of legal neutrality to defend neutrality in relation to the status quo. ⁴ When oppressed groups, by contrast, challenge this alleged neutrality, 'their claims are heard as those of biased, selfish special interests' ⁵ that seek special treatment or differential rights.

In the wider literature, interest group pluralism has been criticized for failing to distribute political influence fairly: the power of each group is never strictly proportional to its numbers; and those who start out with more resources end up reaping maximum rewards. Interest groups backed by money have more power than those that have limited financial resources. Interest groups that are already recognized by governments (as in the tripartite corporatism once favoured by many European democracies) have more ready access to the policy-making process than those that are not yet acknowledged. Well organized interest groups have more power than those whose membership remains dispersed. Thus, consumer groups are notoriously weaker than producers, while the interests of housewives, pensioners, or the unemployed have less powerful advocates than organized business and organized labour. Since interest groups engage in rent-seeking behaviour, using their organizational or (p. 148) financial superiority to reap even higher rewards, ⁶ this imbalance has serious effects; and when the power they exert is so obviously disproportional to the numbers they represent, it conflicts with most understandings of political equality.

One time-honoured solution has been to accept group interest factionalism as an inevitable part of political life, but to try to equalize the access to include previously under-represented groups. This was roughly the line James Madison took when he identified the 'mischiefs of faction', though Madison was less concerned with equalizing access than with encouraging the factions to cancel each other out. Cohen and Rogers categorize the more ambitious modern-day equivalent as an 'egalitarian pluralism', ⁷ and, on at least one reading of the arguments for race-conscious districting, this is what is being pursued in voting rights litigation in the USA. But increased representation for the under-represented can modify, without substantially altering, the practices of

majoritarian rule; and even when it does promise a more substantial review of overall policy direction, it does this within the framework of a zero-sum game. In the politics of interest group bargaining, 'what I get must be taken from someone else'.⁸ Interests that differ are perceived as in conflict; and either one wins out over the others, or all adjust to a compromise that delivers less than anyone wants. Theorists of deliberative democracy argue that something more is both possible and desirable: a transformative politics that extends the range of potential solutions.

Though 'deliberative democracy' is only a recent formulation, its central preoccupations are shared by a wide collection of theorists, some of whom have adopted an alternative name. Benjamin Barber, for example, organizes his own case for a more deliberative democracy around the contrast between strong and weak democracy;⁹ John Dryzek develops his blend of critical theory and participatory democracy under the rubric of discursive democracy;¹⁰ Cass (p. 149) Sunstein alternates between a language of deliberation and a language of civic republicanism.¹¹ Iris Marion Young prefers to describe her own version as communicative rather than deliberative democracy, not in any uncritical endorsement of Habermas's theory of communicative action, but as a way of recognizing that discussion often starts from initial incomprehension, and that 'participants in communicative interaction must reach out to one another to forestall or overcome misunderstanding'.¹² Though I take her point that deliberation may suggest an overly dispassionate kind of discussion between people who already share the same way of talking, the distinction she makes between deliberation and communication is not as important as the underlying areas of convergence.

The common core that characterizes theories of deliberative or communicative or discursive democracy is that political engagement can change initial statements of preference and interest. All combine in criticism of that interest-based democracy which sees political activity primarily in terms of instrumental rationality; which reduces the act of representation to the representation of pre-given, unchanging preference; and conceives of government as engaged in aggregation. When interest aggregation is the name of the game, this not only justifies majority rule in majority interest (if they have secured a majority, how can anyone legitimately object?) but also actively discourages a more exploratory politics which could identify new areas of common interest. No contemporary theorist thinks of 'the common good' as something that is easy to identify or define, and most accept initial formulations of preference or interest as a necessary starting point for what might later emerge. This is no simple recovery of those earlier traditions which counterposed a unified public good to the distractions of self-love or the sordid preoccupations of individual and group interest. What deliberative democracy insists on, however, is the capacity for formulating new positions in the course of discussion with others; as Jane Mansbridge puts this, (p. 150)

'deliberation often makes possible solutions that were impossible before the process began'. ¹³

The very requirement for public argument (having to convince others to your point of view) is said to help us revise and reconsider our positions, for we become aware of consequences we had not previously considered and concerns we had previously overlooked. In the privacy and anonymity of the ballot box, we have no chance to review our own judgements against what others have to say. But in a context of fuller information and more open and public debate, we may come to see our initial preferences as based on ignorance or prejudice—and, once we see them in this light, these preferences are already undergoing change. Iris Young puts this particularly clearly:

On the communicative theory of democracy . . . one function of discussion is precisely to transform people's preferences, to alter or refine their perception of their interests, their perception of the needs and interests of others, their relation to those others, and their perception of collective problems, goals and solutions. Communicative democracy aims to arrive at decisions through persuasion, not merely through the identification and aggregation of existing preferences. By having to speak and justify his or her preferences to others who may be skeptical, a person becomes more reflective about these preferences, accommodates them to the preferences of others, or sometimes becomes even more convinced of the legitimacy of his or her claims. ¹⁴

As the final part of Young's comments reminds us, it would be rather too much to hope that this process of reflective transformation would enable us to resolve all our differences. It will take more than a week of open and public debate for men and women to reach agreement on a fair division of labour between the sexes, or Catholics and Protestants on a fair settlement in Northern Ireland, or Serbs and Croats and Muslims on a new vision of the old Yugoslavia. But when dialogue is opened and differences are more publicly discussed, there is at least some hope of increased mutual understanding—and some chance that a new resolution will emerge.

This is the point of closest contact with the politics of presence, for advocates of deliberative democracy often strengthen their case for a more discussion-based democracy by reference to otherwise (p. 151) intractable problems of difference that get resolved only when we participate in public debate. Deliberation matters only because there is difference; if some freak of history or nature had delivered a polity based on unanimous agreement, then politics would be virtually redundant and the decisions would already be made. In the absence of this, deliberative democracy sometimes presents itself as the better way of dealing with group difference. By requiring people to

engage more directly with each another, it sets itself against that aggregation of interest that could let the lucky majority get away with whatever it wants. It also enables us to recognize the way that identities are formed through difference, without thereby condemning us to conditions of isolated opposition. 'If', as Amy Gutmann puts it, 'human identity is dialogically created and constituted, then public recognition of our identities requires a politics that leaves room for us to deliberate publicly about those aspects of our identities that we share, or potentially share, with other citizens.' The society that recognizes human identity and difference will then be a 'deliberative democratic society'.¹⁵ All this depends in turn on some guarantee of political presence, for if certain groups have been permanently excluded, the process of deliberation cannot even begin.

I

Both Iris Young and Cass Sunstein have then insisted on the compatibility between deliberative/communicative democracy and guarantees of group representation. Discussion matters, as much as anything, because it offers a way of dislodging existing hierarchies of power. The majoritarian democracy of the ballot box inevitably privileges majorities, and this can have particularly severe consequences for those groups that are in a numerical minority. But this majoritarian democracy also privileges what currently passes for common sense, and this can disempower even those who make up a numerical majority. Women, most notably, have not been able to use the power of their numbers to establish a fairer settlement between the sexes, for their social and economic inequality usually combines with what we might call a cultural inequality which has made it harder for them to challenge the dominant norms. As long as (p. 152) democracies restrict themselves to the 'fair representation' of those preferences that are expressed through the vote, they rule out of court what might emerge under more favourable conditions.

In his discussion of this, Sunstein has particularly emphasized the class dimension: that 'poverty itself is perhaps the most severe obstacle to the free development of preferences and beliefs',¹⁶ and that in the absence of a more deliberative democracy people will not even see what else they could want. Iris Young has been more concerned with the depressing effects of what she calls 'cultural imperialism'¹⁷ on women and those who are in an ethnic or racial minority, and with the way this can force them to formulate their needs in the language of the dominant groups. Both argue that more sustained and open-ended discussion will help raise the profile of groups whose concerns were previously discounted. When a wider set of possibilities is argued and displayed, those who had adjusted their expectations excessively downwards can develop more ambitious hopes or claims. Those who had previously monopolized positions of power and influence might be equally encouraged to recognize their partiality and bias.

Young argues that guaranteed representation for previously marginalized groups is a necessary part of this process: 'where there are social group differences and some groups are privileged and others are oppressed, group representation is necessary to produce a legitimate communicative democratic forum'.¹⁸ Sunstein makes a similar point, arguing that 'deliberative processes will be improved, not undermined, if mechanisms are instituted to ensure that multiple groups have access to the process and are actually present when decisions are made. Proportional or group representation, precisely by having this effect, would ensure that diverse views are expressed on an ongoing basis in the representative process, where they might otherwise be excluded.'¹⁹

For Sunstein, this is premised on the preference-shaping effects of discussion. If group representation were to be viewed just as a mechanism for the representation of group interest—making sure, as he puts it, that each group gets a 'piece of the action'²⁰—then proportional or group representation would look far less attractive. It (p. 153) becomes 'much more acceptable',²¹ 'most understandable', in a democracy that refuses to take existing preferences as the last word in what people want; and its real function is 'to ensure that the process of deliberation is not distorted by the mistaken appearance of a common set of interests on the part of all concerned'.²² Iris Young has been more circumspect on this point, noting that some conflicts of interest between advantaged and disadvantaged groups may be intractable—and, by implication, that it does indeed matter to get a piece of the action. But she too believes that many conflicts are more perceived than real, stemming as much from the ignorance of the privileged groups as from genuine conflicts of interest. 'Privileged groups ignore oppressed groups partly out of prejudice or bigotry, but often simply because they pay sole attention to their own circumstances and apply standards based on their own cultural values'.²³ Where this is so, much can be done simply by changing the people who are present; the subsequent exposure to different experiences or perspectives or values should change the preoccupations of the dominant groups.

There are good grounds for this confidence even in existing political experience, for people do modify and change their opinions when faced with new points of view. The desire to be consistent is a powerful one: once we become convinced, for example, that what others want is similar to what we have claimed for ourselves, we usually feel impelled either to modify our demands or extend our own benefits to others. We may well revise our expectations upwards when we hear what others have regarded as possible; we may also revise our expectations downwards when we recognize conflicting demands or overall constraints. But this latter sometimes seems like a confidence trick, rather than a genuine convergence of opinion and interest. It is the basis, for example, on which some employers have favoured more worker participation in boardroom discussions: that, once the books are opened, the employees will come to recognize that they cannot possibly get what they initially claimed. Where these are the anticipated

consequences, we cannot be sure that the outcomes will be just. Those more securely established in existing social hierarchies may still refuse to 'revise their insolent ontologies', and those who survive on the periphery may have their expectations (p. 154) raised only to find them more severely dashed. And in some contexts there really is a zero-sum game: I cannot see how women can achieve equal pay with men without men losing their pay differentials; nor can I see how black Americans can achieve equal employment opportunities with white without white Americans losing some existing advantage. Young notes that 'where the total wage pool grows, male or white workers need not lose anything through pay equity adjustments'.²⁴ But at a time when many economies face high and continuing levels of unemployment, as well as increased patterns of segmentation within their labour force, this is not entirely convincing.

Part of the project of deliberative democracy has been to dislodge individual and group interest from their dominant positions on the political stage, and while both Sunstein and Young see this as compatible with principles of group representation, the proposed compatibility depends on what might seem an overly optimistic scenario of mutual adjustment and change. For those who do not even address the mechanics of representation, the detachment from reality has been still more marked. Explorations of deliberative or communicative democracy often refer rather grandly to a principle of equal access to decision-making assemblies or substantive equality in resources and power, but they do not give much consistent attention to how these conditions would ever be achieved. Jurgen Habermas, for one, insists that all those affected by a decision must be enabled to participate 'as free and equal members in a co-operative search for truth in which only the force of the better argument may hold sway',²⁵ and that the only test of a valid judgement is whether its consequences and side-effects meet the free consent of all those affected. This seems to attach decisive importance to the principle of equal access, but Habermas remains relatively incurious about what might be necessary to deliver on this. Indeed, his work is littered with the kind of 'let us assume' constructions that are more typically associated with economic than political theory.²⁶ And this is not, I (p. 155) think, just an oversight; for, when the mechanisms on offer edge too closely towards defining participants as representatives of distinct and separate group interests, this can threaten the conditions for free communication. If group representatives really are there to represent their group, this must put limits on subsequent modifications of their initial position.

II

If the point of group representation is to represent previously ignored or disadvantaged interests, the representatives cannot just take it into their heads to abandon the commitments they brought with them when they joined the representative assembly. They can make some minor adjustments in the light of the subsequent discussion,

and most of those they claim to represent will accept the legitimacy of this. Anything more substantial, however, would have to be referred back to the original group. The group, of course, will not have had the benefit of exposure to deliberative diversity and discussion, and might be considerably less willing to bow to the 'power of the better argument'. But even if the representatives manage to convince them, this is hardly the process deliberative democrats have in mind. Deliberative assemblies are not normally conceived on the model of industrial relations, where the negotiators break off discussion in order to consult with their members; on the contrary, the participants must have considerable autonomy to change their point of view. As Joshua Cohen puts it:

Ideal deliberation is *free* in that it satisfies two conditions. First, the participants regard themselves as bound only by the results of their deliberation and by the precondition for that deliberation. Their consideration of proposals is not constrained by the authority of prior norms or requirements. Second, the participants suppose that they can act from the results, taking the fact that a certain decision is arrived at through their deliberation as a sufficient reason for complying with it.

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If this is what deliberation implies, it is surely at odds with any notions of group representation, for the process cannot have its (p. 156) desired effects if people are bound by previous mandates. Representatives cannot arrive on the scene with their hands tied to the pursuit of pre-agreed, fixed, group interests: if this were the case, they would be refusing the power of subsequent discussion. Participants in a deliberative democracy have to be freed from stricter forms of political accountability if they are to be freed to engage in discussion.

This retreat from strict notions of representation and accountability is at first sight rather startling, and the accusation may seem particularly unfair as applied to Iris Young's work, which has been consistently characterized by a concern with the self-organization of representative groups. But the different balance that is then struck between accountability and autonomy is, I believe, crucial to any politics of presence, and it helps secure its association with the project of deliberative democracy. No plausible theory of representation can afford to discount questions of accountability: representatives who are in no way accountable are not representative at all. But the accountability that is secured in advance is by definition confined to the politics of ideas, for it is only by reference to explicitly set out programmes and policies that we can think of our representatives as bound to certain courses of action. The accountability that is achieved after the event is a bit more complicated. We may hold our representatives to account for all kinds of things they did in our name, including many they never said they would do, and then make a retrospective judgement about how well they managed to

represent us. This retrospective holding to account also takes place, however, within the framework of a politics of ideas, for our judgements will be based on specific policies and actions. What the politics of presence insists on is an additional element of 'representativeness' which gets squeezed out in the exclusive focus on the content of policies and programmes. This additional element is not amenable to the same mechanisms of accountability.

Against this background, the deliberative retreat from stricter notions of accountability should not be viewed as a failure of democratic integrity. On the contrary, it gives extra theoretical legitimacy to the implications of a politics of presence, and it is at this point that it most usefully meets up with the arguments of this book.

Accountability has been a crucial and positive value in what I have argued so far, and has figured large in my assessment of what it (p. 157) means for women to be 'represented' by women, or black people by 'representatives' who are black. If the presumption is that all women or all black people share the same preferences and goals, this is clearly—and dangerously—erroneous. It has the effect of absolving the so-called representatives from any responsibility for finding out what those they represent actually want, and it lends a spurious air of legitimacy to people whose preferred policies may be completely unrepresentative. Notions of authentic or organic representation should simply be ruled out of court: these can never be the basis for an alternative system of representation.

But the representation of people just in accordance with their expressed ideas is also unsatisfactory, and especially when the only vehicles for this representation are the catch-all parties currently on offer. The programmes offered by competing political parties can never capture the full range of relevant issues, and once we abandon the illusion that representatives who agree with us on one point will also share our views on another, it becomes necessary to pursue some additional form of representation that deals with as yet unspecified areas of concern. I have argued that the gender and racial composition of elected assemblies is one important additional 'guarantee', but what this guarantees remains ambiguous when it is not tied to specific ideas. This is particularly apparent in the case of gender quotas, where there is a clear expectation that women representatives will do more, or other, than was promised in their party's election campaign. It is less obvious in the politics around minority representation in the USA, where there is a stronger connection with specific voting districts, and where national party disciplines tend to be weaker; this makes it possible for candidates to contest elections on programmes explicitly tied to minority concerns. But in either case, the preference for representatives who represent not only through a congruity in political ideas but also through an additional element of shared experience seems to

edge back to uncomfortable notions of authentic or organic representation. What else is it that makes them accountable, other than false claims about shared identity?

In the analysis of gender quotas, I argued that part of what has to change in the framing of such questions is the obsession with political guarantees. Failing an explicitly woman-friendly programme (which men might then legitimately claim they were equally capable (p. 158) of pursuing), there is no guarantee that women will represent women's interests. The only other guarantee would be an essential unity of women, and this is not a presumption I favour. Failing either of these, gender parity is, in one sense, a shot in the dark. The value attached to an increased presence of women within decision-making assemblies derives from a more general (and inevitably more tenuous) perception of those values and goals and perspectives that most women develop out of the experiences that differentiate them from most men. This is not strictly representation, nor is it strictly accountable. On the other hand, it does mesh quite neatly with what is being claimed for deliberative democracy.

When I argue that the sex or race or ethnicity of the representatives matters—over and above whatever they have promised to do—I necessarily take issue with the politics of binding mandates or any exclusive emphasis on tying the representatives' hands. This can go only so far, which is largely an empirical judgement. And it should go only so far, for, while all democracies have to keep representatives accountable to their officially declared policies, this is not the only thing democracies need. We also need to be represented in ways that will get new issues on to the political agenda, and will challenge the false consensus that keeps so many out. If all the options were already in play, or all needs and preferences already clearly defined, then the priority would more properly lie with getting more vigorous advocates. This certainly plays its part in the argument for more women in politics, and it plays an even greater part in the argument for minority representation in the USA; but all those pressing the inclusion of the previously excluded also stress the hegemonic power of dominant perspectives and the way these have blocked thinking on what else could be done. In her discussion of the 'five faces of oppression', Iris Young lists exploitation, marginalization, powerlessness, cultural imperialism, and violence, any one of which, she argues, marks out a group as oppressed, but all of which can exist together.²⁸ This potentially multi-layered experience does not translate in any automatic way into neatly laid out programmes of action: like all translations, there are first attempts and repeated revisions, and no guarantees of a satisfactory final result. Where so much new thinking has to be done, there is not a great deal to be guaranteed, (p. 159) and while the representatives we entrust with this work have to be subject to all the usual mechanisms of dismissal and recall, we cannot expect to know all they will do in advance.

Let me put the same point from the opposite direction. When needs or interests have crystallized in the form of explicit policy proposals, we are back in the more familiar territory of political ideas, and can draw on the more familiar conventions of political accountability to ensure that our representatives really do represent us. On this terrain, it may be relatively unimportant whether those pressing for the policies are male or female, white or black, Latino or Jewish or Catholic; what matters is that the people elected on this platform then do what they said they would do. The representation of minority interests in the USA, for example, could then be genuinely detached from the increased representation of minority politicians, for what would matter would be the strength of commitment to a particular package of reforms, regardless of one's ethnic identity. Now, if the overall composition of the legislatures remained predominantly white, minority Americans might still query this strength of commitment; they might legitimately feel, both for symbolic reasons and as an extra guarantee of vigorous advocacy, that they still needed more minority politicians. More importantly, they might also argue that it was necessary to increase the number of minority politicians as a way of protecting themselves against future developments which could require some quick thinking about minority interests. The autonomy we must allow our politicians—and even more so, from a deliberative perspective—only becomes legitimate when we have some additional basis for believing them representative. The greater the autonomy, the greater the importance we have to attach to equal or proportionate presence. If the representatives were only messengers, sent there to pass on pre-agreed programmes and ideas, then it might seem rather beside the point to worry about how many of them are female or Latino or black. But if the representatives are to claim considerable autonomy, we will more legitimately worry about how much of our experience they share.

What deliberative democracy brings to the fore is that representatives need some such autonomy. Preferences, interests, and goals are shaped by the conditions out of which they arise, and if we condemn our politicians to tedious reiteration of what we told them to say, we refuse the possibility of any later transformation. The politics of binding mandates, for example, relies on a static universe in which preferences have to be taken as given, and when representatives stray too far from their original positions, this is commonly regarded as a form of betrayal. Though this is one way of thinking about representation, it is neither the only nor most useful one. Representation has to include both accountability and relative autonomy, otherwise we are reduced to mere aggregation of initial preference and interest.

III

That said, there remains some considerable ambiguity over how far deliberative democracy can accommodate the determined pursuit of group interest. This is a

separate question from the role of binding mandates or the degree of autonomy we allow our representatives: it is more a matter of how they should conceive of their role. The critique of strict accountability can come from a number of directions. In his argument for democracy by sampling, for example, John Burnheim also challenges the preoccupation with controlling representatives by binding them to professed opinions or ideas: indeed, he is far more explicit on this point than most advocates of deliberative democracy.²⁹ But he bases his argument on what is almost the opposite principle: that 'nobody should have any input into decision#making where they have no legitimate material interest'.³⁰ Representation is then equated with the representation of interest, which Burnheim presents as safer and more democratic than accountability through political views; as he rather plausibly puts it, 'I should prefer my interests to be safeguarded rather than have my more or less shaky opinions prevail.'³¹ His 'demarchy' involves a statistical representation of the relevant parties to any decision, which he defines in functional terms as those who work at producing a good, those who consume it, and those who are affected by its side#effects. Accountability is not the issue for Burnheim: '[d]emarchic leaders would not be accountable because they would not be eligible for reappointment'.³² We would, however, have good grounds for trusting them, because they share our interests.

Though Burnheim does not address the more tangled questions arising from representations of race or gender, his preoccupations (p. 161) clearly overlap with those of the politics of presence. But where Sunstein or Young put their case for proportional or group representation in the context of a deliberative democracy, Burnheim makes interest the cornerstone of his. Other than this, the positions are not poles apart: Burnheim queries the status of those preferences that are expressed through the ballot box, noting that people often lack the information that would enable them to decide what they want; he anticipates a far more participatory and discussion#based democracy than the one achieved through existing representative democracy; and he expects representatives of the different interests to develop and refine their positions. But their legitimacy is grounded in their interests. They are there to speak to the needs and concerns of their group.

In the characterizations of the ideal deliberative procedure, by contrast, 'the members of the association are committed to resolving their differences through deliberation, and thus to provide reasons that they sincerely expect to be persuasive to others who share that commitment'.³³ This is said to rule out any simple insistence on what groups need or want, for how could anyone seriously expect mere assertions of need to be sufficiently persuasive to the others? It is also said to rule out 'efforts to disguise personal or class advantage as the common advantage',³⁴ for such deceptions simply fail to meet the proposed commitment to deliberated resolutions. As Joshua Cohen goes on to argue, this is not really something that can be settled by stipulation, and the more substantive

claim is that people *will* modify their preferences when they find they cannot defend them in reasonable discussion. It is at this point that we may find ourselves worrying about what happens to specific group interests. It is also at this point that Iris Young's reservations about the language of deliberation become particularly compelling,³⁵ for there might be all kinds of reasons why we fail to make our arguments persuasive, and these may have little to do with the legitimacy of our initial claims.

One widely remarked phenomenon of representative democracy is the incorporation of the radical outsider: people get themselves elected on programmes of far-reaching reform, but then conform to the very practices they had so vigorously attacked. One way of thinking of this is that they have excelled in the arts of deliberation, (p. 162) but thereby lost sight of their original ground. The good deliberator is not necessarily the best of advocates, for the more we try to enter into other people's positions or adapt our arguments to what they will find persuasive, the more we may detach ourselves from the community whose interests we initially shared. We become drawn into a reasonable consensus, and no longer fight our own local patch. Valuable as this often is, it can also work to reinforce the previous exclusions. Those on the outside had their moment of entry; now they are back where they were, with no one who will speak to their cause.

There is an important sense in which democracies need advocates as well as deliberators: they may need both the intransigent narrowness of those who will not budge from their initial positions and the more comprehensive vision of those who adjust what they want to what they come to see as reasonable and possible. A politics based exclusively on the first would be a disaster. But a politics based exclusively on the second tends to converge around a less imaginative consensus, and this often reproduces the limitations of the past. We are unlikely to find the two characteristics combined in a single representative,³⁶ though we may find many who pass through both stages in the course of their political lives. This is part of the impetus behind proposals for rotation in office (one element in Burnheim's scheme), for, as each fiery advocate is transformed into yet another reasonable deliberator, we look for that extra energy and determination that comes with the more recently elected. As long as society is composed of groups with different and conflicting interests, we will continue to need those representatives who constitute themselves as representing the needs and interests of such groups. And, while many of the anticipated conflicts may reveal themselves as more apparent than real, some may be genuinely intractable—episodes in a zero-sum game.

The worst scenario, perhaps, is when conflicts are indeed intractable, but the participants in discussion still reach agreement on what is really a false consensus. Theorists of deliberative democracy have not given adequate attention to the power play at work inside what passes for rational discussion; the way that a 'certain *culture* of

deliberation' can privilege some resolutions and make others (p. 163) seem beyond the pale. 'It is no secret', as Iris Young remarks, 'that in actual communication situations in our society, poor, or less educated, or non-professionals, or privatized people are often intimidated by the discourse rules of formal organizations, and their speech is often not taken seriously and deemed rational by those organizations.'³⁷ The priority attached to reasonable resolution can then undermine the equality of access, and the power that ought to come with presence can be seriously reduced.

IV

The association between deliberative democracy and the project of changing the gender and ethnic composition of elected assemblies thus remains uneasy, if close. The closeness is more surprising than the distance, given that deliberative models have arisen out of an explicit critique of the politics based around interest, while the politics of presence has stressed the representation of interest as one part, if not all, of its goal. And the connection is more than formal; it is not just that both stress equality of access, or that both address the problem of political exclusion. In their critical evaluation of the preferences that are expressed through the vote, theorists of deliberative democracy confirm the reservations about contemporary practices of representation, and open up the necessary space for considering 'who' represents us as well as 'what' preferences or ideas they carry. In their analysis of what it means to participate in deliberative procedures, they also provide a clearer theoretical basis for what is otherwise rather a conundrum about political accountability. Accountability to pre-agreed policies or commitments can only ever be part of what democracy is about, and in the more open-ended deliberations through which the final decisions are made, the representatives have to lay claim to some considerable autonomy. If this autonomy is not to become a recipe for their total independence, however, we need the additional confidence that derives from changing the composition of the decision-making assemblies. Achieving gender parity, or a more proportionate distribution of political office between the different ethnic groups within the society, is no *guarantee* of this—democratic politics rarely offers guarantees. But (p. 164) autonomy seems totally illegitimate when the representatives are drawn from a narrowly defined group or caste.

This point remains largely implicit in most of the arguments for deliberative democracy, where the recurrent anxieties about giving too much weight to specifically group interest often blocks more detailed recommendations for the composition of the deliberating assembly. Rian Voet, for example, steers clear of what she sees as the cruder policy of gender quotas for legislative assemblies, fearing that this would cement an essentialist politics of group representation, and prevent people addressing the common good.³⁸ While she is seriously exercised over women's under-participation in politics, she then prefers to limit quotas to internal party arrangements, relying elsewhere on a (vague)

republican formulation that each must be ruler and ruled in turn. Others who work within a deliberative or civic republican framework tend to fall back on some general rubric about equal access or equality of resources, and elements of group representation are seriously incorporated only in the versions developed by Cass Sunstein and Iris Marion Young.

The outcomes of deliberation are more often said to derive their legitimacy from having followed the appropriate procedures; thus, people have to give reasons for whatever they propose, and they have to accept the results of the more powerful argument. Though this is clearly intended to reduce the power of vested interests, the emphasis on procedural legitimacy can lead to an underemphasis on the actual composition of the decision-making assembly: equality remains on the list, but may not be very prominently displayed. The attachment to reasonable discussion can also underplay the continuing importance of advocacy, and this can make it more difficult for groups to assert a distinct group interest. As Jane Mansbridge has argued in many different explorations of the relationship between consensual and protective democracy, the conditions that most enhance deliberation and consensus are not always so good at achieving a fair distribution between groups that are actually in conflict, and we may need 'institutions based primarily on self-interest (p. 165) as well as those based primarily on altruism'.³⁹ Where the attachment to deliberative procedures threatens to weaken one element in this necessary balance, it can undermine the claims of the most oppressed groups. We cannot rule interest out of politics, nor should we yet see this as a desirable aim. (p. 166)

Notes:

(1) J. Cohen, 'Deliberation and Democratic Legitimacy', in A. Hamlin and P. Pettit (eds.), *The Good Polity: Normative Analysis of the State* (Oxford, 1989), 17.

(2) J. Cohen and J. Rogers, 'Secondary Associations and Democratic Governance', *Politics and Society*, 20/4 (1992).

(3) I. M. Young, *Justice and the Politics of Difference* (Princeton, 1990), 104.

(4) C. R. Sunstein, 'Neutrality in Constitutional Law (with Special Reference to Pornography, Abortion and Surrogacy)', *Columbia Law Review*, 92/1 (1992).

(5) Young, *Justice and the Politics of Difference*, 116.

(6) J. J. Mansbridge, 'A Deliberative Theory of Interest Representation', in M. P. Pettraca (ed.), *The Politics of Interest* (Boulder, Colo., 1992).

(7) The other two strands they identify in contemporary American debate are neoliberal constitutionalism and civic republicanism; see Cohen and Rogers, 'Secondary Associations', 394.

(8) Mansbridge, 'A Deliberative Theory', 37.

(9) B. Barber, *Strong Democracy* (Berkeley, 1984).

(10) J. S. Dryzek, *Discursive Democracy: Politics, Policy and Political Science* (Cambridge, 1990).

(11) C. R. Sunstein, 'Beyond the Republican Revival', *Yale Law Journal*, 97/8 (1988); C. R. Sunstein, 'Preferences and Politics', *Philosophy and Public Affairs*, 20/1 (1991); C. R. Sunstein, 'Democracy and Shifting Preferences', in D. Copp, J. Hampton, and J. E. Roemer (eds.), *The Idea of Democracy* (Cambridge, 1993).

(12) I. M. Young, 'Justice and Communicative Democracy', in R. Gottlieb (ed.), *Tradition, Counter#Tradition, Politics: Dimensions of Radical Philosophy* (Philadelphia, 1994), 128.

(13) Mansbridge, 'A Deliberative Theory', 37.

(14) Young, 'Justice and Communicative Democracy', 129.

(15) A. Gutmann, 'Introduction', to A. Gutmann (ed.), *Multiculturalism and the 'Politics of Recognition'*, (Princeton, 1992), 7.

(16) Sunstein, 'Preferences and Politics', 23.

(17) Young, 'Justice and Communicative Democracy', 133–4.

(18) Ibid. 136.

(19) Sunstein, 'Preferences and Politics', 33.

(20) Ibid.

(21) Ibid.

(22) Ibid. 34.

(23) Young, 'Justice and Communicative Democracy', 136.

(24) Young, 'Justice and Communicative Democracy', 136.

(25) J. Habermas, cited in G. Warnke, *Justice and Interpretation* (Cambridge, 1992), 91.

(26) E.g. in a recent essay on 'Struggles for Recognition in Constitutional States', *European Journal of Philosophy*, 1/2 (1993), 141: 'Let us assume that a well#functioning public sphere with structures of communication that are not distorted by power and which permit and promote discourses of self#understanding can thus develop in such multicultural societies against the background of a liberal culture and on the basis of voluntary associations.'

(27) Cohen, 'Deliberation and Democratic Legitimacy', 22.

(28) Young, *Justice and the Politics of Difference*, ch. 2.

(29) Burnheim, *Is Democracy Possible?* (Cambridge, 1985).

(30) Ibid. 5.

(31) Ibid. 112.

(32) Ibid. 167.

(33) Cohen, 'Deliberation and Democratic Legitimacy', 24.

(34) Ibid.

(35) Young, 'Justice and Communicative Democracy'.

(36) This is one of the key messages I take from Joseph Raz's work on the plurality of virtues: J. Raz, *The Morality of Freedom* (Oxford, 1986).

(37) Young, 'Justice and Communicative Democracy', 127.

(38) M. C. B. Voet, 'Political Representation and Quotas: Hanna Pitkin's Concept(s) of Representation in the Context of Feminist Politics', *Acta Politica*, 27/4 (1992); also M. C. B. Voet, 'Women as Citizens: A Feminist Debate', *Australian Feminist Studies*, 19 (1994).

(39) J. J. Mansbridge, 'The Rise and Fall of Self#Interest in the Explanation of Political Life', in J. J. Mansbridge (ed.), *Beyond Self#Interest* (Chicago, 1990), 21; see also her concluding argument in J. J. Mansbridge, *Beyond Adversary Democracy* (New York, 1980).

