Raf Geenens
Ronald Tinnevelt

Editors

Does Truth Matter?

Democracy and Public Space

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Chapter 1
Truth and Public Space: Setting Out Some Signposts

Raf Geenens and Ronald Tinnevelt

1.1 Introduction

Not only have the Greeks given us our word for democracy, which means literally that 'kratos' is in the hands of the 'demos'; we have also inherited from them a barely less noteworthy set of spatial distinctions. The most important of these are between 'oikos', 'agora' and 'ekklesia'. Each defines a space with its own logic.[1] The *oikos* is the sphere of the private household, where one is shielded against the effects of political power. The *agora* is the market place, in which commercial transactions take place and private and public affairs can be discussed. The *ekklesia*, finally, refers to the formally organized political sphere, wherein citizens convene to make collectively binding decisions.

Some compelling arguments can be made by thinking of these spatial distinctions first and foremost as *metaphors* that should not be understood literally as physical spaces. As such, they can refer to three distinct epistemic attitudes. First there is the stance that comes with solipsistic thought, and which is characterized by unrestricted yet dangerously claustrophobic freedom. Then there is the looser attitude that one enjoys in conversation with friends and peers, where uncharted ideas can be explored and one can change one's mind without losing face. Finally, with the rigid and formalized attitude of public speech, one's ideas and words are of necessity somewhat restrained, so that they can be justified to all.

Yet this should not make us overlook that each spatial distinction also refers to a real, physical space, with a specific shape and lay-out, with tangible walls and gates, and with a solidity that shields it against possible transgressions.[2] In order to foster these three epistemic attitudes, democratic regimes need to provide spaces where these distinct modes of knowing and speaking can be learnt and exercised. But how can we capture both aspects of public space in one definition?

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[1] Here we draw on the descriptions given by Cornelius Castoriadis (cf. Castoriadis 1997, pp. 7–8). For a good account of the role of public space in Greek cities, see also Detienne (2001).

[2] The importance of physical public space to social theory is now taken for granted, but this was not always the case. An overview of the "spatial turn" is given by Soja (1989, see in particular pp. 10–42). See also Lefebvre (1991).

When defining space in its physical aspect, different types of space could probably be mapped on a spectrum from public to private. Close to the western pole, one would find market squares together with parks, deserts and many other spaces that are in principle accessible to all with rather few restrictions imposed. Towards the eastern pole, the most intimate zones of private dwellings would be situated. In between would be churches, university campuses, as well as factories, meeting rooms, and parliaments. To find an easy definition of physical public space it would then suffice to draw a line somewhere on that spectrum, whereby everything on the left of it could simply be called public space.

However, public space can also be described in function of the things that might actually happen in these spaces. In this sense, public space could be defined as the set of processes in which the particular ideas and interests of individuals or groups come into a more or less friendly confrontation with each other. This confrontation is typically aimed at goals – such as gaining recognition or acquiring authority – that can only be achieved in public. A spectrum could also be drawn up here, this time on which all possible issues would be laid out in a line, ranging from those most relevant to the community as a whole, such as a decision to go to war, to those which are clearly intimate. Even the latter could, of course, become publicly relevant – perhaps not under the motto that "the private is the political", but at least under the slogan that "the private is the potentially political". With the help of this spectrum, public space could be defined as the mental space opened up by discussions about issues falling on the left side of a certain dot. Interestingly enough, the exact location of this dot could well be an issue of great public importance.

In defining public space then, it seems that one faces the dilemma of either delineating a section of the spectrum of physical space, or else defining public space as the mental universe that is kept open by ongoing discussions of public matters. Nonetheless, it is not certain that such a choice must be made. Hannah Arendt, for instance, believes that freedom requires public space in both senses (1976, p. 466) and clearly refuses to make a choice in her descriptions of public space:

> To them [the Greeks], the laws, like the walls around the city, were not results of action but products of making. Before men began to act, a definite space had to be secured and a structure built where all subsequent actions could take place, the space being the public realm of the *polis* and its structure being the law; legislator and architect belonged in the same category. (1958, pp. 194–195)

As becomes clear elsewhere in her writings as well, public space is for her created not only by physical variables, but also by ideas and limitations concerning what goes on in this space. One can think in this regard of the laws that make citizens equal; the desire to excel that drives private men into public business; and Arendt's idiosyncratic delimitation – which notably excludes social and economic issues – of those subjects suitable for political debate.

An even stronger interlocking of physical space and the ideas that shape it can be found in Jürgen Habermas's *The Structural Transformation of the Public Sphere*, in which he investigates the eighteenth-century bourgeois public sphere as a

defining episode in the history of democracy.[3] Habermas traces this novel phenomenon back to a number of sources, such as the emergence of a horizontal network of economic dependencies, advances in print capitalism, and the rise of state administrations. Yet, crucially, the establishment of this public sphere and the expansion of its newly coined liberal ideas also relied on a particular kind of place: the salons and coffee houses as they sprung up in the towns of France and England toward the end of the seventeenth century and, somewhat later, the German *Tischgesellschaften*. In these relatively protected settings, literary and artistic criticism soon mixed with political criticism and discussion of economic issues.

The novelty of this space lay in that it created a unique buffer zone between private and political. While coffee houses represented a more "male" environment, the salons were often set up by women. Yet both spaces shared one essential trait: they provided a place where the norm of *equality* could be rehearsed. Between members of the old aristocratic society and the new cultivated bourgeoisie, a new "parity of the educated" emerged (Habermas 1989, p. 32). Social differences were temporarily suspended and opinion was detached from economic dependencies, allowing individuals to meet each other as "common human beings" (Habermas 1989, pp. 33–35). This created a unique opportunity for truly critical and rational debate to emerge. By consciously holding the laws of the market and the laws of power in suspense, the salons and coffee houses created a climate in which "the authority of the better argument could assert itself against that of social hierarchy" (Habermas 1989, p. 36).

The key lesson to be learnt from Habermas's story is that the rise of the public sphere depends both on material limitations and on a specific set of conventions and ideas. The public spaces relevant to political theory can, therefore, neither be reduced to physical places nor to purely mental processes.

But what public spaces are to be considered *democratic* public spaces? Although the flourishing of democratic societies depends on the existence of both senses of public space, it seems obvious that not any kind of public space at all will do. An important exercise for political theory, then, is to identify what sort of public space, both in terms of content and physical place, can be set apart as *democratic* public space. This is the task that motivates the different contributions in this volume.

This is a two-fold undertaking. On the one hand, the relation between truth, democracy and public space is examined. What is the importance of publicity for democracy? Does truth matter to democracy and, if so, what is the place of truth in politics? Can deliberative ideals be directly implemented in the real world of democratic societies or are there specific properties of the political realm that hamper such an implementation or perhaps even make it undesirable? On the other hand, the relation between democracy and physical public space is put into question: does democracy depend on specific physical arenas such as public squares or cities? Why is the loss of public space in modern democratic societies so troubling? What physical public arenas are there for the economy and politics of a rapidly globalizing domain?

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[3] A similar, somewhat less normative and more historical account can be found in Hohendahl (2000).

In order to address these issues, the volume is divided into four parts. In the first part the epistemic value of democratic public space is examined. The guiding question is: Does truth matter to democracy, and if so, then why? The second part focuses on the institutional dimension of democratic public spaces. Here, a similar question returns, but with a more sceptical tone: to what extent can and should real world democratic institutions resemble the ideal of public, truth-oriented deliberation? The third part of this volume deals with the potential political role of physical public spaces. If truth matters to democracy, what sort of space can protect it? Finally in the last part, the global dimension of democratic public spaces is examined. The question here becomes: If space matters to democracy, what are the expectations for democracy on a global scale? In what follows, we will briefly introduce these four topics and demonstrate how they interconnect.

1.2 Truth and Democratic Public Spaces

The first and most fundamental questions read: To what extent is truth relevant to democracy? Are there correct answers to political questions? Do governments need to produce reasons for their actions? Can we discuss legitimacy without referring to the rational grounds of our political claims and judgments?

There are no easy answers to these questions. The story of the link between truth and politics is, as Arendt puts it, an old and complicated one. Politics and truth seem to be on bad terms with each other. Truth, as many historical examples have shown, is often powerless in the political realm and politicians are often deceitful. "No one", Arendt claims, "has ever counted truthfulness among the political virtues" (1993, p. 227). And yet, it is something that politicians cannot do away with:

> Truth, though powerless and always defeated in a head-on clash with the powers that be, possesses a strength of its own: whatever those in power may contrive, they are unable to discover or invent a viable substitute for it. Persuasion and violence can destroy truth, but they cannot replace it. (Arendt 1993, p. 259)

Thinking through the connection between truth and politics, one is of course reminded of Plato's view on the issue, which famously argued for an *internal* connection between truth and politics. To guarantee a just and harmonious state, the founders of the city should strive for an "amalgamation of political power and philosophy" (2000, 473d). Plato's philosopher-kings, at once spectators and lovers of the truth, should be guided solely by the truth in all political matters.

From the perspective of democracy, however, this view is highly problematic. Plato's ethical truths are not the product of agreement and consent – which seem essential to the political realm – but force themselves upon us. Many additionally argue that the claim once made by philosophers to unique knowledge of the essence of humanity and society has fallen into disrepute. Platonic forms, divine revelation and metaphysical truth are no longer able to serve as the publicly shared ground for legitimating social and political norms.

That is why Rawls emphasizes that "politics in a democratic society can never be guided by what we see as the whole truth" (1996, p. 243). Regarding constitutional essentials and matters of basic justice, citizens are not expected to discuss the worth of their comprehensive doctrines. They should avoid introducing truth claims into statements of political justification. Raz calls this a form of "epistemic abstinence" (1990). Rawls's political constructivism neither asserts nor denies comprehensive "accounts of the truth of moral judgments and of their validity". About these matters it simply "does not speak" (1996, p. 127). What counts in a society marked by the fact of reasonable pluralism is whether comprehensive views are reasonable, but not whether they are true.

Some authors go even further, not only denying that truth and justifiability are necessarily related, but even questioning – like Kelsen – whether human reason is at all capable of knowing absolute truths and values. Others, notably Hobbes, argue that authority and not wisdom makes a law. In his chapter in this volume, Philippe Raynaud critically examines and reconstructs Hobbes's political philosophy of equality and Hans Kelsen's theory of democracy. He comes to the conclusion that Hobbes and Kelsen, despite their different perspectives on the connection between state and law, both defend a similar type of egalitarian scepticism. Both Hobbes and Kelsen denounce, in their own ways, the usurpation of political authority by proponents of absolute metaphysical and religious truths.

Yet even if the scepticism towards political truth can be traced all the way back to Hobbes, it remains a striking feature of political life that all participants call upon truth. They all provide arguments to show why their opinions, beliefs and preferences need to be taken seriously, and, beyond this, are *true*. How is it that citizens can affirm the truth of their claims and at the same time accept that their truth is just one amongst many?

In their respective chapters, David Estlund, Cheryl Misak, and Robert Talisse develop epistemic justifications for democracy, which they believe to be invulnerable to the threat of scepticism. Estlund's modest view of the epistemic value of democracy – which he calls "epistemic proceduralism" – centres on the idea that the binding quality and the legitimacy of political decisions are not the product of the latter's correctness, but of the procedure from which they result. As long as democratically produced laws are the outcome of procedures with a "tendency to make substantive good decisions", they do not need to be correct to be legitimate and authoritative. Epistemic proceduralism, therefore, closely resembles a jury trial. Even if the jury were to come to an incorrect verdict, its decision would still be authoritative.

But what concept of moral truth is appropriate for such an epistemic view of democracy? Estlund's is very minimal: if we think that x is unjust, then it is true that x is unjust. In her chapter, Cheryl Misak starts from a similar idea so as to argue for a *pragmatic* account of deliberative democracy and deliberative virtues. Believing that x is unjust implies accepting that our belief in x stands up to arguments and reasons. To this rather uncontroversial view, however, she adds that the link between truth and politics can only be sustained if we accept a Peircean account of truth. That is, we would need to accept that true beliefs are beliefs that are indefeasible – that forever stand up to criticism.

Why, though, should we be committed to an open test of inquiry? Why should we listen to the viewpoints of others? Both Misak and Talisse present an epistemic justification of deliberative virtues, maintaining that these virtues are important because they tend to lead to right answers. They have epistemic value. In contrast to the deliberative model of Gutmann and Thompson (or even Habermas), Misak and Talisse do not derive a commitment to democratic norms from an antecedent agreement on moral or democratic values, but from a commitment to epistemic practices.

To explain what these practices entail, Talisse sketches the main outlines of a "folk epistemology". Folk epistemology reconstructs the pragmatics of our daily conversations – it captures "the epistemic practices of the man-on-the-street, the pre-theoretical and intuitive epistemic commitments that are […] deeply embedded in our cognitive lives". Starting from the idea that believing x implies holding x to be true, Talisse deduces the principle that engaging in a process of reason-giving implies certain cognitive and dispositional norms. The next step – justifying democracy – is easily made. Because individuals can only properly practice their epistemic agency in a context in which they have the opportunity and the right to participate freely in political processes, a democracy is necessary.

Folk epistemology, then, entails a commitment to what Talisse calls "an epistemically proper community". But what kind of political interventions are necessary to foster and sustain proper epistemic practices? According to both Talisse and Misak, this requires a state that actively cultivates deliberative virtues and creates the precondition for democratic citizenship – an "epistemically perfectionist state".

1.3   Institutionalising Democratic Public Spaces

According to an epistemic account of democratic legitimacy, policy proposals and decisions have to pass through a process of justification in a public space of reason. Public space in this sense does not immediately refer to physical space, but rather to the question of whether the policy making process is more or less curbed by ideological restrictions, group interests, a lack of information and other cognitive deficiencies. From there, it is tempting to conclude that public discussions in a democracy simply need to be as unrestricted as possible. Safeguarding the rationality of the public debate, it seems, is essentially a *negative* task. This is the guiding intuition behind the (all too) common term of "the marketplace of ideas",[4] which reflects the belief that the absence of cognitive restrictions guarantees public rationality. Accordingly, intervention is only tolerated if it removes restrictions from the marketplace, but not when it interferes with its workings.

It is perhaps even more tempting to translate the negative idea of an unconstrained debate literally into that of a *physical* marketplace characterized by

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[4] This term was coined by Supreme Court Justice William Brennan in 1965 (cf. Mitchell 2003, p. 47).

unhindered mobility. This would most naturally correspond to a typically Western view of liberty as the ability to move freely in a space without any obstruction (cf. Sennett 1994; Mitchell 2003). The resulting conception of physical public space is then also a negative one, whereby the privatisation of place (think of privately governed yet publicly accessible spaces such as shopping malls) is the main threat.[5] The emphasis would thus be on securing as much of the left side of the above-mentioned spectrum of physical space as possible, as if the absence of barriers would be a sufficient condition for public space to be a space of democracy.

Such a literal translation should be resisted. For starters, because emphasising the importance of non-interference brings with it the risk of pleading simply for spaces of anarchy (cf. Kilian 1998, p. 121). But also because there is no a priori reason why the sort of space that corresponds to an epistemically unrestricted debate should itself be as unrestricted as possible. It may well be that democracy as an epistemic ideal is much more demanding in terms of physical place than a literal translation of this ideal would suggest. And finally because even in the ideal realm, epistemically desirable results might require more guidance than a mere invisible hand, for instance in the form of such positive interventions as are usually discussed under the heading "discourse constraints" (cf. Holmes 1988; Gutmann and Thompson 1996).

This is the key intuition behind several essays in this book. A tendency to produce good or correct decisions is not ingrained in just any kind of discussion. It requires *positive* interventions that create a specific setup. Accordingly, the institutionalisation of a well-functioning public debate into real spaces involves substantially *more* than just removing barriers and thresholds to communication.

Moreover, political institutions and processes have their own logic, which even the most committed democrat has to take into account if he does not want to end up making a travesty of his initial commitments. Estlund, for instance, all while granting that there is an important epistemic dimension to democratic legitimacy, argues that it does not follow that democratic institutions have to resemble the ideal communication community as closely as possible. The aim should rather be to construct a set of institutions that, overall, "will most reliably produce a just decision", instead of a "resemblance for its own sake". Real-life democratic spaces and institutions will, inevitably, differ from the ideal situation of deliberation. In their chapters, Matthew Festenstein and Glen Newey discuss more in detail the inner workings of politics. They demonstrate how attempts to translate the idea of rationality too literally into the language and form of politics might lead one to overlook several other important aspects of democracy.

Festenstein argues that epistemic theories of democracy tend to overlook the importance of trust and trustworthiness. Although it is important to create deliberative arenas in which the truth of beliefs can be discussed, we must not forget that the complexity of socio-economic and political problems de facto prevents citizens from forming a coherent opinion or arriving at a competent judgment. Participants

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[5] On the privatization of public space, see also Sorkin's essay on theme parks (1992).

in deliberation are, therefore, not only concerned with "evaluating the truth of claims put in from of them" but also with "appraising the credibility and trustworthiness of those who put forward those claims". How do we cope with the problem of epistemic trust and determine the reliability and trustworthiness of political actors? Festenstein argues for a pragmatist conception of democratic inquiry in order to deal with this issue. An indication of the reliability of actors can be found in their willingness to subject their arguments and claims to critical testing.

Political effectiveness and self-interest, however, often make politicians disinclined to tell the (whole) truth. The public, moreover, is not always interested in hearing the truth. Sometimes reassurance is more appreciated than blatant honesty. So how far can we sustain the value of truth in democratic societies? Not very far, according to Glen Newey. Although truth and truthfulness are necessary for democracy, democratic politics also opposes truth on many different levels. Newey argues that democracy inevitably functions as a "theatre of illusions". This inevitability has to be taken into account in political life. The value of truth itself should in this regard be analyzed as an illusion, albeit an indispensable one for democracy. Addressing the self-image of democratic communities, Newey also conceives of the idea of "the people" – the collective actor with the power to confer legitimacy upon political outcomes – as an illusion that is quintessential to democratic politics.

1.4   Democracy and Physical Public Space

Yet even if democracy resembles a theatre of illusions, we still need to determine the kind of stage this theatre needs. What are the spaces in which democratic decision-making – however permeated by illusions – should take place? In which democratic arenas can the trustworthiness and reliability of political actors and media be tested? Are physical locales – such as public squares or cities – crucial for the development of democratic public spaces? Or can they flourish without them? According to John Parkinson, Murray Low and Bart Verschaffel, they cannot. In their chapters they use geography, sociology, and urban theory to argue that physical spaces are crucial prerequisites to democratic action.

But what kind of physical stages do we exactly need? As the classical models of the Athenian and Italian city-state are still central sources of inspiration for our understanding of democratic decision-making, it is tempting to see cities as privileged or even uniquely important sites for democracy. Yet is this really the case, Low asks? Do cities have a special affinity with democracy? Although he does not doubt that cities are important sites of democracy, he argues that it does not follow that the city is the sole or the primary locus of democracy. Democracy is not intrinsically tied to a *specific* spatial typology. Instead, it is about the reinvention of political relations in "changing situations in different geopolitical contexts".

Verschaffel, however, points out that the integrative and stabilising force of physical spaces is waning as a consequence of the rise of information, communication, and transportation networks. This "crisis of place" challenges the existence of

fully fledged democratic public spaces and seems to lead to a deadlock. Although physical space and engagement are necessary for democratic action, their impact and meaning are diminishing. Verschaffel analyses the effect the transformations of physical space has on our understanding of such fundamental concepts as freedom and the public-private distinction, and notes that the crisis of place endangers our traditional "spatialisation" of these concepts.

He argues that our understanding of many political ideas depends on prior spatial experiences. These experiences, even when they are no longer part of the intended meaning, underlie these words as a "quasi-metaphorical substratum" or as the "root metaphors". They continue to sound through in them and inform our understanding. Yet in a world that is increasingly globalised and digitised, this spatialisation is no longer assured. Verschaffel therefore pleads for a reassessment of the meaning and potential of real, physical spaces, and in particular of *semi-public* spaces such as schools, city halls or theatres. The thrust of his argument is that semi-public spaces – because they impose important conventions and norms upon those who enter them – are indispensable to democratic debate.

Parkinson takes this analysis one step further by claiming that physical spaces become even more important to political action in times of virtual and digital public space. In an age of blogs, discussion forums and video-conferencing, there is more than ever a need for face-to-face interaction. He refers for instance to the fact that communication also depends on non-verbal cues, and is thus much easier in a face-to-face context than in an indirect or a virtual one. Moreover, live deliberation tends to be more *civil* than indirect or virtual deliberation, as we choose our words more carefully in the presence of others. Thus, even in a society where politics and communication tend to become virtual, political communications require "a physical event to focus on the thing that is transmitted".

1.5 The Postnational Constellation

Although physical spaces are indispensable to democracy, politics also shapes space itself. Political institutions not only secure and stabilize the space between us, but also affect its form and meaning. The rise of modern nation-states, for example, occurred, as Low rightly points out, by reorganizing a prior political landscape that was defined by "mosaic-like territorial structures of landownership and networks of cities". In its place came clearly circumscribed and self-contained national political units. Ever since, the idea of public space has been tied to a territorially delimited sphere – what Fraser calls a "Keynesian-Westphalian frame" (2005, p. 69). Within this framework, justice and economy are understood against the background of a strong distinction between the domestic and international realms.

In our era of globalization, this framework is in the process of becoming less and less self-evident. Important shifts have transformed the global political sphere and challenged our traditional concepts of political authority and decision-making. As a consequence, the questions of legitimacy and the epistemic value of democratic

decision-making reemerge. How should transnational deliberative processes be organized? What is the role of truth in transnational public spaces?

What transformations do we have in mind? At least two ongoing shifts can be identified (cf. Bach and Stark 2004, p. 104). A first concerns the erosion of absolute sovereignty and the stepwise emergence of an international rule of law. Because of the growing scope and reach of international law, the sanctity of state sovereignty is being replaced by a concern about the enforcement of universal norms. A second shift is the so-called change from government to governance. The idea that the nation-state is the exclusive and most privileged site for political representation has been largely replaced by the concept of diverse and competing systems of authority. (Rosenau and Czempiel 1992). Consequently, state authority has been diffused: upwards to international institutions and transnational corporations, sideways to global financial markets and global social movements, and downwards to various subnational bodies (Payne 2000, p. 203).

Several theoretical and policy models have been developed to deal with these shifts and the problems they generate. Within the field of philosophy the model of *cosmopolitan democracy* is the most well-known. Like proponents of traditional democratic theory, cosmopolitan democrats start from the idea that respect for human rights and autonomy can only be secured by democratic public law. However, they emphasize that this claim does not only apply to the domestic level, but also to the international and transnational one (Held 1995, p. 227).

Another influential model is that of *network governance*. There are several versions of this model. Slaughter (2004), for instance, envisions a new world order in which traditional government agencies operate as part of global networks. Others point to the large involvement of NGOs in an emerging global public sphere and propose global issues networks (Rischard 2002; Rosenau 2004, pp. 47–48).

Within both models, public sphere and civil society can play an important role in influencing and legitimating international decision-making processes. NGOs in support of human rights, for example, can publicize abuses and enhance compliance (Keck and Sikkink 1998). Despite their positive role however, these same organizations also face significant problems with regard to their democratic accountability. It is not always clear whom NGOs represent and how they can be held accountable for their actions.

A thorough study is therefore needed into the power that actors within civil society have to influence transnational decision-making. Which approach, however, is best capable of understanding the origin and role of social movements and NGOs? In her chapter to this book Molly Cochran argues that neither normative political theory nor constructivism in international relations is capable of offering such an understanding. Although both approaches explore "the role of transnational actors and the possibility of agent-directed change", their proponents tend to forget that only a combination of a sociological and moral-philosophical analysis will suffice to understand the interactions of these principled actors.

But how can we combine the insights of both approaches? Cochran tackles this issue on the basis of a pragmatist approach to international relations and an elaboration of John Dewey's notion of international public spheres. Public spheres,

according to Dewey, are constituted when "indirect consequences are recognized and there is an effort to regulate them" (Dewey 1927, p. 12).

James Bohman shares Cochran's concern for transnational public spheres; yet in describing these he does not take his lead from Dewey but rather from Kant and Habermas. Transnational publics are first and foremost spaces of communicative freedom; spheres that enable the emergence of this type of freedom across borders. Their formation is therefore central in order to achieve some form of transnational democratic decision-making.

In his chapter Bohman sketches the main outline of a theory of transnational democracy. He analyses how the opportunities for transnational democratisation have been altered by our increasing global interconnectedness and by technological developments. One of these transformations is the change from a unitary public sphere to a distributed or decentred one – from global public sphere to a collection of global publics. But what is the democratic benefit of transnational deliberative processes? Can these so-called global publics have an epistemic value? According to Bohman they can. Optimal deliberation is promoted by distributed deliberation. It is the "interaction among and testing across institutionally structured collective agents that yield epistemic gains and self-correction".

References

Arendt, H. (1958). *The Human Condition*. Chicago, IL: Chicago University Press.

Arendt, H. (1976). *The Origins of Totalitarianism*. San Diego, CA: Harcourt Brace.

Arendt, H. (1993). *Between Past and Future: Eight Exercises in Political Thought*. New York: Penguin.

Bach, J. and Stark, D. (2004). Link, Search, Interact. The Co-evolution of NGOs and Interactive Technology. *Theory, Culture & Society*, 21(3), 101–117.

Castoriadis, C. (1997). Democracy as Procedure and Democracy as Regime. *Constellations*, 4(1), 1–18.

Detienne, M. (2001). Public Space and Political Autonomy in Early Greek Cities. In M. Hénaff and T. B. Strong (Eds.), *Public Space and Democracy*. Minneapolis, MN: University of Minnesota Press, pp. 41–52.

Dewey, J. (1927). *The Public and Its Problems*. Athens, OH: Swallow Press.

Estlund, D. (1998). The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth. *Ethics*, 108(2), 252–275.

Fraser, N. (2005). Re-framing Justice in a Globalizing World. *New Left Review*, 36, 69–88.

Gutmann, A. and Thompson, D. (1996). *Democracy and Disagreement*. Cambridge, MA: Harvard University Press.

Habermas, J. (1989). *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge, UK: Polity Press.

Held, D. (1995). *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Cambridge, MA: Polity Press.

Hohendahl, P. U. (2000). Die Entstehung der modernen Öffentlichkeit im Zusammenhang mit der Entstehung des modernen Publikums. In P. U. Hohendahl (Ed.), *Öffentlichkeit. Geschichte eines kritischen Begriffs*. Stuttgart & Weimar: Metzler, pp. 8–37.

Holmes, S. (1988). Gag Rules or the Politics of Omission. In J. Elster and R. Slagstad (Eds.), *Constitutionalism and Democracy*. Cambridge: Cambridge University Press, pp. 19–58.

Keck, M. and Sikkink, K. (1998). *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.

Kilian, T. (1998). Public and Private, Power and Space. In A. Light and J. M. Smith (Eds.), *Philosophy and Geography II. The Production of Public Space*. Lanham/Boulder/New York/London: Rowman & Littlefield, pp. 115–134.

Lefebvre, H. (1991). *The Production of Space*. Cambridge, MA/Oxford: Blackwell.

Mitchell, D. (2003). *The Right to the City: Social Justice and the Fight for Public Space*. New York/London: The Guilford Press.

Payne, A. (2000). Globalization and Modes of Regionalist Governance. In J. Pierre (Ed.), *Debating Governance: Authority, Steering and Democracy*. Oxford: Oxford University Press, pp. 201–218.

Plato (2000). *The Republic*, G. R. F. Ferrari (Ed.). Cambridge: Cambridge University Press.

Rawls, J. (1996). *Political Liberalism*. New York: Columbia University Press.

Raz, J. (1990). Facing Diversity: The Case of Epistemic Abstinence. *Philosophy and Public Affairs*, 19(1), 3–46.

Rischard, J. (2002). High Noon: Twenty Global Problems, *Twenty Years to Solve Them*. New York: Basic Books.

Rosenau, J. N. and Czempiel, E. (Eds.) (1992). *Governance Without Government: Order and Change in World Politics*. Cambridge: Cambridge University Press.

Rosenau, J. (2004). Strong Demand, Huge Supply: Governance in an Emerging Epoch. In I. Bach and M. Flinders (Eds.), *Multi-level Governance*. Oxford: Oxford University Press, pp. 31–48.

Sennett, R. (1994). *Flesh and Stone: The Body and the City in Western Civilization*. New York: W. W. Norton.

Slaughter, A. (2004). *A New World Order*. Princeton, NJ: Princeton University Press.

Soja, E. (1989). Postmodern Geographies. *The Reassertion of Space in Critical Theory*. Oxford: Blackwell.

Sorkin, M. (1992). See You in Disneyland. In M. Sorkin (Ed.), *Variations on a Theme Park: The New American City and the End of Public Space*. New York: Hill & Wang, pp. 205–232.

Part I
The Epistemic Value of Democracy

Chapter 2
Epistemic Proceduralism and Democratic Authority

David Estlund

2.1 Introduction

There is, somewhat surprisingly, controversy as to whether any of democracy's
value rests on its applying intelligence to the problem of what, politically, should
be done. In this chapter, I sketch some main elements of a longer argument to the
effect that it does.[1] Many approaches to democracy try to avoid this 'epistemic'
ingredient, and for serious reasons. For one thing, some people wonder if there
really are correct and incorrect answers to political questions. But even if there are
correct answers why should we think the unwashed masses would be any good at
discovering them? If we need an epistemic dimension in politics then won't we be
led to empower a wise elite, contrary to our deep democratic convictions? I believe
these and other challenges to an epistemic approach to democracy can be met in a
view I call *epistemic proceduralism*.

There is no hope of making democracy some supreme epistemic device for solv-
ing political problems. Some approaches try this by appealing to a fascinating
mathematical result – Condorcet's 'jury theorem' – but there are fatal obstacles to
applying that result to the case of democracy, as I will argue. Epistemic procedural-
ism, as we will see, only requires modest epistemic value, not the extreme kind
promised by the jury theorem. This is an advantage over other epistemic approaches.
Still, something needs to be said about how democracy might have even modest
epistemic value. The key, I will suggest, is the perfectly familiar application of
intelligence through discussion and interpersonal reasoning. Obviously, that is no
panacea. There are ways in which it can go wrong, and they certainly occur in
political discussions to some degree. My suggestion is not that political discussion
would typically resemble an edifying discussion, but that we can start with that
ideal and propose strategies for remedying – or as I will suggest, countervailing –
the epistemic damage when actual discussion diverges in certain ways from an
ideal discussion. I'll say a little more about this below.

Not only is this a mere sketch of a more elaborate theory, the theory itself
doesn't aspire to be more than a philosophical framework. By that I mean that it

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[1] This paper is an overview of Estlund (2007) and draws heavily on Chap. 1 of that book.

does not include institutional prescriptions except in the very broadest sense. One reason for this is simply that disputes about practicalities can distract from the philosophical problems that are my main concern. A second reason I will return to below, in the section on institutional reticence. Roughly, the point is that a theory that requires things that have not occurred before cannot benefit from experience with institutional experiments. It is best, in that case, to admit that the foundational claims here would leave lots of work to be done on designing appropriate institutions. I am trying, instead, to get clear about the underlying moral ideas by which the design of institutions should be guided.

2.2   Truth and Democracy

The idea of democracy is not naturally plausible. The stakes of political decisions are high, and the ancient analogy is apt: in life and death medical decisions, what could be stupider than holding a vote? Most people don't know enough to make a wise medical decision, but a few people do, and it seems clear that the decisions should be made by those who know best.

While it makes good sense for us to defer to someone who we have reason to think is a medical expert, the doctor's right to make decisions and perform procedures on us comes mainly from our consent, not from the doctor's expertise. Politics is different, since most of us have never consented to the political authority of the government that rules over us. Authority would need some other basis, and expertise has long been a tempting one. It is important to see that one doesn't simply follow from the other – authority does not follow from expertise. Even if we grant that there are better and worse political decisions (which I think we must), and that some people know better what should be done than others (we all think some are much worse than others), it simply doesn't follow from their expertise that they have authority over us, or that they ought to. The expert/boss fallacy is tempting, but someone's knowledge about what should be done leaves completely open what should be done about who is to rule. You might be correct, but what makes you boss? Perhaps this approach to political justification, which draws heavily on the views of John Rawls (1993), points in a democratic direction.

The mere fact that you know better what to do is incapable of justifying your coercing me to obey partly because I might not accept that you know better what to do. Consider religious points of view. One of the contending views might be correct, with all its implications about what should be done politically. Suppose your religious point of view is not the true one. If you think the knowers should rule – if expertise entails authority – then you must think that those with the true religious perspective, whoever they might be, should rule even over people like you who mistakenly doubt that they are the knowers. Their being experts (so to speak) certainly counts in favor of your *accepting* them as rulers, but as it happens, you don't realize they are experts. This doubt appears to block the inference from their expertise to their authority. The problem isn't exactly that you haven't consented,

and we're not assuming that consent would be required to legitimate rule. It's about what you believe: you don't believe that they are experts.

The problem that arises for this line of argument, however, is that there is not much that will be believed by everyone, and if legitimate authority depends on there being a justification accepted by everyone, it will be hard to find much legitimate authority. But this isn't a plausible constraint anyway. Why should the objection of someone who is, say, crazy or vicious carry that much moral weight – enough to defeat a justification even if it is acceptable to everyone who is not crazy or vicious? Rather than say that a justification must be acceptable to everyone we might try saying that it must be acceptable to everyone except the crazy, the vicious, and… well, there might be other things that it makes sense to put in here. We will finesse the details by simply saying that there will be some list of things that disqualify certain points of view for this purpose. That is, some points of view are such that objections that depend on those disqualified points of view are not capable of defeating a proposed political justification. People who believe that their own race has a right to rule other races, or who simply desire to subordinate other people to their power, will not accept certain principles about moral and political equality. But objections stemming from those unreasonable points of view are morally weightless.

By calling some views qualified and others disqualified, we tempt objectors to accuse us of being exclusive or elitist. This is a widespread confusion, in my view. Since all we've said so far is that not all points of view are qualified, a more inclusive view would have to say that all points of view are qualified. Justifications must simply be acceptable to everyone. This is an oddly amoral view, in which otherwise sensible lines of justification are unavailable if they are not acceptable to Nazis. If anyone believes this, we would need to hear a lot more in support of it.

The other line of objection to treating some grounds of objection as disqualified says that it is too inclusive – that it counts too many (not too few) lines of objection as qualified. In particular, some say that a point of view shouldn't defeat a proposed justification unless that point of view is true, whereas our approach allows that some views are qualified even though they are not true. This objection might seem to be the proper view for any lover of the truth. We can't settle it here, but even if the pope has a pipeline to God's will, it doesn't follow that atheists may permissibly be coerced on the basis of justifications drawn from Catholic doctrine. Some non-Catholic views should count as qualified for this purpose even if they are mistaken. This itself asserts a truth about justification, as lovable a truth as any other.

2.3 Fairness and Proceduralism

All this talk about truth will drive some readers crazy. Some will deny that there are any truths about what should be done politically, but few mean this in a way that would cause any difficulty for what I have said. The nature of truth is a fascinating philosophical matter, and truth in value judgments raises interesting questions of its

own. But when I speak of moral truth here, I mean only the following very minimal thing: if gender discrimination is unjust, then it is *true* that gender discrimination is unjust. Not many readers will think nothing is just, unjust, right, wrong, etc., and so they accept that there are moral truths in the sense that concerns me.

Some will worry about whose view of the truth we're talking about. But we're not talking, initially, about anyone's view of the truth, but about the truth (whatever it might be). We're supposing that some things are unjust, some right, some things vicious, and so on, regardless of what anyone thinks about them. Then we say that some people have erroneous views about these matters, some other people less so. So far we are not endorsing any particular *view* of the truth. We haven't said which things are true about these matters, or who might know the truths better.

This way of talking about truth makes it pretty hard to deny truth in political matters or to deny that some know it better than others. We can't resist the move from expertise to authority by denying that there is expertise, then. I have proposed to avoid that move by denying that there is expertise that is generally acceptable in the right way even if it is genuine. But having acknowledged that there are truths about the high stakes matters that are present in politics, we must ask whether its discovery plays any role in the best account of how political authority and coercion would be justified. Is there an epistemic or truth-seeking dimension to the best account, or can we do without that?

I believe we can't do without it, but there is a simple and influential approach that tries to. Why not understand democracy as a way of giving every (adult) person an equal chance to influence the outcome of the decision? The justification of the outcomes would be in terms of the familiar idea of the fairness of the procedure that produced the decision. That way we wouldn't need to make any claims about the decision tending to be good or right or true. Democracy, after all, does seem like a fair way to make decisions, at least as an aspiration. People are given equal rights to express their political opinions, and equal rights to a vote. Should we say that the fairness of the procedure is the explanation of democracy's moral importance?

We haven't said exactly what would make a procedure a fair one, but so far it looks like democracy is one fair procedure, and choosing between two proposals by flipping a coin is another one. If that's right, and if fairness is the main basis of democracy's importance then why not flip a coin instead? It's much cheaper and easier in so many ways. We wouldn't need to expend resources on campaigns, televised debates, public political discussion, or all the time and work involved in holding a vote. For example, we could let the slate of candidates or issues be determined in whatever way they otherwise would, except at any stage that there would normally be a vote we substitute a random selection process, even at the final stage that would normally be an election or a referendum. It's a perfectly fair procedure, at least if this means giving each person an equal chance at changing the outcome. All have an equal chance, since no one has any. If the value of democracy is its fairness, this random procedure should be just as good.

Of course, this is impossible to accept. There is something about democracy other than its fairness that contributes to our sense that it can justify authority and legal coercion. A coin flipping procedure would not justify these, at least not to the same

extent. One natural hypothesis about why we actually want people's views taken account of by the process is that we expect people's views to be intelligent – maybe not to any high standard, but better than a coin flip. This introduces an epistemic dimension, and it is important to see what this would and would not commit us to.

2.4 Epistemic Proceduralism

The biggest objection to bringing in the epistemic dimension is that it might tend to justify rule by the knowers – what we might call *epistocracy*. But I hope to have forestalled that worry by pointing out that even if there are knowers it might well be that their status as knowers is not generally acceptable in the way that political justification would require. So now the question is how to bring in knowledge without privileging any class of knowers.

There is, however, the nagging thought that even if the knowers aren't generally acceptable, they do exist. And they might simply be a more accurate source of knowledge about what should be done than any democratic procedure could ever be. I don't want to deny this. The question is not how democracy might be the best epistemic device available, but how it might have some epistemic value in a way that could account for the degree of authority we think it should have. If you or someone whose opinions you trust is a knower, then the results of a modestly epistemic democratic procedure will not give you especially important epistemic reasons to believe the outcome is good or correct. But epistemic reasons are not what we need. The hope is to show how democracy yields moral reasons to obey the law and a moral permission to enforce it. We shouldn't assume that there could only be such duties and permissions in cases where the procedure actually got the right answer. So we shouldn't assume that authority and legitimacy lapse just whenever the procedure gets a wrong answer. That surely wouldn't generate legitimacy and authority for the general run of democratically produced laws. Obviously, many of them are unjust or otherwise morally mistaken.

A good model for the structure I have in mind is a jury system. When it is properly done, a jury trial seems to produce a verdict with legal force, but also with some moral force. If the defendant is exonerated then other people will have a moral duty not to carry out private punishments. If the defendant is convicted, then the duly appointed jailer will have a moral duty not to set him free. I assume that, at least within limits, these moral implications do not depend on the verdict being correct. If they did, then we should all ignore the verdict and use our own judgment about whether the defendant was guilty or not, and privately punish the truly guilty and open the cells of the innocent. Jailers who appoint themselves judge and jury, and vigilantes who appoint themselves executioner, seem to be acting immorally when there has been a properly conducted (though always fallible) jury trial.

The jury trial would not have this moral force if it did not have its considerable epistemic virtues. The elaborate process of evidence, testimony, cross-examination, adversarial equality, and collective deliberation by a jury all contribute to the

ability – certainly very imperfect – of trials to convict people only if they are guilty, and not to set too many criminals free. If it didn't have this tendency, if it somehow randomly decided who is punished and who goes free, it is hard to see why vigilantes or jailers should pay it much heed. So its epistemic value is a crucial part of the story. Owing partly to its epistemic value its decisions are (within limits) morally binding even when they are incorrect.

On this account, the bindingness and legitimacy of the decisions are not owed to the correctness of the decisions, but to the kind of procedure that produced them. Still, a central feature of the procedure in virtue of which it has this significance is its epistemic value. I call this theoretical structure *epistemic proceduralism*. This is just the structure I explore in the case of democratic procedures for making laws and policies generally. Democratically produced laws are legitimate and authoritative because they are produced by a procedure with a tendency to make correct decisions. It is not an infallible procedure, and there might even be more accurate procedures. But democracy is better than random and the epistemically best among those that are generally acceptable in the way that political legitimacy requires. The authority and legitimacy of its laws often extends even to unjust laws, though there must be limits to this. The procedure does not give us great epistemic reasons for our opinions about justice. For that purpose we may each appeal to whatever sources and methods we think best, without the need for these to be generally acceptable.

Democratic decisions, I have said, have a claim to compliance even when they are mistaken. This is partly due to the fact that all qualified points of view can agree that these arrangements have some tendency to make substantive good decisions. This gives something of the structure of epistemic proceduralism's account of democratic authority. We don't yet have an account of how democracy's epistemic value supports its authority. Here I have to be brief, and can only indicate the outlines of the approach I take to this question.

There are two stages: First, authority cannot rest on actual consent without leading to the philosophical anarchist position that no state's decisions do have any claim to our obedience. The reason is that people have generally not consented to such authority. Attempts to show that they have typically run afoul of the principle that a person cannot consent unintentionally. Still, suppose that if you had been offered the chance to consent to your government's authority you would have been morally wrong to refuse to consent. I believe that such morally wrong refusals to consent can establish authority just as if there had actually been consent, since it is hard to see how I could get off the hook by immorally refusing to consent. This is not true in all contexts of consent, but it is plausible where the issue is authority rather than coercion or other invasive actions.

I won't try to defend this account, which I call 'normative consent', here. But if it can be done successfully, the second stage is to show that it would be wrong to refuse to consent to the kind of authority of democratic arrangements that is described by epistemic proceduralism. Again, the argument is too elaborate to present here. To sketch the idea very roughly, consider a different context, that of criminal justice. Imagine a scenario before there is any public criminal justice system established by law. If a group of people devised a jury trial system more or less

similar to what we know in Anglo-American law, it would be wrong for people not to consent to its authority. The case for saying this depends crucially on the jury system's having decent epistemic value, and in a way that can be agreed by all qualified points of view. I would argue that the same holds for democratic political arrangements, and for similar reasons, including especially the publicly apparent epistemic value of the arrangements. If it would be wrong not to consent to their authority, then by normative consent, they do have authority even though consent was never solicited or granted.

2.5   Realism

Thinkers about politics are, for some reason, more concerned with 'realism' than are thinkers in moral philosophy generally. In an effort to avoid 'utopianism,' it is very common to see fundamental normative standards adjusted so that there is some reasonable likelihood that they will be met in practice, and no similar tendency to dumb down moral principles. Moral philosophers know that people are likely to lie more than they morally should, but this doesn't move many theorists to revise their views about when lying is wrong. Things are often different in political philosophy. So, for example, many democratic theorists think that standards of political legitimacy should not depend on citizens doing much more than look out for their own interests in a pretty casual way, and they often think this precisely because they think that is how people are pretty likely to act.

Epistemic proceduralism, of course, suggests that the casual pursuit of self-interest would not be enough. Just as the jury system would lack the epistemic values on which its authority depends if jurors devoted little effort to reaching good verdicts, no democratic system made up of predominantly selfish uninformed voters would have the epistemic features I have been saying their authority is based on. Does this mean epistemic proceduralism is objectionably unrealistic? If the charge is that practice is not likely to live up to the asserted moral standard, then there are three natural ways to reply.

First, there is the familiar charge that voters are and always will be woefully ignorant and selfish. Great portions of the electorate are ignorant of basic facts about the political system, who holds important offices, which candidates would favor the same things they favor, and so on. It helps in putting this kind of data in context to know that parents, when polled about important matters pertaining to raising healthy and educated children, perform pretty poorly. There are good questions about how they could make good decisions without being able to do well on questionnaires, but this is hardly an absurd possibility. What about voters? There's no reason to be complacent about the state of voter competence, but we should be reluctant to infer from voters failing these quizzes to the conclusion that they are incapable of making good decisions.

Consider, next, the possibility that the moral standards should be weakened to accord better with what can be reasonably expected in practice. I treat this together with the third gambit, the suggestion that it is no flaw in a theory to have standards that are unlikely to be met in practice. To weaken what we take to be the appropriate moral standard we would need a moral argument. 'That standard is not likely to be met', does not invoke any moral consideration at all against the standard's truth. Why should it make us think that legitimacy or authority require less than we had first thought?

Suppose the challenge were sharper. What about, 'It is not a standard people are *capable* of meeting?' There is a very tempting, but unwarranted slide that often happens from 'You and I both know that will never happen', to 'That's impossible'. It is plausible (maybe not incontrovertible) that if people are incapable of doing something then they are not responsible for not doing it. The merely improbability of your doing something, however, does not insulate you from responsibility in the way your being unable to do it would. Some things that we all know you will never do are, nevertheless, not impossible, and not even the least bit difficult. It is pretty easy to dance like a chicken in front of your boss. Put your hands up under your arms, thrust your head forward rhythmically, and so on. It's easy, but you and I both know you will almost certainly never do it. The same goes for certain things that might be morally required. Maybe you and I both know that you will not tell your mother that you love her. But that doesn't show that you can't do it, or that it's so difficult that you aren't responsible for it if you fail. You could certainly do it, you just are not likely to. That fact, that you are unlikely to, is not even the beginning of an excuse.

I am not conceding that what is needed by epistemic proceduralism is highly unlikely, much less certain, never to happen. I'm just unsure about that. Rather, I want to ask, what if that were so? Would it be a devastating objection to epistemic proceduralism? It would not. If utopianism is the defense of political standards that are very unlikely ever to be met, it is hard to see why it would be a vice, or why political theorists should be so in the grip of what we might call utopophobia – the fear of normative standards for politics that are unlikely ever to be met. (There's no similar epithet in moral theory generally, is there?) Normative standards that people are incapable of meeting are much more dubious, so what the critics of supposedly 'unrealistic' normative theories need to show is not that 'you and I both know it will never happen.' That's no objection to a moral theory of politics. They would need to show that not only will it never happen, it is not something people *could* do (or, at least, not without more effort or sacrifice than it's appropriate to require). Maybe epistemic proceduralism asks more of voters than they will ever deliver, maybe not. Either way, this is no deficiency in the theory whatsoever.

Realism is a vague and dubious constraint when the question at hand is what is right, or just, or legitimate. Obviously, we want to avoid falsehoods. But this includes falsehoods about the bearing that people's likely behavior has on what moral standards apply to them.

2.6 The Jury Theorem

If you have 1,000 coins, with each one slightly weighted to turn up heads – say with a 51% chance – what is the chance that at least a majority of them will turn up heads? With that many coins, we know that very nearly 51% of them will turn up heads, and so it is extremely likely indeed that more than 50% will. So now, suppose that, rather than coins, it is 1,000 people, facing a true/false question. And suppose that each person has about a 51% chance of getting the right answer (suppose, if you like, that the question is drawn from a pile of which each knows exactly 51% of the answers). What is the chance that at least a majority of them will get the right answer? Again, the likelihood is very high, because it is almost certain that about 51% will get the right answer, and even more certain that at least 50% will. So, under those conditions, the group, under majority rule is almost certain to get the right answer. The mathematical fact behind this fascinating scenario, was first proven by Condorcet in 1785, and it is known as the *Jury Theorem*, since he was using examples about the likelihood of juries getting the right answer in criminal trials. It has undeniable interest for democratic theory.

If voters are only a little better than random, and choices are between two alternatives, then majority rule would be nearly infallible. Is this the epistemic engine that a theory like epistemic proceduralism needs? I'm afraid that it's not. Consider just a few points.

First, political choices are not always binary, but often take place between several or many alternatives. There will still be some important binary choices: this candidate or that, to build the school or not, and so on. But even if the best choice is likely to be made in those cases, there might be no reason to think that the final two alternatives are the best among the many that were really available. There are some interesting extensions of the jury theorem to more than two alternatives, but the results are not as striking as they are in the binary case.

Second, the jury theorem only gives majority rule a high score for accuracy if individuals are better than random to some significant degree, not just barely. Our example used 51% accuracy for 1,000 individuals, and it wouldn't have worked with only 50.00000001% individual accuracy. It's true that the margin above 50% that is needed for very high group competence is less if the number of voters is higher, but still, it isn't easy to say what level above random we are entitled to assume. Indeed, and this is the next point, I doubt that we can simply assume that they are better than random at all.

So, third, if you ask, 'how could a person be dumber than a coin flip?' the answer would be 'easily.' People have more or less systematic views about many issues. If their system is bad, so to speak, then they could easily be wrong all the time. If, for example, people in some time and place were systematically racist, or sexist, or both, it would not be surprising if their political decisions were worse than the performance of a coin flip would be on political matters involving race or sex. Who knows what other important biases or errors people might have in their

systematic thinking on issues? For these and other reasons, the Jury Theorem looks like it will not support the kinds of epistemic claims that epistemic proceduralism requires for political legitimacy and authority.

2.7   An Ideal Deliberative Situation

Epistemic proceduralism does not need democratic procedures to be highly accurate. This is an easy point to miss, because a natural alternative epistemic approach might say that laws are legitimate and authoritative when they are actually just or correct. Then the general run of laws will only be legitimate and authoritative if the general run of laws is correct – that is, only if the procedure is highly accurate in that sense. Epistemic proceduralism is importantly different. It says that a modestly epistemic procedure gives legitimacy and authority to the general run of laws, even the mistaken ones. The analogy to keep in mind here is the jury trial, since its epistemic value is a crucial reason we think that even erroneous verdicts have authority. That, too, is an epistemic proceduralist structure. The point here is that we are not looking for a source of extremely high accuracy for democratic procedures (though that would be nice). Something quite modest will serve the needs of the theory.

We can start with the very influential idea in recent deliberative democracy theory that it seems possible to construct an imaginary forum for collective deliberation about political issues in such a way that it would have a strong tendency to make just decisions – to get right answers, so to speak. If there is some feature of actual deliberations that would block this accuracy, we remove it from the imaginary ideal. There are certain familiar features that many think will serve this purpose: all have equal time and power in the deliberation, all address the common good rather than merely some partial interests, all have certain capacities to recognize good arguments against proposals, and so on.

One use of an ideal deliberative situation is to let it actually constitute the truth about rightness or justice. This is how contractualism conceives the imaginary contractual situation. As we saw, this will tend to put elements into the ideal arrangement, such as the veto power, that will be crucially missing from any actual arrangement, and so no significant analogy will be available to show that actual arrangements will tend to get the same – and so correct – answers. A different use of an imaginary ideal deliberative situation, and the one I propose to rely on, is to treat it as an ideal epistemic situation, not as constituting the truth. That is, this sort of ideal imagines deliberators for whom there are independent facts about what ought to be done. As a consequence, even the ideal epistemic deliberation can make mistakes. While a morally constitutive ideal deliberation would have to include the veto power, vitiating any serious analogy with democratic arrangements, an epistemic model-deliberation has no such need.

This improves the prospects for an analogy between the ideal and actual deliberations, but we should still regard any close resemblance as hopeless. For example, actual political deliberations could not possibly give everyone equal,

much less unlimited, time, nor could their rational capacities be what they should be in the ideal. Unlike so many democratic theories that employ a hypothetical ideal (constitutive or epistemic) deliberative situation, the aim here would not be to shape actual institutions and practices in order to structurally resemble the ideal arrangement. If very close resemblance were possible that would be fine, but if not there is a serious 'problem of second best:' once certain ideal conditions are violated, it no longer makes sense to think that the other ones are still parts of the second best scenario. If, for example, one side in a political dispute credibly threatens violence in order to coerce a settlement more to their liking (an epistemically distorting move, to put it politely) what would the goal of mirroring the ideal structure tell us to do? First, of course, it would say to remove that element of force. But suppose that's simply not possible. The choice is either for the other side to threaten some countervailing force, or to stand pat and continue deliberating rationally as they get politically crushed. Which of these is more likely to produce the same results as the force-free epistemically ideal deliberative situation? In many cases like this the answer will be that the insertion of additional force is more likely to restore the results to what the model deliberation would have arrived at. This kind of countervailing deviation departs only further from any structural resemblance to the ideal, but since the aim is epistemic there is no reason to seek such resemblance for its own sake.

This model of countervailing deviation from the ideal epistemic deliberation promises to give a more plausible account of what is morally appropriate political behavior – as is too often said, politics is not a college seminar. Details about what kinds of political practice would be called for by this model are too sensitive to the complexities of specific contexts to say much useful about in a philosophical treatment. This brings us full circle from our opening disclaimer about the limits of a philosophical framework. I have willfully proceeded at a fairly high level of abstraction, since I believe that this is where many of the most important problems in democratic theory reside. Still, is there no concrete vision of politics that emerges from the distinctive features of epistemic proceduralism? I conclude with some impressions of my own about implications the view might have in practice, emphasizing that these are not propositions for which I have argued.

First, if points of view get their influence on public conclusions by virtue of the wealth they have at their disposal, public reasoning will be seriously distorted unless this irrational element of power can somehow be countervailed in creative political practice.

Second, legal and social protection for the ability to dissent from orthodoxies and majority positions is not (at least not merely) some right owed to the dissenter, but a crucial ingredient in a healthy public life, one in which there is a basis for hope that the public view might discover and remedy its errors over time and move progressively toward sounder views.

Third, equality in political matters is also not some natural right, even if a certain kind of equal regard is. Political equality depends on, and finds its limits in, what sorts of arrangements will allow the promotion of justice and common good in a way that can be justified to the broad range of points of view that are owed acceptable justifications for the coercive political arrangements under which they live.

Inequality of various kinds is bound to pass this test, but I have argued that the overall system seems bound to be recognizably democratic in its procedures for making law and policy.

Finally, where epistemic proceduralism's aspirations are met – which might be unlikely, but is hardly impossible – there is an obligation to obey the law. Not just any law, since some could be too unjust or unjust in the wrong way, but including many laws that are indeed unjust. Legitimate politics involves authority, and there is no getting around it. We cannot collectively live as we ought to live and still be under only our own authority.

2.8   Does Consistency Matter?

Epistemic proceduralism looks for whatever procedure will most reliably produce a just decision, so long as this case can be made in a way that is acceptable to all qualified points of view. I argue (simplifying here) that this is best accomplished through a democratic arrangement in which, after public discussion, individual votes are aggregated, and the decision is made by some form of majority rule. It is natural to think of this as the formation of a group judgment out of the aggregated individual judgments, but it turns out that this would raise further questions.

A process of judgment is reasonably held to certain standards, such as logical consistency. Some have argued that a plausible list of these standards cannot be met by any rule for aggregating individual judgments (List and Pettit 2005). The proof of this is complicated, as are the interesting questions about whether the conditions could be adjusted to avoid the result. Rather than delve deeply into these matters, I hope briefly to indicate why epistemic proceduralism needn't be concerned about how these matters might turn out.

It will help to have one simple example of the challenge to judgment aggregation.

The tenure example. A university committee has to decide whether to give tenure to a junior academic (the *outcome* or *conclusion*). The requirement for tenure is excellence in both teaching and research (the two *reasons* or *premises*). The first among three committee members thinks the candidate is excellent in teaching but not in research; the second thinks she is excellent in research but not in teaching; the third thinks she is excellent in both. So a majority considers the candidate excellent in teaching, a majority considers her excellent in research, but only a minority – the third committee member – thinks the candidate should be given tenure.[2]

If epistemic proceduralism needed the results of majority rule to count as judgments, this would be a serious difficulty. The judging agent would be profoundly lacking basic capacities of reason. However, it's not clear that epistemic proceduralism has any need for the idea of a group judgment in the first place. If we speak of

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[2] I borrow this from List (2006). List's article contains a good introduction to the issues, and a good bibliography of related pieces.

what a majority thinks about one thing or another, no individual or group is shown to hold inconsistent judgments. The committee apparently has the authority to decide by majority rule whether to grant tenure, and when it does so it makes a decision, but unless we're forced to say it also makes a judgment (which then might be held up to its other judgments to check for consistency) there is no inconsistency afoot.

To see how this helps avoid the challenge, suppose there is a panel of medical experts I want to consult in order to determine the best course of treatment for a serious condition I have. Suppose that majority rule after discussion is epistemically the best way of identifying the most beneficial treatment options for me. Now it is true that a majority might say to do x, another majority might say that if x is done then do y, and yet another majority might say not to do y. But this should not trouble us if we have independent reason for thinking that this majority method for determining whether to do y is epistemically the best. What I want is the best treatment, and I don't care much whether the group of experts can be conceived as making collective judgments at all, much less judgments that are logically consistent. If this is right, then the problems about aggregating individual judgments into collective judgments pose no trouble for epistemic proceduralism, which has no need for the idea of a collective judgment at all.

2.9 Conclusion

The preceding is a rather quick overview of a theory that is itself no more than a philosophical framework. This might be doubly frustrating. It is often helpful, though, to consider a view synoptically. There are sometimes problems with the forest that can't be detected in the trees. On the other hand, if the forest looks promising, some might find it worthwhile to venture more deeply inside.

References

Estlund, D. (2007). *Democratic Authority: A Philosophical Framework*. Princeton, NJ: Princeton University Press.

List, C. (2006). The Discursive Dilemma and Public Reason. *Philosophy and Public Affairs*, 116(2), 362–402.

List, C. and Pettit, P. (2005). On the Many as One. *Philosophy and Public Affairs*, 33(4), 377–390.

Rawls, J. (1993). *Political Liberalism*. New York: Columbia University Press.

Chapter 3
Truth and Democracy: Pragmatism and the Deliberative Virtues

Cheryl Misak

3.1 Introduction

In this chapter[1] I shall address the question of whether there is a defensible and non-circular justification of deliberative democratic politics and the things it takes to be valuable – freedom of association, freedom of speech, listening to the views of others, expanding public spaces in which open debate can flourish, etc. Why should we value open debate and discussion over private decision-making and then voting, over bargaining, or over elimination of those who disagree with us? What can we say to the anti-democrat in our midst?

The answers, I shall suggest, require reference to warranted and true belief. The justification of deliberative democratic politics, that is, is epistemic. In Sect. 3.2, I shall begin by clearing away some common negative reactions to the idea that truth and politics can co-exist and then I shall suggest that they *must* co-exist. I shall then argue, in Sect. 3.3, that the link between truth and politics is sustainable only if we adopt the conception of truth of a certain kind of pragmatist. This kind of pragmatist sees truth as being the best that human inquirers could do. We will then be in a position to see, in Sects. 3.4 and 3.5, how a model of the democratic virtues and democratic citizenship might also be justified.

3.2 Truth and Politics

Providing a justification for democratic politics is no easy matter. Carl Schmitt, the fascist legal philosopher, argued that in the post-enlightenment world, it is impossible to do so. There is no truth and rationality in politics. Rather, politics is the arena in which groups assert themselves, with the strongest coming out on top and the weaker groups disappearing. One makes an existential choice – opts for a conception of the good – and then tries to attain 'substantive homogeneity' in the

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[1] I thank David Dyzenhaus, Patrick Rysiew, Robert Talisse, and the editors of this volume for helpful comments on an earlier draft.

population. Might ends up being right and the elimination of those who disagree with us ends up being a fine method of reaching our political decisions.

I have argued, in *Truth, Politics, Morality*, that Schmitt was wrong to think that moral and political beliefs cannot be rationally justified and that we cannot aim at getting things right (Misak 2000, p. 9 ff.). I have put forward, that is, the 'cognitivist' claim that morals and politics fall under our cognitive scope.

This kind of claim is usually held in disrepute. One reason that is sometimes offered for scorning it points to theoretical or philosophical dangers. Truth and politics don't mix because talk of truth commits us to a realist ontology, which might be fine in science, but is not fine in morals and politics. What kind of real objects – objects independent of human perspective and inquiry – could we be theorizing about in morals and politics? Truth and politics, that is, seem to be on bad terms with each other because they are conceptually incompatible.

A second reason for thinking that the notion of truth doesn't belong in morals or politics is that it is dangerous there – much evil has arisen because people claim that they know what the truth is. Rawls articulates this practical kind of reason by saying that truth claims bring in their wake "zeal" (Rawls 1993, p. 42) and "the relentless struggle to win the world for the whole truth" (Rawls 1997, p. 766).

Rawls himself tries to avoid the danger by arguing that there will be a number of reasonable, yet incompatible doctrines about what is good. The principle for dealing with such inevitable pluralism is to be neutral about reasonable, but nonetheless divisive, comprehensive doctrines. We are to aim for an overlapping consensus in which people affirm the same freestanding conception of justice but hold different versions of the good. Rawls's liberalism is thus claimed to be "political", not "metaphysical" – it is not supposed to be committed to a particular view of the good life and it does not assert its own truth. All it asserts is that it is the most reasonable doctrine from the perspective of free and equal citizens, who are committed to their own substantive conceptions of the good life. It is simply the best way to arrange our political lives (Rawls 1993, p. 94). "Reasonableness", Rawls says, not truth, is what we are looking for in a political doctrine. Joseph Raz thus calls his position one of "epistemic abstinence" (Raz 1994).

The responses I suggest we make to the two worries about cognitivism turn the concerns on their heads. First, the Rawlsian *practical* worry. Whatever the dangers are in saying morals and politics aim at the truth, the dangers of denying it are even more alarming. If we were to get rid of the notion of truth, nothing would protect us from the idea that there is nothing to get right, no better or worse action, and no better or worse way of treating others. Nothing would protect us from the Schmittian world view.

In making this response, it is important to see that allowing truth into the political arena does not carry with it the idea that there is one and only one true answer to every question. A question might have a number of equally right answers: it might be true that either A or B or C is an acceptable solution to a problem. That is, bringing truth into politics need not result in a view on which one theory of the good triumphs over the others.

It is also important to see that one thing lying behind the Rawlsian worry about truth is the concern that some conceptions of the good won't get a fair hearing.

Rawls is worried about 'zeal' – about people being bigoted or blinded by passion or ideology. These traits might come with thinking you have 'the truth', but we shall see that none of them are sanctioned by the truth-based approach for which I shall argue. On the contrary, that truth-based approach expressly guards against such traits creeping into inquiry.

The response to the *theoretical or conceptual* worry is that truth and politics are indeed conceptually compatible. For without truth, politics – indeed, any kind of belief or assertion or debate – makes no sense.

Huw Price articulates one such argument in a very nice paper titled "Truth as Convenient Friction". He argues that without the notion of truth, "the wheels of argument do not engage; disagreements slide past one another" (Price 2003, p. 185). He asks us to imagine a community of speakers who accept the norms of sincerity and of personal justification, but not of truth. That is, they use linguistic utterances to express their preferences and desires, but they differ from us in that they do not take disagreement to indicate that one or the other speaker is at fault or mistaken.

Price argues that if we take disagreement to be "no fault" in this way, then there is never anything to engage others about. Conversation as we know it would grind to a halt. Truth matters to us – we can't even imagine how we could do without the concept. So someone like Rawls, who takes the possibility of "reasonable disagreement" to be so central to political life itself must see that the very idea of disagreement (never mind the idea of reasonable!) turns on the notion of truth.[2]

My own version of this kind of argument starts with the fact that in morals and politics (as in other domains of inquiry and deliberation), we distinguish between thinking we are right and being right; we criticize the beliefs and actions of others; and we think that we can improve our judgments, learn from our mistakes, etc. These distinctions and practices are quite literally dependent on the notion of truth – we can make sense of them only by supposing that we aim at the truth.

Reflect on the difference between the phrases "I suspect that p" or "it seems to me that p", on the one hand, and "I believe that p" or "I assert that p", on the other. What I do when I use the first two phrases is distance myself from the obligations which come with belief and assertion. Those obligations can be summarised by saying that if I believe that p, I commit myself to defending p – to arguing that I am, and others are, warranted in believing it. And I commit myself to having my belief be responsive to or answerable to reasons and evidence. That is a very part of what is to have a belief – it is a *constitutive norm* of belief. Part of what it is to be a belief, as opposed to some other mental state, such as an entertaining of an interesting but idle thought, a lie about what one believes, or a dogmatic opinion, is that there must be something that can speak for or against a belief and that belief must be sensitive to what can speak for or against it.

The idea that belief (on pain of ceasing to be a belief at all) turns on reasons certainly fits with a significant part of the psychological reality of belief. I cannot

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[2] Patrick Rysiew pointed this out to me.

get myself to believe p by deciding that if the coin I am about to flip lands heads, I will believe it, and if it lands tails, I will not. In order to believe p I have to think that I have good reason to believe it. This point most certainly holds for politics. As David Estund puts it in his contribution to this volume, the fact that we think that flipping a coin (which would deliver a kind of fairness) would be a terrible way to make political decisions betrays the fact that we are after a decision that fits with the reasons.

3.3   The Pragmatist Account of Truth

It is relatively uncontroversial that the very act of believing something commits one to holding that the belief would stand up to reasons, argument, and evidence. With C.S. Peirce, the founder of pragmatism, I've argued, more controversially, that were a belief to forever stand up to reasons, argument and evidence – were it to be indefeasible – then it would be true. There is nothing more we could ask of it. We have in our various inquiries and deliberations a multiplicity of local aims – empirical adequacy, coherence with other beliefs, simplicity, explanatory power, getting a reliable guide to action, fruitfulness for other research, greater understanding of others, living peacefully with others, increased maturity, and the like. Peirce's contribution to debates about truth is to suggest that when we say that we aim at the truth, what we mean is that, were a belief really to satisfy all of our local aims in inquiry, then that belief would be true. There is nothing over and above the fulfillment of those aims, nothing metaphysical, to which we aspire.

Peirce captures, that is, what is right in the deflationist's account of truth: the naturalist thought that there is an unseverable connection between making an assertion and claiming that it is true.[3] What we do when we offer a justification of "p is true" is to offer a justification for the claim that p. If we want to know whether it is true that Toronto is north of Buffalo there is nothing additional to check on ("a fact", "a state of affairs") – nothing over and above our consulting maps, driving or walking north from Buffalo to see whether we get to Toronto, etc. Similarly, if we want to know whether it is true that the UN should intervene to stop genocide, there is nothing to check on (the bible, the crystal ball) – nothing over and above our offering reasons pro and con and seeing where the weight of reason lies. Inquiring about the truth of a matter does not involve anything more than investigating and debating it in our usual ways.

This pragmatist view of truth is not a view that tells us *when* beliefs are true. Nor does it give us a blueprint for how to arrive at a system of certainly true beliefs. It provides us, rather, with a method for coming to a justified, but fallible, belief about some issue that is pressing in upon us. That method is to expose our beliefs to the rigours of reasons, arguments, and evidence. For if a true belief is one that would

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[3] See Misak (2000) for a sustained argument.

stand up to inquiry, then we should put our beliefs through the tests of inquiry in order to make them the best they can be. If a true belief is one which would withstand criticism and accommodate all the evidence, then in order to tell whether we have a justified belief, we must throw criticism and evidence at it here and now. Information, argument, and evidence must be freely exchanged, so that we might see whether our beliefs are responsive to them.

The pragmatic account of truth, notice, does not stumble on a realist ontology, which was the conceptual barrier to accepting truth in politics. For all pragmatists set their position against transcendental accounts of truth, such as the correspondence theory, on which a true belief corresponds to, or gets right, or mirrors the believer-independent world. Such accounts of truth, the pragmatist argues, make truth the subject of empty metaphysics. For the very idea of the believer-independent world, and the items within it to which beliefs or sentences might correspond, seem graspable only if we could somehow step outside of our corpus of belief, our practices, or that with which we have dealings.

So pragmatism is able to make sense of the idea of truth and of the distinctions between getting things right and thinking we've done so, without buying into all that comes with realism. The pragmatist (at least the Peircean kind of pragmatist) thinks that truth is something that comes out of inquiry. It does not go beyond the best that human inquirers could do. It does not appeal to a mind-independent reality that seems so out of place in morals and politics.

The way that this view of truth applies to politics is subtle and complex. But this much should be straightforwardly clear. A kind of democratic politics is justified – a *deliberative democracy* on which our beliefs are exposed to reasons and arguments of others.[4] And in order for our beliefs to be so exposed, the values associated with democracy – freedom of association, freedom of speech, etc. – are required.

Two complexities must be mentioned here, especially in light of the highly misrepresentative slogan that is often associated with the pragmatist's theory of truth – "truth is what would be agreed upon at the end of inquiry". For one thing, the pragmatist account of truth does not require agreement at the end of the day (whatever that might mean) and it does not require the consent of all who are affected by a particular decision here and now. The right answer to a question might be one that only a few see is right. Indeed, there is nothing about a consensus here and now that provides anything like a guarantee of truth. A right answer is the one that would be best – would stand up to the evidence and argument – were we to inquire into the matter as far as we fruitfully could. That is, we are not primarily aiming at *agreement* in deliberation – we are aiming at getting a view that will stand up to reasons and evidence.

That said, there may be cases in moral and especially political deliberation in which we do aim for agreement, because we think that what will best stand up to

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[4] The brief sketch I've given of the pragmatist account of truth is not going to convince anyone who is not already favorably disposed to it. Happily, my justification of deliberative democracy merely requires the uncontentious idea that we believe for reasons and that a belief that fits with the reasons is better than a belief that doesn't. That is, the justification of democratic politics ought to be persuasive even for those who do not accept the pragmatist view of truth.

reasons *in that case* is a solution that is agreed-upon by all or by all who are affected. But this will be just one kind of case amongst many. It is important to see that the pragmatist's view of truth does not entail anything about the precise nature of right answers. Right answers aren't identified with answers that are acceptable by all. Nor are right answers identified with those that resolve a conflict with a compromise, although sometimes a compromise or cooperative solution may indeed be what is required.[5] Nor is a majority vote the procedure most likely to produce the right answer, but sometimes it might. There is also no suggestion here that bargaining is always not conducive to truth – in some cases, that may be exactly what is required.

There is a thought, seemingly omnipresent in political philosophy, which is relevant to this clutch of clarificatory remarks. David Miller expresses it thus:

> Although occasionally a political community may have to decide on some question to which it is plausible to suppose a correct answer exists [...] it is much more likely that the issue will concern competing claims which cannot all be met simultaneously in circumstances where no resolution of the competition can be deemed objectively right. (Miller 2003, p. 184)

Miller's point seems to be that, when we are trying to decide what to do, it is likely that there will be no easy, straightforward, or agreed-upon solution that presents itself. Hence there are no objectively right or objectively wrong answers. But, again, the objectively right answer might well be a compromise between competing interests or the trumping of one set of interests over another which leaves some parties and even some legitimate claims unsatisfied.

That is, the pragmatist is set against the conception of truth that is so out of place in political philosophy. Miller calls it a "transcendent standard of justice or rightness" (Miller 2003, p. 185). The pragmatist will say that it is obvious that on a standard of rightness that transcends human interests and contexts, there is no rightness in politics. But neither is there rightness in science or any other domain of inquiry. The transcendent standard of rightness is the flip side of the scepticism coin. If we are looking for certainty, we will find it nowhere.

On the view of truth offered by the pragmatist, truth is a much lower-profile, more innocuous kind of thing. Truth is a product of human inquiry. Inquirers take human interests and contexts seriously in the messy business of political deliberation (how could they not?). They are fallible and they need to seek out potentially conflicting experience if their beliefs are going to be properly aimed at truth. They never know that they have the truth in hand, but only that they are following a method that is conducive to finding the truth. This view of truth does not lead to zeal, oppression, closing off of discussion, or a squashing of pluralism, even if it *might* happen to be the case that there is only one reasonable conception of the good out there. The idea is that we are always aiming at getting the best answer – whatever that may be – and to do that we need to take into account the views of all. As Ian Shapiro (2003) puts it: "the truth and the right should operate as regulative ideals" in working out conflicts.[6]

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[5] This should give the reader some sense of what my response would be to the problem Festenstein raises in his contribution to this volume. I would agree with Mill that a compromise between extremes is often the truth in social and political matters.

[6] That is Peirce's very terminology.

3.4   Defending Deliberative Virtues the Epistemic Way

One of the first questions put to those who would like to think of politics as a species of truth-oriented inquiry is this: if we are after true beliefs, why deliberate with the ignorant multitude? Would it not be better to expose our moral and political beliefs only to the reasons and experience of experts? Science, after all, doesn't work by asking the person in the street what he or she thinks about quantum mechanics.

The reason that the epistemic justification is a justification of democratic politics, rather than of a hierarchical politics, in which an elite makes decisions, is that we do not and will never have an identifiable pool of moral and political experts. Everyone engages in moral and political deliberation and it is not obvious that having special education makes you better at it – just look at politicians, priests, moral philosophers, and political theorists and ask yourself if they seem especially decent or especially wise when it comes to practical matters. Some people are good at examining moral and political issues, but it's not clear that they are the ones *trained* to do so. Even if we could identify genuinely wise people, this kind of expertise is liable to be corrupted merely by being identified – merely by the wise person starting to think of herself as a moral expert.

The fact that anyone is a potential contributor to moral and political deliberation has direct implications for democracy. The best way to get at the right answers to our moral and political questions is to take into account all the reasons. Given that there is no identifiable group of excellent reasoners in the moral and political realm, the views of all need to be taken into account. The mechanisms for doing so vary. But one thing is certain: some form of democracy is mandated. As Matthew Festenstein puts it in this volume, democracy consists in the exchange of reasons and arguments.

So how do we distinguish deliberating well and deliberating badly, if we cannot appeal to education and training? No account of deliberative democracy can ignore the call to make the distinction. The trouble is that, in saying what good, as opposed to poor, deliberation amounts to, one finds oneself facing a justificatory problem: how can we specify what good deliberation is without simply assuming that our current standards of deliberation and inquiry are the gold standards?

It will be unsurprising that I think that the way forward is to focus on an epistemic justification of the whole range of deliberative virtues. We need to think of the virtues, as Festenstein puts it in this volume, as requirements of truth-seeking. Some of the virtues we think important in inquiry are open-mindedness, courage, honesty, integrity, rigor, willingness to listen to the views of others and to seriously entertain challenges to one's own views, willingness to put oneself in another's shoes, and the like. These virtues may well have a number of kinds of justifications – justifications, for instance, with their origins in the canons of etiquette or in this or that substantive moral or religious view. Politeness and Catholicism, for instance, may both dictate that we should listen to the views of others.

I think that Robert Tallise in his recent *Democracy After Liberalism* gets the justification of the deliberative virtues right. He puts forward a pragmatic account of deliberative democracy much like my own and argues that the virtues are

justified because they lead to true belief. Listening to others is not merely the polite thing to do, but it is also good because we might learn something. The virtues are justified because they have epistemic value – they will tend to lead us to the right answers to our questions.

This much should already be apparent from the epistemic argument I have presented: we need to expose our beliefs to the views of others if we are to follow a method that will get us good, or better, or true beliefs. Talisse takes this thought forward, arguing that the characterizations of *all* the deliberative virtues are relentlessly epistemic. The deliberative virtues, he says, are the characteristics that make one an inquirer who aims at the truth. Honesty is the trait of following reasons and evidence, rather than self-interest. Modesty is the trait of taking your views to be fallible. Charity is willingness to listen to the views of others. Integrity is willingness to uphold the deliberative process, no matter the difficulties encountered.

It is important to see that this position does not fit nicely into what has been called 'high church' virtue epistemology – it is not, properly speaking, even a virtue epistemology. Any interesting or distinctive virtue epistemology takes the concept of virtue to be prior to the concepts of truth, knowledge and justification (cf. Blackburn 2001; Goldman 2001) – the concepts of truth, knowledge and justification, that is, are to be understood in terms of the concept of virtue. One supposed advantage of virtue epistemology is that if you take the basic epistemological concept to be virtue – which adheres to people, not to beliefs – then you may be able to dodge the call to say what it is that justifies beliefs.

This clearly isn't going to be something that I want to put forward. My suggestion, rather, is that we adopt a reliabilist account of virtue: a virtue is justified if it is part of a reliable method – one that is likely to lead to true belief. The distinction between deliberating well and deliberating badly is drawn in terms of whether a method promotes beliefs which are responsive to and fit with the reasons and evidence. Just as Estlund in this volume speaks of jury trials and democratic procedures being justified because of their epistemic value, I want to argue, with Talisse, that the above deliberative virtues are justified because they have epistemic value.

So Simon Blackburn is wrong – but in an interesting way – when he identifies an affinity between virtue epistemology and the Peircean account of truth. The virtue epistemologist holds that p is true if and only if an epistemically virtuous agent would accept it, if he exercised his virtues appropriately. Truth, that is, is explained in terms of virtue – virtue is not explained in terms of truth. Blackburn's interpretation of Peirce's view is that truth is the upshot of virtuous inquiry (Blackburn 2001, p. 18, 24). Hence, he takes Peirce's view to be a species – perhaps even the paradigm – of virtue epistemology.

There are indeed affinities between some varieties of pragmatism and virtue epistemology. They are most evident in Hilary Putnam's pragmatist view (see Putnam 1981; Ellis 1990), on which truth is that which would be believed by ideally rational (one might say virtuous) inquirers. But, as I've argued elsewhere (Misak 2000, p. 96 ff.) the very problem with this view is that in saying what constitutes an ideal inquirer, Putnam packs controversial – and question-begging – content into the account of truth. What is an ideal inquirer? What are the epistemic

virtues? Any substantive account of them will rest rather heavily on what we currently take to be rational or virtuous. We may be simply confirming our prejudices or digging ourselves deeper in the same epistemic rut. We must not take for granted our epistemic values, unless they are the minimalist uncontroversial values outlined above – the values of getting beliefs that are sensitive to and fit with the reasons and evidence.

Blackburn's misreading of Peirce, that is, is interesting because it points us directly to the feature of Peirce's position that I have been applauding in this paper. Once we accept Peirce's minimalist (in *Truth and the End of Inquiry* I called it "naturalist", cf. Misak 2004) account of what it is that we aim for (belief which is responsive to and fits with reasons and evidence) the deliberative virtues follow. A true belief is one that would be believed, were we to reason and inquire as far as we could. If we want to get a rational belief (and of course, that's the best we can get here and now), then we will want to reason and inquire as extensively as we can. We will want to follow reasons and evidence, rather than self-interest; take our views to be fallible; be willing to listen to the views of others; be willing to uphold the deliberative process, no matter the difficulties encountered; provide forums for the free expression of views, etc.

According to the pragmatist, beliefs which would forever meet the demands of inquiry are true. According to the correspondence theorist, their meeting these demands is a sign that they are true. Both agree, along with just about everyone else, that having beliefs which are responsive to reasons and evidence is linked to getting true or better beliefs. And so long as that innocuous idea is conceded, the pragmatist will have a route to justifying the deliberative virtues and deliberative democracy.

3.5   A Model of Democratic Citizenship

I have argued that we should take the views of others seriously and encourage the values associated with deliberative democratic politics. For inquirers must engage in the ongoing project of continually subjecting their beliefs to the tests of further experience and argument. The virtues inherent in such a deliberative model of democratic citizenship must be cultivated if we are to come to the right beliefs about how to treat others, how to resolve conflicts, and how to arrange society. The justification of this model of democratic citizenship is not that it embodies the true conception of the good. The justification of the model is that it will be conducive to the truth. And on this model, I suggest, we have a way to reclaim "reasonableness" from the Rawlsians.[7] We have a conception of reasonableness that seems like it is a conception of what is reasonable, rather than a conception of the values inherent in a substantive political view like liberalism.

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[7] Talisse attributes a similar reclaiming to Iris Young (2000).

Rawls takes political liberalism to be justified because it is the most reasonable doctrine from the perspective of free and equal citizens. Comprehensive doctrines are reasonable when they are tied to the ideas of equality, fairness, and cooperation. Reasonable persons are those who are able to be "free and equal citizens in a constitutional regime, and who have an enduring desire to honor fair terms of cooperation and to be fully cooperative members of society" (Rawls 1993, p. 55). But as many have argued, the Rawlsian conception of "reasonable" is packed with liberal values such as "free and equal", "honoring fair terms of cooperation", and being "fully cooperative members of society".[8]

The source of the problem is that reasonableness, for Rawls, is not an epistemological idea, but "part of a political ideal of democratic citizenship that includes the idea of public reason" (Rawls 1993, p. 62). The reasonable "is an element of the idea of a society as a system of fair cooperation" (Rawls 1993, p. 49).

We would be much better off, I suggest, to follow Talisse and think of reasonableness as a matter of "the degree to which one is willing to subject one's view to rational scrutiny" (Talisse 2005, p. 114). Being reasonable is a matter of being willing to engage in the process of justification. To be unreasonable is to be unwilling to exchange reasons. This is a much more intuitive account of reasonableness – it is, after all, about the give and take of *reasons*. It seems to me to be an excellent move forward in the debate. It returns reasonableness to its home in epistemology, where it belongs. And it encourages political philosophy to cast its gaze towards those potentially dangerous, but indispensable, epistemological notions – truth, warrant, and justification.

The model of democratic citizenship which results is one that makes democratic citizenship a search for how *best* to structure our institutions and how *best* to live our lives. It makes democratic citizenship a quest to get things right. Someone who simply asserts his raw preferences in political debate, or someone who derives her political positions from an authority, fails to be a democratic citizen, just as someone who believes tenaciously or from an authority fails to be an inquirer. Both adopt specious mode of (political or scientific) engagement.

The model of democratic citizenship which is justified in a truly freestanding way is one on which citizens genuinely look for right answers to their pressing questions. They are not after mere agreement and they are not after the transformation of their initial preferences into something that others can accept. They aim at getting things right, which just means they aim at getting beliefs that would forever stand up to scrutiny. That need not be such a bad thing after all.

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[8] See Misak (2000) Chap. 1 for my own contribution.

References

Blackburn, S. (2001). Reason, Virtue and Knowledge. In A. Fairweather and L. Zagzebski (Eds), *Virtue Epistemology*. Oxford: Oxford University Press.

Ellis, B. (1990). *Truth and Objectivity*. Oxford: Basil Blackwell.

Goldman, A. (2001). The Unity of the Epistemic Virtues. In A. Fairweather and L. Zagzebski (Eds), *Virtue Epistemology*. Oxford: Oxford University Press.

Miller, D. (2003). Deliberative Democracy and Social Choice. In J. Fishkin and P. Laslett (Eds), *Debating Deliberative Democracy*. Oxford: Basil Blackwell.

Misak, C. (2000). *Truth, Politics, Morality: Pragmatism and Deliberation*. London: Routledge.

Misak, C. (2004). *Truth and the End of Inquiry: A Peircean Account of Truth* (Second, expanded edition). Oxford: Clarendon Press.

Price, H. (2003). Truth as Convenient Friction. *Journal of Philosophy*, 100, 167–190.

Putnam, H. (1981). *Reason, Truth and History*. Cambridge: Cambridge University Press.

Rawls, J. (1993). *Political Liberalism*. New York: Columbia University Press.

Rawls, J. (1997). The Idea of Public Reason Revisited. *The University of Chicago Law Review*, 64(3), 765–807.

Raz, J. (1994). Facing Diversity: The Case for Epistemic Abstinence. In J. Raz (Ed), *Ethics in the Public Domain. Essays in the Morality of Law and Politics*. Oxford: Oxford University Press.

Shapiro, I. (2003). Optimal Deliberation? In J. Fishkin and P. Laslett (Eds), *Debating Deliberative Democracy*. Oxford: Basil Blackwell.

Talisse, R. (2005). *Democracy After Liberalism: Pragmatism and Deliberative Politics*. New York: Routledge.

Young, I. (2000). *Inclusion and Democracy*. Oxford: Oxford University Press.

Chapter 4
Folk Epistemology and the Justification of Democracy

Robert B. Talisse

4.1 Introduction

Imagine a society in which the legitimacy of the government is held to rest, at least indirectly, upon the consent of those it governs. Imagine further that action on the part of both the government and the citizenry is constrained by a set of rules specified in a public constitution. This constitution contains procedural provisions not only for holding elections, dividing authority, checking power, and punishing abuses, but also for its own revision. Additionally, let us say that the constitution specifies a menu of individual rights and liberties. This menu specifies rights to hold and exchange property, to privacy, to equal protection under the law, to due process, and so on. In addition to these, the constitution also identifies rights of conscience. Individuals in our imagined society enjoy freedoms of thought, expression, assembly, petition, and religion, all within the constraint that each is entitled to as extensive a share of such liberties as is consistent with there being an equal share for all.

Under conditions secured by such a constitution, it is natural to expect there to emerge a vibrant civil society of varied organizations and groups directed to a diversity of ends. Accordingly, citizens will belong to or participate in a range of voluntary and affective associations, from religious groups, ethnic organizations, and political alliances to social clubs and cliques. One result of this is that a variety of moral doctrines will flourish in the society. We should expect that our imagined citizens will not share a common collection of moral commitments.

It seems suitable to suppose further that citizens will take such commitments to be *basic*. Each citizen will take his moral or religious doctrine to specify values, aims, and ends that are *fundamental* to living a proper life. Moreover, we should expect that the varied moral doctrines that thrive among citizens do not form a consistent set. Our imagined citizens will *disagree* over fundamental matters of right, obligation, good, virtue, and justice. Of course, we should expect that many, if not all, of the doctrines endorsed by citizens will include a conception of toleration for opposing views. But we should also expect the notion of toleration to be interpreted differently by each doctrine. Within every doctrine there will be a discrimination made between opposing doctrines that are acceptable objects of tolerance and those that are beyond the pale, so to speak, and therefore *intolerable*. Hence we may specify for each doctrine

the *scope* of its conception of toleration. On some doctrines, toleration will be construed very broadly, and thus very few opposing doctrines will be taken to be undeserving of tolerance. Other doctrines will contain a narrow conception of toleration, extending tolerance only to those opposing doctrines that are very close relatives to themselves. There will of course be a wide variety of positions in between these two poles. Thus citizens will differ not only at the level of their substantive doctrines of the good; they will also disagree about which sub-optimal moral and political arrangements are even tolerable. Given this, there will be not only *disagreements*, but *conflicts* among citizens holding different doctrines.

Finally, let us suppose that *pluralism* obtains. That is, let us suppose that there is a plurality of moral doctrines that conflict with each other but nonetheless individually meet some loose conditions for minimal plausibility. Let us say that a doctrine is minimally plausible if it is internally coherent, is able to speak to the normal range of moral phenomena, seems based in a reasonable conception of human moral psychology, can proffer moral prescriptions that can guide action, and is supported by a range of considerations typically thought to be relevant to the justification of a moral doctrine. The presumption of pluralism, then, comes to this: For every citizen holding a plausible doctrine, there are other citizens holding opposed but also plausible doctrines.

To be clear, pluralism in this sense is neither relativism nor skepticism. Rather, pluralism is the strictly descriptive thesis that, at present, there are many rationally defensible moral doctrines. Given that pluralism obtains, conflict among citizens over fundamental commitments is not only inevitable, but many such conflicts are, at least at present and probably for some time to come, rationally irresolvable. Consequently, the fact that citizens disagree at the level of plausible doctrines does *not* indicate that at least some citizens are irrational, foolish, or benighted. Pluralism means that reasonable, intelligent, and sincere persons operating under favorable epistemic conditions can come to different defensible conclusions about fundamental questions. Under conditions of pluralism, then, consensus at fundamental levels is a signal of irrationality, insincerity, or even, as John Rawls held, oppression (1996, p. 37).

To fix ideas, let us say that this society instantiates a kind of political order that we will call *constitutional democracy*, or just *democracy* for short. If we are willing to allow that this imagined democracy resembles our own in the relevant respects, then we must confront a potentially crushing dilemma. The idea that political legitimacy rests upon the consent of the governed calls us to articulate principles that provide the justification for our government. The fact, however, that citizens are deeply divided over fundamental commitments renders any such principles contestable and therefore unlikely objects of widespread agreement. It seems, then, that the very liberties that constitute the core of democracy render the democracy's own conception of legitimacy unsatisfiable. Call this the paradox of democratic justification.

It may appear that the paradox is of little consequence for the real world of democratic politics. But this is not the case. Contemporary democratic societies are plagued with controversies that emerge from the need for a democratic political order to justify itself to a morally conflicted citizenry. Consider two examples drawn from the United States.

(A) The Science Curriculum

Throughout the Unites States, citizen groups and various religious organizations have fought to introduce referenda regarding the State-controlled science curriculum in public schools. According to many citizens, the theory of evolution, the cornerstone of modern biology by any reasonable measure, conflicts with their fundamental commitments concerning the origins, nature, and purpose of human life. In fact, according to some citizens, the theory of evolution is not simply *incorrect* in its account of life, but is in addition morally and intellectually corrupting. Given the compulsory nature of primary and secondary education, citizens demand that the curriculum of the public schools reflect – or at the very least not *undermine* – the values and commitments of the communities they serve.

Biologists and other science advocates contend that the evidence in favor of evolution is overwhelming, and that the duty of a science curriculum is to impart science's best understanding of the truth. Opponents have countered that the theory of evolution is in fact *not* the best understanding of biological life, and have contended that a competing theory, the theory of intelligent design, is a viable competitor. They have thus called for a curriculum that gives equal time to intelligent design theory, insisting that the biology curriculum should "teach the debate." Biologists have responded that intelligent design is *not* properly a scientific theory and hence *not* a viable alternative to the theory of evolution.

(B) Same-sex Marriage

In 2004, 12 states placed on their election ballots referenda calling for amendments to their respective state constitutions to officially define marriage as a relationship between one man and one woman, thereby blocking marriage among same-sex couples. Much of the opposition to gay-marriage is driven by the moral commitment, shared by many religious citizens, that homosexuality is a grave moral evil, and therefore something that the state should not endorse. According to such citizens, extending marriage to same-sex couples is tantamount to *morally validating* homosexual relationships, something they feel morally compelled to oppose.

Advocates of gay marriage contend that the issue has nothing to do with the morality of homosexuality, but is instead a simple question of justice. Advocates hold that legal equality demands that the same rights and privileges available to heterosexual couples by way of the institution of marriage must be available to all citizens, regardless of sexual orientation. To restrict marriage to heterosexual couples is to discriminate against homosexuals on the basis of a morally irrelevant characteristic, which is blatantly unjust.

For each case, a political decision must be made that will affect persons on all sides of the dispute. And in each case the legitimacy of the decision reached rests ultimately upon the success of the justification for the decision that can be offered to all affected parties. However, each party to these disputes understands the controversy in question to implicate some value that they hold as *fundamental* and hence *inviolable*. Hence the conflict is intractable unless at least one party is willing to compromise its fundamental commitment.

For those who understand the conflicts in this way, no resolution that does not fully reflect their own values is morally acceptable; yet *something* must be done, and in each case *some* party's most fundamental values will lose out. Hence the paradox: legitimacy requires that democratic decisions be justifiable to all citizens, but when citizens are deeply divided at the most fundamental moral levels, they are also divided over what constitutes a successful moral justification. And so it seems that democratic justification – and thus democratic legitimacy – is impossible when citizens are divided at the level of basic moral commitments.

Rawls proposed his 'political not metaphysical' (1985, 1996) interpretation of constitutional democracy in response to this paradox. Rather than attempting to articulate a moral foundation for democratic politics, Rawls's *political* liberalism aspires to formulate the core commitments of liberal democracy in a way that "stays on the surface, philosophically speaking" (1985, p. 395) by implicating no controversial moral doctrine in particular. The hope is that such a formulation can be the focus of an overlapping consensus among reasonable persons. Where an overlapping consensus exists, citizens holding disparate and incompatible moral doctrines nonetheless freely endorse a common conception of justice because each supplies moral reasons in support of that conception that draw from his or her own moral doctrine.

But the Rawlsian strategy, though ingenious, seems increasingly fragile. Since deep moral controversy permeates contemporary democracy, the search for a political theory that can "avoid philosophy's longstanding problems" (Rawls 1996, p. 10) is Quixotic (Dworkin 2006, p. 65). Dworkin's response is to propose a full-on philosophical defense of a moral and universally accepted conception of human dignity (2006, p. 160f.). Dworkin's contention is that this conception of human dignity entails characteristically democratic political commitments (2006, p. 144f.).

I cannot engage Dworkin's arguments here. I can only assert that Dworkin's conception of human dignity and his claim that this conception is normatively basic are contestable. Consequently, he does not resolve the paradox of democratic justification.

In this chapter, I will sketch an approach to democratic justification that accepts the fundamental Rawlsian insights that (a) the very freedoms that are secured by democracy give rise to a multiplicity of plausible moral doctrines that conflict with each other, and (b) that this 'reasonable pluralism' means that any straightforwardly moral justification for democracy cannot succeed. However, my account also rejects the Rawlsian response of attempting to articulate a 'freestanding' account of democracy. To use the Rawlsian terminology, I shall sketch a comprehensive view of democracy that nonetheless duly accommodates that fact of reasonable pluralism. The way to accomplish this, is not to look to moral principles that may underwrite our democratic commitments, but to *epistemic* principles. In particular, I shall argue that there is a set of epistemic commitments that we hold in common, no matter how deeply we are divided over our moral doctrines. I refer to these commitments as *folk epistemology*.

4.2   Folk Epistemology

By folk epistemology, I mean something analogous to what philosophers of mind call folk psychology. *Folk psychology* refers to the "prescientific, common-sense conceptual framework that all normally socialized humans deploy in order to comprehend, predict, explain, and manipulate the behavior of humans and the higher animals" (Churchland 1994, p. 308). Folk psychology is manifest in the "everyday psychological discourse we use to discuss the mental lives of our fellow human beings" (Dennett 1996, p. 27), and employs a collection of familiar concepts such as *belief*, *intention*, *desire*, *pain*, *memory* and so on. The man on the street exhibits an amazing facility with philosophically unwieldy concepts such as belief, intention, understanding, and 'seeing red'. He will with remarkable confidence attribute to himself and to others such complex states as 'believing that Orcutt is a spy', 'wanting a sloop', and 'intending to read *Waverly*'. Folk psychological categories are so entrenched that they are frequently taken as the *explananda* of the philosophy of mind. Thus, accounts of the mind that deny that there is, for example, a 'what it's like' to see red are, in the eyes of many, *ipso facto* inadequate.

Analogously, the term *folk epistemology* is intended to capture the epistemic practices of the man-on-the-street, the pre-theoretical and intuitive epistemic commitments that are so deeply embedded in our cognitive lives that it is the task of professional epistemologists to explain them and render them systematic.[1]

In this section, I will sketch the fundamental contours of folk epistemology. For my limited purposes here, it will suffice if the description that follows resonates with the reader from her own first personal perspective. That is, for each characteristic commitment of folk epistemology, I ask the reader to ask herself whether her own epistemic practice acknowledges the commitment. Analysis of our second and third personal epistemic assessments – how we evaluate the epistemic states and commitments of others – is a matter that cannot be engaged here.

We may begin with what I hope seems a truism:

1. *To believe that p is to hold that p is true*.

Since we are articulating *folk* epistemology, we must avoid putting too fine a point on the constituent concepts: belief, proposition, and truth. Yet we can say that a proposition is a statement about the way the world is. A belief is the state of affirming that some proposition is true. And, as Aristotle taught us, a proposition is true if and only if it says of what is the case that it is the case.

We can cash out Aristotle's nearly empty insight about truth in proto-Peircean, non-metaphysical terms: To say of a proposition that it is true is to say that it will square with the best reasons, evidence, and argument. Of course, this is not to say that

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[1] This helps to explain why the standard analysis of knowledge as justified true belief has been with us since Plato: the idea that true belief is not sufficient for knowledge, and that one needs in addition *reasons* or *evidence*, resonates deeply with our pre-theoretic understanding of knowledge. This is also why the Gettier-problem, which shows that there are cases of justified true belief that we are nonetheless drawn to say are *not* cases of knowledge, is so shaking.

the truth of a proposition consists in its squaring with the best evidence.[2] Any viable conception of truth will hold that a true proposition will square with the best reasons and evidence. Hence, when one believes that *p*, one takes oneself to have sufficient reasons for *p*'s truth. Similarly, when one discovers that one has no good evidence for *p*, one's belief that *p* typically recedes. As we say, beliefs aim at truth, and this aiming consists in the attempt to square beliefs with evidence and reasons. Thus:

2. *To hold that p is true is to hold that it is supported by the best reasons, evidence, and arguments.*

Folk epistemology countenances a fairly strict symmetry between belief and assertion such that to assert that *p* is to indicate or express your commitment to the truth of *p*. However, as assertion is characteristically public, to assert that *p* is incur a prima facie epistemic obligation to provide the basis of your judgment that *p* if called upon to do so. Generally, when one asserts that something is so, one presents oneself as having reasons for that declaration that one can articulate. That is, to make an assertion is to open the logical space of giving reasons; it is to undertake the project of justification. Hence:

3. *To hold that p is supported by the best reasons, evidence, and arguments is to incur the obligation to articulate one's reasons, evidence, and arguments when called upon to do so.*

However, in supplying the justification of one's beliefs one simultaneously opens oneself to challenge. One's reasons can fail. The logical space of giving reasons is a dialectical space in which one could find that one's justification comes up short, and that one must change one's belief. So:

4. *To articulate one's reasons is to enter into a social process of reason exchange.*

In this way, folk epistemology is *actional* rather than *contemplative*. It understands the fundamental cognitive categories in terms of the activity of truth-seeking; it contends that epistemology is something that we *do*. Accordingly, folk epistemology differs importantly from many forms of epistemology proper. Epistemology is often focused exclusively on the evaluation of beliefs, Folk epistemology, by contrast, seeks also to evaluate believers. As it sees believing as the exercise of a certain kind of agency, it recognizes that epistemic evaluation in part concerns one's epistemic character. One's epistemic character is comprised not only of cognitive skills – such as the ability to concentrate or to reason effectively – but also of one's dispositions towards the process of justification itself. Someone who is cocksure and dismissive of counterarguments is as epistemically blameworthy as someone who is especially prone to the fallacy of affirming the consequent. Both are ways of failing at the epistemic enterprise, regardless of the fact that being dismissive or committing a fallacy may sometimes lead one to believe the truth. Thus:

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[2] Such a view is commonly attributed to Peirce. It's probably the case that Peirce in fact did *not* hold this view. On the issue of Peirce interpretation, see Misak (2004a).

5. *To engage in social processes of reason exchange is to at least implicitly adopt certain cognitive and dispositional norms related to one's epistemic character*.

Here we have, then, a rough description of folk epistemology.[3] These principles are well entrenched in the pragmatics of everyday conversation. When you make an assertion, your colleagues are typically entitled to ask for your reasons. When the assertion is especially mundane, mundane reasons typically will suffice, and the process of reason exchange will be exhausted quickly. In other cases, the exchange may extend to several rounds. Of course, the process of justification must end somewhere, and there is indeed a point at which it would be inappropriate for an interlocutor to press further. But even in such cases, the inappropriateness does not derive from there being a point at which your interlocutor *owes* you epistemic deference or *must* acquiesce in your say-so. It is, rather, a matter of etiquette, politeness, or prudence. Similarly, to respond with hostility or indignation to *any* request for reasons is not merely rude, it also betrays a failing of epistemic character: someone who routinely refuses to enter his reasons into the dialectical space in which they may be evaluated betrays an insufficient concern for the truth of his beliefs.

4.3 An Elaboration of Folk Epistemology

Perhaps it may seem that folk epistemology applies only to uninteresting factual assertions. No so. The phenomenology of moral belief and assertion also squares with its tenets. Persons who disagree about, say, abortion or the justice of a war do not take themselves to be simply expressing different preferences, or prescribing attitudes, or trying simply to persuade. Moral argument aims to win agreement for the right reasons; it aims to convince by means of reasons and arguments that indicate the truth of some judgment. When we discover that we disagree about some moral issue, we may of course elect to bracket the disagreement or change the subject, but, again, this is not an epistemic requirement. Quite the contrary, when we discover that we disagree, each of us infers that the other has made some kind of mistake, a mistake that reason, evidence, and argument could, at least in principle, correct. And if the setting is right and the issue important, we proceed to engage each other's reasons.

To be sure, this is not to deny the existence of demagogues. It is not to deny that moral discourse can be engaged for manipulative purposes. What is being claimed is that sheer moral rhetoric cannot present itself as such. The sophist who is interested only in persuasion cannot confess to his audience that he has no concern for the truth of his position. To announce to an interlocutor, 'I am trying by means of sheer rhetoric to persuade you of *p*, but I have no reason to think *p* is true' is to lose all chance of success. The transparent sophist is doomed. Why should this

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[3] My characterization of folk epistemology bears certain resemblance to Habermas's views about the pragmatics of discourse. I address below a crucial difference.

be except for the fact that we take our moral beliefs, and our sources of moral instruction, to be answerable to the general folk epistemic tenets above?

Someone may object here that my analysis is undermined by popularity of moral relativism. After all, the newly appointed Pope has warned of an encroaching "dictatorship of relativism," and President Bush has echoed his concern.[4] The thing to note is that relativist maneuvers are most often employed as moral conversation stoppers. When someone says 'It's all just a matter of opinion', he is not admitting that his own opinion is no better than yours, and he is not saying that it makes no difference to him that he believe one thing rather than another; instead, he is saying, 'Let's not discuss this further'. But why should an alleged moral relativist be so eager to eschew moral discussion? On the relativist view, remember, there is literally nothing at stake in moral discourse, so why be so adamant in avoiding it? The fact is that there is something at stake in moral discourse. If we find that some moral assertion of ours is without support, we shall have to change our belief. But we are invested in the truth of our moral judgments, and this explains the many mechanisms that we deploy in order to avoid discussion of these commitments in the presence of potential critics. To be sure, we skirt around difficult and controversial issues for the sake of civility and politeness; but it is precisely our individual commitment to the truth of our own beliefs on such matters that makes disagreement potentially volatile and uncivil.

Notice that current modes of political discourse are couched in strikingly epistemic terms. In the United States and elsewhere, television news channels profess to offer 'no spin zones' and 'fair and balanced' reporting that is 'accurate' and 'trusted.' Popular books of political commentary, the publication of which is now a multi-million dollar industry, claim to expose 'lying liars' and various other agents of 'fraud', 'illusion', and 'deception'. Similarly, critiques of the media target 'bias', 'slant', and 'propaganda'. Popular criticism of George W. Bush, both in the United States and abroad, focuses almost exclusively on his intelligence, truthfulness, and judgment. Representatives and pundits are commonly criticized for being blindly loyal to a prefabricated party line and thus irresponsive to the arguments and reasons offered by the opposition. And the new mode of political activism practiced by Michael Moore and others is compelling precisely because it claims to use truth as a weapon against power.

For the most part, this epistemic self-image is merely an image. Claims to epistemic fairness, trustworthiness, and honesty function mostly as slogans that serve marketing objectives. However, in light of the market pressures operative in the media industry, we must conclude that such slogans are effective. And these slogans are effective precisely because citizens tend to hold that reasons, evidence, argument, and truth matter for politics.

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[4] At an address to a Catholic group, President Bush said, "we risk sliding into a dictatorship of relativism where we can no longer defend our values" (May 20, 2005 address to a National Catholic Prayer Breakfast, http://www.whitehouse.gov/news/releases/2005/05/20050520. html, accessed March 24, 2007).

4.4   How Folk Epistemology Justifies Democracy

If you will grant that the foregoing characterization is roughly accurate and not simply a distillation of our local epistemic folkways,[5] then we are well on our way to justifying democracy. The argument is intuitive. Only in a democracy can an individual practice proper epistemic agency. As we have seen, believing and asserting commit us to certain epistemic activities. More specifically, that we hold beliefs commits us to the activities associated with the open exchange of reasons and evidence. These activities can be engaged only within a political context in which individuals are afforded certain protections and liberties. Furthermore, these activities require us to acknowledge each other as participants in the epistemic enterprise of justification; we owe to each other reasons. Proper believing hence requires not only that we tolerate criticism, but that we actively seek it out. There are no a priori experts that are beyond question and no fixed epistemic hierarchies that are beyond challenge. We are equal participants in the enterprise of justification. Thus epistemology justifies democracy in this sense: only in a democracy can we live up to our folk epistemic commitments. Insofar as our moral doctrines, however opposed they may be, bid us to make informed and epistemically responsible moral judgments, each of us has a compelling reason to endorse a democratic political order.

4.4.1   Folk Epistemology and Deliberative Democracy

The folk epistemic justification of democracy fixes a specifically *deliberative conception* of democracy. Deliberative conceptions of democracy reject the idea that democracy is strictly a formal procedure by which individual preferences are fairly aggregated according to a majoritarian decision rule. Deliberativists contend that the essence of democracy lies in processes of public deliberation and debate.

There are, to be sure, several versions of deliberative democracy in currency. The version that is entailed by folk epistemology has advantages over many of its competitors. Although I cannot launch a full argument for this claim here, allow me to contrast my view with two influential versions of deliberative democracy.[6]

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[5] I have not argued this here. A full argument of this claim lies beyond the scope of this chapter. However, I do think that there are good reasons for thinking that my characterization of folk epistemology is not provincial. In highly authoritarian societies where individuals really do defer to the authority (rather than merely act as if they defer), they do so precisely because they (mistakenly) invest epistemic authority to the ruler, or party. Similarly, it is impossible to imagine a hunter-gatherer society surviving if its members did not hold the general epistemic commitments to evidence outlined above. Again, these considerations do not suffice to quell with worry of provincialism, but they point in the direction of the more extended argument I would deploy.

[6] My position obviously is allied most closely with Cheryl Misak's; see Misak (2001, 2004b) and her contribution to this volume.

Citizens who owe one another justifications for the laws that they seek to impose, according to Amy Gutmann and Dennis Thompson, must take seriously the reasons their opponents give. Taking seriously the reasons one's opponents give means that, at least for a certain range of views that one opposes, one must acknowledge the possibility that an opposing view may be shown to be correct in the future. This acknowledgement has implications not only for the way they regard their own views. It imposes an obligation to continue to test their own views, seeking forums in which the views can be challenged, and keeping open the possibility of their revision or even rejection. (Gutman and Thompson 2000, p. 172)

When Gutmann and Thompson are pushed on the question of why citizens must "take seriously" each others' views, they offer an account that presumes a commitment to characteristically democratic moral values such as reciprocity, publicity, and accountability (2000, pp. 167–170). These values are, they claim, "partly independent" of the deliberative process, but they nonetheless constrain it (1996, p. 366, n. 18).

But what warrants this presumption? Gutmann and Thompson are clear that their model of deliberation will preclude the positions of those who advocate racism (1996, p. 69) and those who "claim that God is speaking literally through the Bible". They contend that such views are beyond the pale of democratic discussion because the reasons offered in their support "can be shown to be rationalizations" (1996, p. 70). This invites the objection that their deliberativism is in fact rigged to favor the kinds of positions that they happen to support.[7] And so their justification of democracy is circular, it presumes the validity of democratic values. This is, to be sure, an ironic difficulty for a view that is motivated by a perceived need for citizens to "reason together to reach mutually acceptable decisions" (1996, p. 1) when confronted with deep disagreement.

By contrast, the view I am advocating does not presume an antecedent agreement upon a set of values, but begins with the folk epistemic practices of justification. We must take seriously opposing views because truth-seeking requires this.

Consider next the discourse-theoretic view of Jürgen Habermas (1990, 1996), according to which democracy is a necessary presupposition of all proper communication because communication itself requires that "participants coordinate their plans of action consensually, with the agreement reached at any point being evaluated in terms of the intersubjective recognition of validity claims" (1990, p. 58). This entails that radically antidemocratic speech involves what Habermas calls a performative contradiction. The act of expressing a radically antidemocratic position is inconsistent with the conditions under which such speech acts are possible.

But here it seems that Habermas is open to the same objection as Gutmann and Thompson. Just as the latter build democratic values into the very definition of deliberation, Habermas defines communication in a way that precludes radically antidemocratic positions. But consider that, despite Habermas's appeals to "inescapable presuppositions" of discourse (1990, p. 89), antidemocrats do indeed

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[7] See Fish (1999) for a criticism of this sort.

communicate. Habermas's rejoinder is that anyone who does not adopt his norms of discourse "voluntarily terminates his membership in the community of beings who argue" (Habermas 1990, p. 100). The problem of circularity again emerges.

Instead of seeking for a *proof* of the legitimacy of democracy that purports to show that the radical antidemocrat is rightly excluded, the folk epistemic view appeals to common epistemic practices and attempts to show that even the antidemocrat is motivated from her own point of view to uphold the epistemic norms that entail democracy. The commitment to democratic norms arises from an internal commitment to folk epistemology rather than from an external commitment to communication. In this way, the folk epistemic view avoids the ambitious claim that democratic commitments are necessary prerequisites for all communication without thereby resigning itself to simply presupposing those commitments.

Let us consider a Habermasian rejoinder. Just as I criticized Habermas for employing a view according to which communication itself requires that one argue in the way Habermas advocates, a critic could charge me with employing a conception of belief according to which being a believer means inquiring in the way I advocate. Yet it seems obvious that antidemocrats do hold beliefs despite the fact that they reject folk epistemology.

In response, I need to draw a distinction between belief *de facto* and *de jure*. That is, my precise view is that genuine or proper believers must be deliberative democratic truth-seekers and that antidemocrats are specious believers. The challenge is to produce an argument in support of this distinction that preserves the implication from folk epistemology to democracy but avoids circularity.

The charge of circularity is defused by noting that the distinction between proper and specious belief derives from epistemic norms that are internal to belief. To explain: It is impossible to sustain your belief that *p* once you are convinced that you have no reasons or evidence for *p*. This may sound controversial, but it is simply to point out that statements of the sort, 'I believe that *p* for absolutely no reason', admit of a Moorean contradiction, because when we believe we take ourselves to have reasons and evidence. Of course, this is not to say that it is impossible to believe that *p* and in fact have no evidence for *p*. Again, it is rather to say that for any belief, *p*, you take yourself to have evidence and reasons for *p*. Epistemic error is common, but doxastic persistence in the face of recognized epistemic failure is impossible. Genuine beliefs are those that do not resign when the believer properly assesses his reasons and evidence. Thus the distinction between genuine and specious belief is a distinction between self-aware and deluded epistemic agents. Self-aware epistemic agents – agents whose epistemic practice reflects their epistemic commitments – must uphold the epistemic norms that can be practiced only within a democratic political framework. This is the sense in which folk epistemology justifies democracy. There is no circularity.

Of course, the folk epistemic justification of democracy does not provide a theory of legitimacy. It shows only that despite our deep moral differences we each have a reason – the *same* reason – for upholding democratic commitments even in the light of democratic outcomes that strike us as morally unacceptable. This reason, however, might not be overriding in ever case. Consequently, more needs to

be said about the source of the legitimacy of particular democratic outcomes. There must be an account of why democrats who find themselves in the minority with regard to some specific democratic decision have an obligation to obey.

Here, the folk epistemic view complements David Estlund's position. In his contribution to this volume and in other writings (1997, 2007), Estlund defends a view he calls *epistemic proceduralism*, which holds that democratic decisions are legitimate because democratic procedures are epistemically best among morally available collective decision procedures. Of course, Estlund's epistemic proceduralism raises the specter of rule by Philosopher Kings, what Estlund calls "epistocracy". Epistemic proceduralism blocks this implication by adopting the moral premise that "citizens cannot be expected or assumed (much less encouraged or forced) to surrender their moral judgment" (1997, p. 183). The folk epistemic view provides an epistemic defense of this principle. The commitments that are internal to our folk epistemic practices compel us to take up the project of justifying ourselves to others and to regard others as fellow epistemic agents.

4.4.2   Epistemic Perfectionism

We have seen that folk epistemology commits us to the practice of engaging each other in processes of reason exchange. But these processes require institutional support. To see this, consider that since genuine belief requires reason exchanging, one cannot be a genuine believer in isolation from others. Further, since proper belief requires that what gets exchanged are reasons rather than slogans, insults, or threats – one cannot be a proper believer in the absence of other genuine believers. Hence a community of genuine believers is necessary. Consequently, folk epistemology entails a commitment to an epistemically proper community. Insofar as such a community requires interventions from the state aimed at promoting proper epistemic practice, we are committed to an *epistemically perfectionist* state.

This perfectionist commitment conflicts with some interpretations of the neutralist core of contemporary theories of liberalism. On the neutralist view, "the state should not favor, promote, or act on any particular conception of the good" (Sher 1997, p. 1). The precise meaning of neutrality is something about which liberals disagree. It is, however, frequently understood as "a constraint on what factors can be invoked to justify a political decision" (Larmore 1987, p. 44). This constraint has it that the justification for a policy or institution must not rely upon any specific conception of the good; the liberal state must be neutral in aim (Rawls 1996, p. 193).

The folk epistemic view of democracy is not neutral in this way. Democracy is justified by appealing to certain epistemic goods, and is endorsed for the sake of proper epistemic practice. Accordingly, the folk epistemic view allows for a state that promotes proper epistemic habits. A full discussion of the policy implications of this view cannot be attempted here. The general ramifications are, however, evident in recent work by Cass Sunstein.

Sunstein agrees with the folk epistemic view that democracy is a system designed to "protect the process of reason-giving" (2001b, p. 239). Noting that recent advances in communications technologies make it easy for citizens to "live in echo chambers of their own devising" (2003, p. 106), and recognizing that such epistemic "self-insulation" (2001a, p. 192) poses specific threats to democracy, Sunstein endorses a series of interventions designed to increase "society's total stock of argument pools" (2003, p. 157). Among his most well known suggestions is that politically partisan websites should be required by law to carry links to sites espousing opposing viewpoints (2001a, p. 169f.).

According to Sunstein, then, the democratic state should aspire to create a "republic of reasons" (2001b, p. 239). He acknowledges that proper deliberation requires that citizens embody certain epistemic character-traits (2003, p. 110), and that these attitudes must be maintained by means of policies designed to ensure their exercise. The folk epistemic view follows Sunstein in endorsing a politics that attempts to cultivate citizens by developing institutions that encourage and foster proper deliberation.[8] The point at present is that if folk epistemology entails democratic commitments, it also entails an epistemic perfectionist interpretation of the democratic state.

4.5 Conclusion

In 2004 the US conducted a presidential election with an unusually high degree of participation (over 50%). This level of participation is a good thing, no matter what one may think of the election results. But consider two studies conducted by the University of Maryland's *Program on International Policy Attitudes* just prior to Election Day. One of these studies showed that a large majority of Bush supporters based their support on false beliefs about Bush's policies (PIPA 2004). An earlier study by the same organization showed that misperceptions concerning the Iraq war "formed strong patterns highly related to respondents' primary source of news", such that "Fox viewers had the highest level of misperceiving (69 percent) and NPR/PBS the lowest (26 percent)" (Kull et al. 2003–2004, p. 594, 585). If you find these results disturbing, you have already accepted the core of the folk epistemic view of democracy. Furthermore, these findings indicate the need for state policies and institutions that cultivate and enable proper epistemic practice.

References

Churchland, P. (1994). Folk Psychology. In S. Guttenplan (Ed.), *A Companion to the Philosophy of Mind*. Oxford: Blackwell.
Dennett, D. (1996). *Kinds of Minds*. New York: Basic Books.

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[8] I have elsewhere characterized proper deliberation in terms of deliberative *virtues* (Talisse 2005, p. 109 ff.). I cannot elaborate on this theme here, but see Misak's contribution to this volume.

Dworkin, R. (2006). *Is Democracy Possible Here?* Princeton, NJ: Princeton University Press.

Estlund, D. (1997). Beyond Fairness and Deliberation. In J. Bohman and W. Rehg (Eds.), *Deliberative Democracy*. Cambridge, MA: MIT Press.

Estlund, D. (2007). *Democratic Authority*. Princeton, NJ: Princeton University Press.

Fish, S. (1999). Mutual Respect as a Device of Exclusion. In S. Macedo (Ed.), *Deliberative Politics*. New York: Oxford University Press.

Gutmann, A. and Thompson, D. (1996). *Democracy and Disagreement*. Cambridge, MA: Harvard University Press.

Gutmann, A. and Thompson, D. (2000). Why Deliberative Democracy Is Different. In E. Paul, F. Miller and J. Paul (Eds.), *Democracy*. Cambridge: Cambridge University Press.

Habermas, J. (1990). *Moral Consciousness and Communicative Action*. Cambridge, MA: MIT Press.

Habermas, J. (1996). *Between Facts and Norms*. Cambridge, MA: MIT Press.

Kull, S., Ramsay, C. and Lewis, E. (2003–2004). Misperceptions, the Media, and the Iraq War. *Political Science Quarterly*, 118(4), 569–598.

Larmore, C. (1987). *Patterns of Moral Complexity*. Cambridge: Cambridge University Press.

Misak, C. (2001). *Truth, Politics, Morality*. London: Routledge.

Misak, C. (2004a). *Truth and the End of Inquiry*. New York: Oxford University Press.

Misak, C. (2004b). Making Disagreement Matter. *Journal of Speculative Philosophy*, 18(1), 9–22.

PIPA (2004). *The Separate Realities of Bush and Kerry Supporters*. http://65.109.167.118/pipa/pdf/oct04/IraqRealities%20Oct04%20rpt.pdf.

Rawls, J. (1985). Justice as Fairness: Political Not Metaphysical. In S. Freeman (Ed.), *Collected Papers*. Cambridge, MA: Harvard University Press, 2001.

Rawls, J. (1996). *Political Liberalism*. New York: Columbia University Press.

Sher, G. (1997). *Beyond Neutrality*. New York: Cambridge University Press.

Sunstein, C. (2001a). *Republic.com*. Princeton, NJ: Princeton University Press.

Sunstein, C. (2001b). *Designing Democracy*. New York: Oxford University Press.

Sunstein, C. (2003). *Why Societies Need Dissent*. Cambridge, MA: Harvard University Press.

Talisse, R. (2005). *Democracy After Liberalism*. New York: Routledge.

Chapter 5
Truth and Power in Modern Politics

Philippe Raynaud

5.1 Introduction

It cannot be denied that there are still in existence today important currents of thought – such as "deconstruction" – that shy away from the idea of a politics of reason. These approaches suspect the latter to be biased in various ways, toward both the dominant culture and prevailing social groups. Nonetheless, on the whole it can still be said that the mainstream of political philosophy is and wants to be rationalist and democratic. Most contemporary philosophers are committed to the idea that democracy is the best or even the only conceivable regime for our times, and that it requires not only majority rule but also the prevalence of rational argumentation over mere decision or compromise. The comparison of two eminent authors, Ronald Dworkin and Jürgen Habermas, demonstrates that this tendency is visible in continental thought as well as in the English-speaking world. The former thinker is a legal philosopher whose central purpose is to go beyond legal positivism and to show that democracy requires the institutionalised superiority of *principles* over *rules* (Dworkin 1977, pp. 22–28, 71–80). This, he holds, gives the courts the power to interpret the law, and assumes that, even in "hard" legal cases, there can be only one "right answer" (Dworkin 1985, pp. 119–145). The latter thinker begins his reflections with a radical critique first of Max Weber (cf. Habermas 1973, Chap. 8), and then of the 'decisionist' legacy of Carl Schmitt. From this starting-point, he develops a rich work, which follows an evolution from Marxism to left-wing liberalism, all the while holding to the central thesis that true modernity has always implied superiority of truth over will or authority (cf. Habermas 1989, p. 82).

This position, held in common by Dworkin and Habermas, can be contrasted not only with contemporary legal positivism but also with the philosophy of one the founders of modern political philosophy, Thomas Hobbes. Hobbes is actually the best counter-example of what Dworkin and Habermas want to promote. A radical sceptic in morals and seemingly dogmatic in theoretical philosophy, Hobbes's aim is to found the authority of the absolutist State by denying the claims of alleged truth-holders that they define the principles or rules of the political and legal order. However, among the heirs of Hobbes and the advocates of legal positivism one can also find many true supporters of democracy. These, as much as him, are sceptics in

moral philosophy and suspicious about the idea of truth-based politics; they can nevertheless be considered good interpreters of some aspects of the democratic spirit.

This paper aims to reconstruct the legal-positivist argument, including its democratic and egalitarian implications, in order to illuminate the significance of its decline in contemporary political theory. I shall first examine Hobbes's legal philosophy and then discuss Kelsen's theory of democracy. The legal argument, however, is only one side of the problem. An examination from the point of view of political philosophy is also called for. Political philosophy cannot be reduced to legal theory. Hence, I shall finally consider Tocqueville's political philosophy, suggesting some 'Tocquevillian' reflections on the relations between the reign of public opinion and the tyranny of the majority.

5.2   Auctoritas Non Veritas Facit Legem

Leo Strauss once noticed that Hobbes, well-known as an advocate of absolutist monarchy, can also be considered as one of the true founders of modern liberalism, because he is the first philosopher to affirm absolute priority of (subjective) *Right* in law and politics. Hobbes's brand of modernity stems from a radically *egalitarian* and *individualist* point of view, which is evidently contrary to the main themes of both Aristotelian and Platonist classical political philosophy. This egalitarianism is itself inseparable both from the moral scepticism of Hobbes and from his refusal of any claim to found politics on natural superiority and/or the capacity for a better knowledge of truth. In *Leviathan*, Hobbes gives two major arguments in favour of natural equality, which, even after the creation of the State, itself remains the foundation of political contract. The first argument denies that inequality of strength could generate a right to domination:

> [...] the difference between man, and man, is not so considerable, as that one man can thereupon claim to himselfe any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himself. (Hobbes 1981, p. 183)

The second rejects the idea that political power should be given to the wisest or the most 'prudent' people:

> And as to the faculties of the mind, [...] I find yet a greater equality among men, than that of strength. For Prudence, is but Experience; which equall time, equally bestows on all men, in those things they equally apply themselves unto. (Hobbes 1981, p. 183)

The privilege of the so-called wise men is itself a product of equality, which pushes every man to believe in his own superiority in prudence or judgement:

> For such is the nature of men, that howsoever they may acknowledge many others to be more witty, or more eloquent, or more learned; Yet they will hardly believe there be many so wise as themselves; For they see their own wit at hand, and other mens at a distance. But this proveth rather that men are in that point equal, than unequal. For there is not ordinarily a greater signe of equal distribution of any thing, than that every man is contented with his share. (Hobbes 1981, p. 183)

The political consequences of Hobbesian egalitarianism are well known and are certainly not very appealing to contemporary democratic and liberal minds. The Hobbesian equality of individuals does not result in friendship but in universal conflict, which can only be escaped by the creation of an absolutist State that gives everyone security for the price of renouncing natural freedom. There is, though, something in this argumentation that makes evident sense to us modern democrats. Namely, it is directed against the claims and pretensions of aristocratic elites and religious authority, as clearly stated in the assertion: "*auctoritas non veritas facit legem*".[1] Hobbes's argument here depends on a *reductio ad absurdum* that can be summed up in the following way: if one supposes that the ultimate source of Law is some true doctrine, which states what is permitted and what is forbidden, the consequence is not that "Truth" makes "Law", but that power is given to the (legally) authentic interpreter of the doctrine, whose interpretation expresses in fact the *will of the interpreter* as much and even more than the *truth of the doctrine*.

The new science of politics is directed against the pretensions of the Church (of dissident revolutionary sects as well as the Roman Catholic Church) to rule in the name of the supremacy of the 'spiritual' over the 'temporal'. It also includes a polemic against classical political philosophy, which pretends to judge political order from the point of view of a superior wisdom and which argues for the power of the Philosopher (Plato) or, at least, of the 'Prudent' (Aristotle). Polemics directed against both of these religious and philosophical ways or thinking are premised on a radical idea of equality, which implies the denial of any hierarchy among the *ends* that men pursue. This is an idea which itself is the inverse of all the aristocratic doctrines of authority. As we shall see with the example of Kelsen, this refusal of hierarchy is central in modern democracy as well as in the absolutist philosophy of Hobbes.

Hobbes, then, provides an interesting example of a philosophy of equality that firstly entails complete reduction of the problem of *legitimacy* and political *authority* to the question of *legality* and *power*; and that secondly is founded on a radical critique of traditional religion and philosophy. Furthermore, one might wonder whether this critique is similar to 'thinner' conceptions of truth, such as the contemporary 'postmetaphysical' theories of Habermas and Dworkin, which imply no reference to ultimate theological or metaphysical questions. I shall try to address this by examining Hobbes's philosophy of law, which, starting from a critique of Coke and of the tradition of Common Law, proposes a doctrine of the so-called creation of legal norms. Not only is this doctrine coherent; it is also relevant within a democratic conception of the State; and it is very similar to the thesis that Dworkin discusses both in *Taking Rights Seriously* as well as in *Law's Empire*.

The legal philosophy of Hobbes, the best formulation of which is the *Dialogue between a Philosopher and a Student of the Common Laws of England*, can be seen as a subversion of the traditional English doctrine of Common Law, which, before Hobbes, found its best elaboration in the work of Edward Coke (1552–1664).

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[1] This well-known sentence of *Leviathan* (Chap. XXVI) only appears in the Latin version, and is here more concise – and more striking – than the English rendering.

Hobbes evidently saw common law, as formulated by Coke, to be an obstacle to the full assumption of Sovereignty by the King that he argues for in *Leviathan*. The doctrine of common law has three features, each of which Hobbes subtly subverts in his philosophy.

(i)   In contrast to statute law, common law is not 'made' by a positive legislator. It is a product of the sedimentation of English customs, which together impose rules that are at the same time reasonable, accepted by public spirit and characteristic of a common way of life. Common law, though, really is law. As such, it is obligatory for the judges, who do not *make* Law but *discover* it. In this precise sense, a judge can be seen as the 'mouthpiece of the Law', even when he seems to make creative interpretations of it.

(ii) Even if it can be modified by legislation or statute law or mitigated by "equity", common law applies to every subject of the English Court (even agents of the executive). Further, its interpretation is monopolised by a strong body of Judges, whose authority is founded on their *science* – their *knowledge* of English law. Judicial reason is "artificial" and not "natural" and, since "*nemo nascitur artifex*" (nobody is born artist), it can only work based upon the authority of skilled judges who are accountable neither to the common people nor to other political authorities.

(iii) Common law is an element of the Ancient Constitution, which is supposed to have governed England since ancient times. This Law, though, is not written, and from this it derives that, if common law must be interpreted by a specialized body, the constitution can, like any law, be modified by parliament or the king in parliament. As such, the parliament is as "sovereign" as a "sovereign" or "supreme" court, whose decisions prevail over those of the judges of common law. So, the authority of judges and of the common law, which are supposed to guarantee liberty, is counter-balanced by the sovereignty of parliament and/or of the king.

Two lines of thought evolved from this structure. The first runs from Coke to Hume and Burke; in fact, it also underlies the philosophy of Dworkin. For these thinkers, legislation is a certain mode of production of legal rules, which are themselves important but at the same time dependent upon the global coherence of 'law' (common law in England; the constitution in America), which consists of principles and which only judges can understand. On the opposing side, the second tradition goes from Hobbes to Bentham and to contemporary legal positivists like Austin and, more recently, Hart. This theory assumes the primitive logic of sovereignty (which cannot be eliminated from English law) and considers 'law' as a set of *rules* in the creation of which judges can have some autonomy, although they are never allowed to have the last word. Hobbes's main contribution to legal philosophy consists of his interpretation of the English regime, which held that sovereignty (of king more than of parliament) was the best way to give to the legal order of England a coherence superior to that of the tradition of common law.

Therefore, the main target of the *Dialogue between a philosopher and a student of the Common Laws of England* is the authority of judges of common law, whose pretensions are systematically denied: there is no other reason than "natural" reason;

everybody can reason about justice; and "all the Laws of England have been made by the kings of England, consulting with the nobility and commons in Parliament, of which not one of twenty was a learned lawyer" (Hobbes 1966, p. 75). In a significant sentence, Hobbes adds that the law is not the product of the knowledge of lawyers, since "[i]t is not wisdom, but authority that makes a law" (Hobbes 1966, p. 74). This indicates that he considers traditional apologists of common law, artificial reason and the power of judges taken together to be a class of sophists and usurpers of political authority similar to platonic philosophers, puritan enthusiasts or defenders of papism. This shows that the Hobbesian critique of truth-based politics applies not only to 'thick' conceptions of truth – metaphysical or religious truth – but can also concern more modern, modest conceptions of truth. Inversely, we can understand why some liberal or democratic thinkers perceive the link between the scepticism of Hobbes and other 'positivists' to have the same lineage both as their own alleged egalitarianism and also of their decisionism; and why they are so concerned to re-affirm that politics has a substantial foundation in 'truth'.

The continental way to such a restoration is well illustrated by Habermas, who has always said that his programme is to reverse the Hobbesian maxim in order to show that "truth and not authority makes law". This was already the purpose of his *The Structural Transformation of the Public Sphere* (1989). This work draws from the French Enlightenment and left-wing Physiocrats, such as Turgot, in order to understand the process of the civilisation of the modern absolutist state. This undertaking certainly remains central to his more recent book on law, *Between Facts and Norms* (1996), which develops a cognitivist theory of democracy. The best expression of the same tendency in the English-speaking world can be found in Dworkin, whose every affirmation (from the distinction between "principles" and "rules" to the idea of the continuity of law beyond the apparent changes of judicial decisions) sounds like an assertion of the tradition of Coke against some of Hobbes's more recent disciples. According to Dworkin, the moral foundation of democracy is inseparable from the idea that there is something like a *true* law, which can be found in the living constitution, but which is easier for a judge than for political authority to know.[2] Before discussing these doctrines, it is helpful to consider a contemporary defence of practical scepticism – that of Kelsen, who can in no way be suspected of Hobbesian authoritarianism.

5.3 Scepticism and Democracy

Hans Kelsen is well-known as a legal philosopher, but his contributions to political theory are not well enough recognised, even though they are very cogent and, in fact, very close to his theory of law. Kelsen has authored, among other things, a small book about democracy: *Vom Wesen und Wert der Demokratie* (*On the Essence*

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[2] See Dworkin (1977). The distinction between 'principles' and 'rules', and the idea that, since liberal judges discover principles, they are not 'judicial activists', is very close to the classical interpretation of common law in which judges discover the law but do not 'make' it.

and the Value of Democracy).[3] This significant book intends to be scientific but it also comprises the disenchanted reflections of a socialist democrat regarding the evolution of democracies after World War I. Following the Russian Revolution, the War produced, on the one hand, the rupture between democracy and the Communist Wing of the socialist movement. On the other hand, it resulted in the European Bourgeoisie embracing violent anti-democratic politics such as Italian Fascism. Kelsen is clearly a democrat, who doesn't deny his 'democratism', i.e. his philosophical preference for democracy; and his worldview is basically equalitarian, since he doesn't accept the idea of a natural hierarchy between human beings.

At the end of his book (in Chap. 10), Kelsen gives a brief but penetrating analysis of the philosophical implications of the choice for democracy. He admits that, since he has showed that "democracy is simply a form, a method of creation of social order", its adoption cannot be considered as a solution to the "problem, evidently more important, of the content of the political order" (Kelsen 1929, p. 98); and he notes that the tendency to give priority to the formal question of the alternative between democracy and autocracy is itself a typical product of "democratism" (Kelsen 1929, p. 98). He therefore refuses the "metaphysical and religious hypothesis" that people have some "divine right" to rule, founded on some supernatural wisdom (Kelsen 1929, p. 99). However, he finally argues that the ultimate foundation of democracy lies in the acceptance of the limits of human reason, which can only attain positive and limited knowledge, but which is forever unable to know absolute truths or to grasp absolute values.

Thus, the opposition between democracy and autocracy – which is the *summa divisio* in the field of political theory – has a structural equivalent in philosophy: the metaphysical vision of the world (like Heraclitus's and Plato's) is potentially 'autocratic', while the relativist and empiricist conceptions of thinkers like the Sophists are favourable to democracy. According to this schema, a philosopher like Aristotle holds a middle position both with regard to practical questions as well as in metaphysics. In modern philosophy, the case of Kant is especially significant. Kant's practical philosophy, which attempts to grasp absolute values, has some autocratic elements. However, the fact that this part of his philosophy is in conflict with his positions on theoretical questions implies a priority of the problem of method that is similar or parallel to the democratic attitude in politics.[4]

A comparison with Hobbes is interesting here. On the one hand, Hobbes and Kelsen share the same adversaries, and their respective aims are quite close. Both philosophers denounce what they see in classical philosophy to be the usurpation of political authority by metaphysical or religious minds who try to introduce the 'absolute' into the field of politics. Both also plead for a negative equalitarianism

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[3] The first version of *Vom Wesen und Wert der Demokratie* was published in 1920, a second revised and expanded version in 1929.

[4] Kelsen, whose philosophy of knowledge is a combination of empiricism and criticism, is evidently concerned with this discussion. His presentation of Kant's philosophy is evidently not satisfying from a philological point of view, but it nevertheless makes sense, when one considers the internal tensions of Kant's moral philosophy.

founded on the impossibility of a rational hierarchy of values or of forms of life. Furthermore, the end of democracy and of the Leviathan – peace – is the same. On the other hand, their solutions to the political problem seem quite opposed, hence raising the question of the evolution of legal positivism, which parallels the transformations of the modern state.

Kelsen's major innovation is the thesis of the *identity* of state and law. In this his thought differs from the dominant tradition of legal positivism, which is that the activity of the state produces the law. Like many of the ideas within *The Pure Theory of Law*, this thesis must be understood as a *polemical* assertion, taken within the context of an 'anti-ideological' doctrine.[5] The target in this instance proves to be the classical German theory of 'self-limitation' of the state. For Kelsen, the latter performed an apologetic role for the state. To say that the law is the product of the state and the *Rechtsstaat* an effect of the self-limitation of the state is effectively to support the majesty of the state; it is to make the state sacred, in that law and rights appear to be favours that the state – that is, the rulers – gives to its subjects. The identification of state and law demystifies the sacred authority of the state, so that it becomes seen as nothing more than something necessary to constrain by enforcing the law. It is a mere machine for putting the law into effect and as such has no transcendent moral value.

Kelsen's transformation of legal positivism can, then, be seen as an extension or a radicalisation of the Hobbesian critique of the classical tradition: the same equalitarian scepticism that in Hobbesian thought had ruined the pretensions of metaphysicians, priests or judges to rule the state, now becomes directed against the state itself. From this viewpoint, the state is no more than the other side of the law, which needs to become democratic. This process is essentially one of disenchantment, in that the legitimacy of democracy derives from its making explicit and visible the incapacity of men rationally to resolve conflicts both between values and between the ends of human action. The history of positivist legal philosophy is therefore parallel to the transformation of the modern state, from majestic absolutism to prosaic democracy. Kelsen's legal philosophy pushes away, back to the ancient world, all the artifices, starting with sovereignty, that the author of *Leviathan* deemed necessary in order to enforce the law of the state.

Kelsen's positivism is like that of Hobbes in that it includes several implicit theses about the nature of man. In *Leviathan*, the creation of the state is necessary because men are naturally equal; since they are all naturally free, this equality generates universal war between men. Kelsen's theory is closer to Rousseau's philosophy; for him, the ultimate foundation of democracy extends beyond scepticism, and is also in some way 'natural'. For Kelsen, social or political liberty is at the same time the negation of 'natural' freedom: "if we have to be ruled, we want at least to be ruled by ourselves. Natural freedom changes itself in social or political freedom. Politically free is the man who is only subjected to his own will and not to the will

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[5] The attitude of Kelsen is quite similar to that of his contemporary and fellow-citizens of the Vienna Circle, whose 'logical positivism' and anti-metaphysical philosophy was linked to radical democratic positions.

of others" (Kelsen 1929, p. 4). However, although his position follows Rousseau's principles so closely, his refusal of the mystique of the state – even that of the democratic state – makes his theory more acceptable to modern democrats, who are always in some way liberal. His position is compelling to them in that he accepts constitutionalism, judicial review, representation and pluralism, besides also supporting the formation of political parties which make compromises between the necessities of social life and protection for minorities. The latter also entails protection of the individual (and so, of natural freedom) against the state – even when that state is democratic.

In all these ways, Kelsen gives a very cogent version of modern democracy, even if some of his proposals (like the preference for proportional representation) can be contested. The power of his theory is twofold. It lies in that he makes evident the egalitarian ethos which underlies modern scepticism and suspicion towards the Absolute or greatness; it also rests in strong and unquestioned beliefs in natural freedom and equality. Kelsen's man is really the democratic man, who wants at the same time to be a citizen and to enjoy something like the natural freedom of an independent individual. That is the reason why the author of *On the Essence and the Value of Democracy* pays as much attention to the protection of rights as to the effectiveness of popular government.[6] The question remains whether or not good institutions are sufficient to protect civil and political liberty. This is no longer a question of legal theory; it is rather a matter of political philosophy. To address this issue, I shall introduce Tocqueville as a comprehensive critic of modern democracy. Tocqueville is himself a liberal democrat, who accepts the fundamental values and the basic ideas of modern democracy. He assumes at the same time the democratic principle of popular sovereignty and the liberal idea of *checks and balances*. Furthermore, he considers the democratic idea that liberty is a universal characteristic of every human person to be 'true'. Nevertheless, he is worried about the dangers of democracy, which are related to the modern belief in equality and to the scepticism that underlies it. A discussion of his arguments can, then, enlarge our interpretation of the relation between truth and politics.

5.4 Dialectic of Public Opinion

Only quite recently has Tocqueville been recognised as the great political philosopher he is: equal to Montesquieu and Rousseau. It may still, therefore, be necessary to warn readers against old and persistent misinterpretations of his thought. Two of these more frequent misapprehensions are symmetrical. The first consists of a tendency to see Tocqueville as a hidden adversary of democracy, whose acceptance of the modern regime does not prevent him from refusing its principles in the name of some 'aristocratic' vision of liberty. In opposition to this evaluation, many of

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[6] On Kelsen's theory of democracy, see Raynaud (2004).

Tocqueville's contemporary admirers are so impressed by his analysis of the logic of the equality of conditions that they come to think of anything 'democratic' as well founded and above criticism. To understand Tocqueville's critique, we must consider him not only as a friend of democracy but also as a profound defender of its principles. At the same time, he is to be seen as one who thinks that these principles give rise to unprecedented risks that endanger modern aspirations to liberty. Whatever we might think of his 'nostalgia' for aristocratic times or of his faithfulness to the values of his family, it cannot be denied that Tocqueville gives a philosophical approbation of modern principles that also concerns philosophy of history. The equality of conditions is a 'providential fact', against which it is vain and illegitimate to struggle. Sovereignty of the people becomes explicit in America, but is in some way universal and natural. Also, the modern conception of freedom as the right of the individual to govern himself is not only acceptable but fully *true* and *just*, even if it might be less efficient than the narrow aristocratic concept of freedom as a privilege. The dangers of democracy do not discredit its principles; they instead show that these are not sufficient to protect liberty and even that, in some conditions, they present internal dangers which come not from democracy's external limits, but from its own logic.

The most interesting text for our discussion is the well-known chapter of the first volume of *Democracy in America* entitled "On the Omnipotence of the Majority in the United States and its Effects". This should be read alongside a text of the second volume, "On the Principal Source of Beliefs Among Democratic Peoples" (cf. Tocqueville 2004). In the first volume of *Democracy,* which deals specifically with his American experience, the question seems to be one of constitutional politics, mitigated by 'sociology' in the style of Montesquieu. The strength of the majority derives from the absence of any powerful minority capable of being a counterweight to the many; this strength therefore has something to do with democratic equality. The unlimited power of the majority is made possible by the mechanisms of the sovereignty of the people itself, which make the will of the majority the basis of every legal power. This explains the distinction between 'arbitrary' rule and 'tyranny': as all institutions are in the hands of the majority, there is no place in which a man or a party who suffers injustice can find any effective protection. Apparently, such a problem should be resolved by constitutional means, with checks and balances, moderation of popular will by representation, energy in the executive power, and independent judicial power.

Yet all of this seems to be insufficient in America, even if, as Tocqueville knows perfectly well, the American Constitution was made precisely to give such protections to liberty. There are, then, internal difficulties in democracy, difficulties of which the second volume (which is more philosophical and general than the first one) gives an illuminating analysis. In fact, the omnipotence of the majority is linked to the emancipation produced by democracy. The natural effect of democratic equality is to reduce the dependence of individuals upon traditional authorities, thus permitting each to think for himself. However, for the same reason, equality increases the impersonal and therefore more powerful force of *public opinion*:

> As citizens become more equal and more alike, each individual's penchant to believe blindly in a certain man or a certain class diminishes. The disposition to believe in the mass

increases, and the world comes increasingly under the sway of public opinion. [...]
In times of equality, men have no faith in one another because of their similarity, but that
same similarity gives them almost unlimited confidence in the judgment of the public,
because it seems unlikely to them that, everyone being equally enlightened, truth should
not lie with the greater number. (Tocqueville 2004, p. 491)

So, the tyranny of the majority and the great risks which threaten freedom of
thought in America are intimately linked to democratic freedom *and* to the decline
of traditional faith in God, or in absolute religious value. Democratic relativism and
the *ethos* that goes with it ('pragmatism', 'utilitarianism', 'empiricism', etc., all of
which Kelsen takes to be the best foundation of democracy) happen to be a danger
for freedom. In other words, the worst enemy of democracy is democracy itself,
whenever it loses the necessary distance between man and community, without
which there can be no real commitment to liberty. Nevertheless, Tocqueville argues
neither for civic demission, nor for restrictions upon political liberty or equality; for
him, the difficulties of modern democracy come from the pre-political character of
its principle (the freedom of individuals). In fact, *Democracy in America* presents
two forms of remedy for the ills of democracy: institutions that facilitate civic par-
ticipation and responsibility must carry out liberal remedies such as checks and
balances and reviews of the judiciary. However, the most profound problem of all
remains without solution: the representation of equality itself produces the idea of
an homogeneous and irresistible force, present in all the components of modern
culture and at the same time the greater danger to the idea of individuality.[7]

It can be said, then, that Tocqueville identifies two dangers inherent to the dem-
ocratic spirit that cannot be limited by democratic relativism alone. The first is
clearly described in the chapter on the "Omnipotence of the Majority", when
Tocqueville analyses the condition of Black people in nineteenth-century America.
Racism, like nationalism or what we now call 'populism', proceeds according to
Tocqueville from a democratic people's forgetfulness of the universal horizon
which legitimises popular sovereignty by an appeal to 'the sovereignty of the
human race'. The second tendency, which is very popular in our times, comes from
democratic universalism itself, when it unconditionally adheres to every develop-
ment of equality; it can also endanger freedom of thought, by developing what one
might call an ethnocentrism of the present. Considering everything that is entailed
within a dialectic of democratic scepticism, one can understand why some good
minds think it necessary to argue for a strong idea of 'Truth' in politics.

5.5   Conclusion

In contemporary political thought, attitudes towards the question of the relation-
ships between truth, power and liberty have a kind of systematic coherence: there
are strong oppositions between conflicting positions, but those differences have a

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[7] See for example, in the second volume, the analysis of modern historical science (Ist part, Chap.
XX) and of the tendencies to pantheism in democracies (Ist part, Chap. VII).

systematic structure. Left-wing liberals like Dworkin or Habermas think that the old positivist discourse – arguing for the will of people in order to check democratic evolutions – is the mask of an authoritarian agenda which could only repress the emancipation of individuals. Both authors are post-Hobbesian because they deny that modern reason can simply be positivist reason.

Their antagonists, such as conservative interpreters of the American Constitution, are generally nostalgic for the old natural law tradition, in some cases also accompanied by adherence to religion. But they can also, like Bork or Rehnquist, speak the positivist idiom of 'original intent' or 'majority rule' in order to denounce the pretensions of a liberal elite who want to overrule the popular will in the name of a so-called moral philosophy unattainable by the common sense of ordinary people.[8]

One could say that each of the two conflicting sides is right. The so-called liberalism of Dworkin and Habermas implies the denial of democratic government for the benefit of the new elite; but the conservative invectives against the 'relativism' or 'nihilism' of the left originates from an attitude towards modernity that is far from sympathetic.

I would like to add, very briefly, that this has implications for international politics as well. My thesis is that there is a consistency between modern public law and classical international law. They are both founded on the irreducible plurality of sovereign states, something indirectly confirmed by the fact that, at the end of twentieth century, the same authors (like Habermas) who contested the Hobbesian legacy in domestic law are defenders of a new 'post-national order' world. Inversely, it is noticeable that the same American conservatives who argue against the 'living constitution' doctrine ardently support the cause of the nation-state in foreign affairs (e.g. Rabkin 2005). The question whether we can find the same aporias in this field as in domestic politics is open to discussion.[9]

References

Dworkin, R. (1977). *Taking Rights Seriously*. Cambridge, MA: Harvard University Press.
Dworkin, R. (1985). *A Matter of Principle*. Cambridge, MA: Harvard University Press.
Habermas, J. (1973). *Theory and Practice*. Boston, MA: Beacon.
Habermas, J. (1989). *The Structural Transformation of the Public Sphere. An Inquiry into a Category of Bourgeois Society*. Cambridge, MA: Polity Press.
Habermas, J. (1996). *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*. Cambridge, MA: Polity Press.
Hobbes, T. (1966). *A Dialogue Between a Philosopher and a Student of the Common Laws of England*. Paris: Dalloz.
Hobbes, T. (1981). In C. B. Macpherson (Ed.), *Leviathan*. Harmondsworth: Penguin.
Kelsen, H. (1929). *Vom Wesen und Wert der Demokratie (Zweite, umgearbeitete Auflage)*. Tübingen: J.C.B. Mohr.

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[8] On this question, see Raynaud (1995, 2000).

[9] See for example Raynaud (2001).

Rabkin, J. (2005). *Law Without Nations. Why constitutional Government Requires Sovereign States*. Princeton, NJ: Princeton University Press.

Raynaud, P. (1995). La démocratie saisie par le droit. *Le débat*, 87, 97–116.

Raynaud, P. (2000). Le judiciaire américain, l'interprétation et le temps. *Droits*, 30, 114–126.

Raynaud, P. (2001). Un nouvel âge du droit? *Archives de philosophie*, 64(1), 41–56.

Raynaud, P. (2004). Préface. In H. Kelsen (Ed.), *La démocratie. Sa nature, sa valeur*. Paris: Dalloz.

Tocqueville, A. de (2004). *Democracy in America* (Transl. A. Goldhammer). New York: The Library of America.

Part II
Institutionalizing Democracy

Chapter 6
Truth and Trust in Democratic Epistemology

Matthew Festenstein

6.1 Introduction

Recent arguments for an epistemic conception of democracy have moved away from arguing that democracy possesses epistemic power by virtue of effectively aggregating the preferences or opinions of participants and toward the claim that these powers flow from deliberation, viewed as a constitutive element of democracy. This chapter reviews a version of this perspective, drawing on sources in pragmatist political philosophy, and tries to develop it, focusing on frequently overlooked issues of trustworthiness and the place of testimony in democratic theory. In Sect. 6.2, I briefly review the claim that the epistemic power of democracy derives from processes of deliberation and experiment, not merely from judgement aggregation, and go on to outline a pragmatist account of this, drawing on recent work in this area. In Sect. 6.3, I develop this account by introducing the notion of democratic testimony: a key epistemological problem in the process of democratic deliberation is that of credibility or trustworthiness; this is not a problem to be eliminated, but only one whose possible pernicious consequences must to be checked. In Sect. 6.4, I argue that the pragmatist conception of democratic epistemology outlined in Sect. 6.2 successfully captures what is distinctive about this problem. In Sect. 6.5, however, I go on to outline a residual problem for this approach to the epistemic character of democracy, and to offer some tentative solutions.

6.2 Pragmatism and the Epistemology of Deliberation

An attractive but elusive theme in democratic theory is the thought that democracy possesses epistemic powers. It is tempting to take an optimistic view of democracy as, in John Dewey's words, a "method of organized intelligence" (Dewey 1987, p. 56), a way of using information spread across the populace in order to make better informed decisions on matters of public interest, and to link this to the difficulty that undemocratic institutions often have in being truthful. There are well-known sources of doubt about such a project. Yet even among its supporters, it remains far from obvious how democracy should be understood as a means of gathering information and improving decision-making.

The pragmatist view that I want to discuss locates the epistemic power of democratic procedures in the deliberative or communicative dimension of democracy. For this perspective, public discussion, a free press, mutual influence, persuasion, debate are constitutive and not merely accidental features of democracy (Anderson 2006, p. 12).

For this pragmatism, the active search for well-grounded beliefs about how to deal with social and political problems entails a set of non-discretionary commitments on the part of anyone who wants such beliefs. The search for true beliefs involves pragmatist canons of inquiry. This entails affirming a pragmatist commitment to fallibilism. No belief is held to be *a priori* certain or beyond the reach of criticism and revision. Any belief is vulnerable to revision – but only by reference to other beliefs that are held to be 'settled' or 'stable' for the purposes of judging *this* belief: "that one can be both fallibilistic *and* antiskeptical is perhaps *the* unique insight of American pragmatism" (Putnam 1994, p. 152; cf. Larmore 1996, pp. 59–60). Fallibilism is not a doctrine which casts a miasma of doubt over all beliefs or any particular belief; rather, it insists that when we question a belief we must do so for specific, justifiable reasons, stimulated by actual doubts.[1]

This rests on what Cheryl Misak calls a "low profile" conception of truth, not as correspondence, but (in Peircean terms) as belief that is indefeasible in a process of inquiry – "if a belief is indefeasible, it would stand up to whatever could be thrown at it, by whatever community of inquirers" (Misak 2004, p. 10; cf. Misak 2000, p. 49). Truth is the aim of specific practices of inquiry, but is one that we achieve only by meeting the more local aims of those practices: by arriving at beliefs that have explanatory and predictive power, are fruitful, are consistent with other well-grounded beliefs, and so on. If a belief can successfully meet all of these local aims, then it is true – there is nothing more we can ask of it (Misak 2004, p. 14). The search for well-grounded belief involves testing claims against as wide a range of different experiences as possible. In particular, it requires us to seek out and attend to different perspectives and arguments, in order to test and, if necessary, revise our current conceptions. Our beliefs and judgements aim at being true, and being true, on this account, means fitting with reasons and experience. This apparently innocuous condition has critical bite:

> Engaging in genuine moral inquiry – searching for principles and for particular judgements which will not be susceptible to recalcitrant experience and argument – requires that we take our beliefs to be responsive to new arguments and sensibilities about what is good, cruel, kind, oppressive, worthwhile, or just. Those who neglect or denigrate the experiences of others because of their gender, skin colour, or sexual orientation are adopting a very bad means for arriving at true or rational beliefs. They can be criticised for failing to aim at truth properly. (Misak 2000, p. 104)

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[1] The classic statements of this are to be found in the following essays by C. S. Peirce: "Questions Concerning Certain Faculties Claimed for Man" (Peirce 1934, pp. 213–263), "Some Consequences of Four Incapacities" (Peirce 1934, pp. 264–317); "Grounds of Validity of the Claims of Logic: Further Consequences of Four Incapacities" (Peirce 1934, pp. 318–357); "The Fixation of Belief" (Peirce 1934, pp. 358–387). The presentation of the pragmatist argument here is ecumenical, and glosses over differences that are worth bringing out in different contexts: for example, see Festenstein (1997, 2004, 2007).

This general methodological principle provides support for democratic political deliberation: "[d]eliberation is justified because it is the best way of exposing and communicating the reasons that matter and democratic deliberation is justified because we need to expose *all* of the reasons that matter not just a subset of them" (Misak 2004, p. 15). We test our political principles and judgements by exposing them to as wide a range as possible of different arguments, reasons, and experience. This is relevant to how we should consider democracy as a procedure and as an ethos.

The importance of testing beliefs, including both specific proposals and more fundamental standards of inquiry, against different points of view and recalcitrant experiences means that this pragmatist conception of democratic inquiry attaches great importance to fostering the conditions for dissent and critical feedback (Anderson 2006). The values of diversity, free discussion, and criticism need institutional embodiment, in elections, a free press, fora for public protest, as well as in the variety of designs for more specifically deliberative institutions such as citizens' juries.[2]

The expression of disagreement during discussion is important in drawing attention to asymmetrically distributed information and diverse problem-solving strategies that may be relevant to the solution of a public problem (Anderson 2006, p. 16). Dissent prior to decision-making is a necessary condition for the formulation of a genuinely collective will consistent with the autonomy of each member. Pure deference to a leader or a majority who claims to represent the collective will is incompatible with the autonomy of individuals (Anderson 2006, p. 17).

Majority decisions in democracy are not *consensual* decisions. Holding that democratic procedures must be compatible with reliable methods of belief formation does not entail making the unwarranted and distinct assertions that there will always be convergence on a single point of view on every issue, or that decisions will not sometimes have to be made in the absence of conclusive reasons pointing one way or the other on some contested issue (cf. Misak 2000, pp. 136–154). So there is no assumption that each member is committed to or agrees with the particular outcome. As a result, continuing opposition and questioning are not at odds with the view that the source of the epistemic capacity of democracy lies in this form of deliberation. On the contrary, since we want to expose our arguments and reasons to as wide a range as possible of reasons and experience and they are part and parcel of deliberation itself (Manin 1987; Festenstein 2002; Anderson 2006). To the extent that we are genuinely seeking to deal with practical questions in a way oriented toward truth, we should be governed by these standards, and not accept any particular consensus as the truth. Our standards may be corrupt but democracy provides means to correct them by preserving conditions for future inquiry, scrutiny and revision.

As well as viewing these procedural features of democracy as indispensable to its working, this approach also requires a certain ethos or sensibility on the part of participants. In particular, it requires a reflexive critical openness of the right sort,

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[2] The importance of the 'contestatory' or 'agonistic' dimension of democracy has been stressed from different directions, from writers who build on the importance of non-domination (Pettit 2004; Shapiro 2002) rather than epistemic capability.

or the cultivation of epistemically responsible habits by participants.[3] In particular, the commitment to expose one's own beliefs to a range of arguments and experiences requires a capacity to appraise sources of information and to draw appropriate conclusions. I explore these requirements further in what follows. But the point to emphasise here is that whatever content we give to this notion of critical openness the stance itself is justified as part of epistemic responsibility.

This is not the place for a full articulation or defence of this position. On one side, it is confronted by views of democracy that locate its epistemic power in the way that a majority decision rule aggregates the judgements of members.[4] On another side, it is confronted by views of deliberation that decouple its normative pull from any epistemic value that it may have (e.g. Christiano 1997; Cooke 2002).[5] In the rest of this chapter, I will not adjudicate on these disputes but focus on the intramural matter of how to understand the epistemic content of deliberation.

6.3   Democratic Testimony

From the pragmatist perspective outlined, one of the problems with locating the epistemic power of democratic institutions in procedures of judgement aggregation is that it is insensitive to the ways in which judgements which enter into the aggregative procedure are formed, and that these matter for our assessment of the epistemic capacity of democracy (Anderson 2006). However, the conception of deliberative inquiry which I am exploring here seems to bring with it its own difficulties about influence and the sources of information. As I have shown, it is an important part of this conception that space be given to dissent and criticism of decisions; and that these are constitutive of deliberation, rather than symptoms of a failure on the part of some members of the group to apprehend the general will. As I presented the argument in the previous section, for this pragmatist conception the goal of this inquiry is truth or true beliefs (or at least warranted assertions, in Deweyan vocabulary). However, we are often not in a position to assess the truth of claims put forward in deliberation, or directly to criticise truth claims that are advanced. For if we view deliberation as largely consisting of advancing and assessing arguments about what to do in matters of public interest then participants

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[3] Talisse adopts a slightly different and more ambitious set of "deliberative virtues". These include honesty, defined as the disposition to follow and respond to evidence; modesty, viewed as a preparedness to treat political proposals as "workable ameliorations", rather than panaceas; charity, in listening to and responding to opposing views; and integrity, viewed as a commitment to continue working cooperatively despite difficulties and failures (Talisse 2005, pp. 112–113; and see Talisse, this volume). Some of these, it seems to me, appear to flow from the epistemic starting point identified here, but others do not. The notion of reflexive critical openness is owed to Fricker (2003).

[4] The most famous example of this is the Condorcet Jury Theorem: for its influence on political theorists, see Barry (1967); Cohen (1986); Grofman and Feld (1988); Waldron (1993); List and Goodin (2001); Anderson (2006); Estlund (this volume).

[5] For a persuasive treatment of this, see Richardson (1997, 2002). See also Festenstein (2002).

in this process can be viewed as particularly concerned, not directly with evaluating the truth of the claims put in front of them, but with appraising the credibility and trustworthiness of those who put forward those claims.

We can characterise this problem in the following way. In spite of Enlightenment slogans to the contrary, we are each of us ineluctably dependent on others for our knowledge. One of the basic ways in which we acquire knowledge is through being told. So in public deliberation we may sometimes appraise the truth of the claims that are presented, but given the division of epistemic labour we more usually assess the credibility or trustworthiness of sources of truth-claims – we view them as more or less reliable sources of *testimony* (Coady 1992).

Political questions often involve complex claims and bodies of knowledge of which most of us have very little, if any, grasp at all. For most citizens are not in a position to arrive at a competent judgement about GM organisms, climate change, or the medical consequences of vaccines. Without extensive education, I lack the capacity to make informed and critical judgments about the reliability of GM organisms or even the consequences of the UK's joining the euro zone for the North East of England. We inevitably rely on a complex and mediating division of epistemic labour in the process of public deliberation. Indeed, it is a certain kind of obfuscatory rhetoric to claim just to be placing the facts in front of the citizens in order for them to arrive at their own judgement about what to do. Rather, as John O'Neill puts it, "the arguments pass me and most other citizens by. I simply wouldn't know how to appraise the evidence even if you gave me all the detail. I want to know not if the evidence supports this or that conclusion, but whether I have good reason to trust those who offer it" (O'Neill 2002, p. 259).[6] Furthermore, in the case of complex scientific or technical knowledge, this is not a problem that only derives from the difficulty of transmitting complex truths to the ill-educated layperson. Rather, scientific inquiry itself a cooperative enterprise that relies on epistemic trust in others: "science is no refuge from the ubiquity of testimony" (Lipton 1998, p. 1).

Questions of credibility do not only relate to putative sources of factual knowledge or of a clear understanding of what is going on, but to trustworthiness in making good or bad practical judgements and in offering evaluations.[7] For example, a judgement about whether a school is performing well or 'failing' in part requires expert professional evaluation. This is not to say that these judgements and the processes of training and professionalisation that lie behind them cannot be criticised. Rather, the point is that this is inevitably a process of critical evaluation of the credibility and trustworthiness of those who offer the judgements.[8] Here too though it is also worth emphasising that it is not only the peculiarly recondite character of forms of professional expertise that rest on or may raise the issue of the

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[6] Tetlock (2006) is an important contribution to this question, which appeared too late to discuss meaningfully here.

[7] For a brief account of Dewey on valuation and practical judgement, see Festenstein (2008).

[8] As Onora O'Neill (2002b) and Glen Newey (this volume) point out, a major trend has been to bypass this process of evaluation, and pre-empt the possibility of trust, by positing a set of performance indicators against which institutions are judged, frequently with perverse consequences.

credibility, integrity and trustworthiness of sources. Our testimony that office 'humour' is in fact racist and upsetting requires not only an acknowledgement that we can be an authoritative source on this, that our judgement can be trusted.[9]

Furthermore, where this testimony bears specifically on *political* decisions, what Mark Warren calls the generic problem of trusting arises: we both need to trust some among the crowds of 'experts' or sources of information who jostle for our attention, but we know that their interests may conflict with ours. In other words, what is at issue in judgements of political credibility is not only the competence of someone offering us testimony but also whether they have an interest in presenting their presentation of testimony as wholly a matter of strategic manipulation, itself insensitive to truth. The generic problem of the relationship between trust and politics is that political relationships throw the very conditions of trust into question. For politics is a realm in which the interests and identities of other actors may differ and conflict with ours: "[w]here there is politics, then, the conditions of trust are weak: the convergence of interests between truster and trusted cannot be taken for granted" (Warren 1999, p. 312). In the political interactions where trust is required, we cannot rely on sincere and open utterances. Given that I know that our interests and identities may conflict, how can I know that you will act so as to secure my interests, and so can rest satisfied with the habit of reliance upon you? Further, some writers argue that this problem of mutual opacity and so of trust is deepened in the circumstances of multicultural politics, where we cannot assume a common identity or common values (see Festenstein 2005).

So, on the one hand, it seems sensible to treat opinions and arguments offered in political deliberation with extreme caution. Yet withholding trust altogether renders us (that is, most of us, the 'us' who don't proclaim ourselves experts on GM foods, climate change, and so on) unable to arrive at any decision at all. So, while we cannot just dispense with this form of epistemic trust, it is sometimes easy to lapse into a default position of glib cynicism: "it is hardly surprising that in the face of so many complex questions, and even more opinions, trust is refused not only when there is accessible and reliable evidence of trustworthiness, but also when there is reasonably accessible evidence of trustworthiness" (O'Neill 2002a, p. 142). We do not wish to be duped either by intentional trickery or by our own complacency when confronted by the incompetent testimony of others.

At the same time, wrongly withholding epistemic trust, failing to accord a speaker credibility when he or she deserves it, can of course deprive us of the knowledge on the basis of which we should act and expresses a misguided belief about the speaker. In addition, as Miranda Fricker has argued, failing to give a speaker credibility which is actually deserved may be characterised as itself a form of oppression, "epistemic injustice" (Fricker 2003). Powerful social norms can unjustly withhold or grant credibility from marginal or dominated groups, as they

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[9] This leads into a further debate on the scope of moral testimony: "if the world of value is complex, and if our access to it is shaped by our experiences, then even among the morally mature there will be a significant role for moral testimony and thus for trust" (Jones 1999, p. 56; for some doubts, see Hopkins 2007).

do in the case of other social resources and forms of status. Groups, identities, styles of reasoning, may be excluded or assimilated (a theme pursued in work of Iris Marion Young, for whom there is a particular worry that the emphasis on *cognitive* goals may block other forms of participation that are or are perceived as not legitimately cognitive, see Young (2000).

6.4   Pragmatism and Trustworthiness

The claim of this section is that we should consider the pragmatist conception of democratic inquiry as offering a helpful way of addressing this dilemma. It does not purport to be a method for *solving* the dilemma, in the sense of showing that in any individual case the dilemma is not real. Rather, the claim is that the procedures and virtues that this account of deliberation supports address the dilemma in the right way. We can understand the pragmatist conception of democratic inquiry as a response to the inescapability of trust in this context as well as the vulnerability that it brings with it. Inquiry is a social enterprise, with an actual division of labour (cf. Bohman 1999). Pragmatism starts from the belief that critical inquiry itself cannot ground all our beliefs. We can therefore view our beliefs both as rooted in history and practice, and as subject to justification, and rational criticism. We can only begin to reason on the basis of the beliefs and practices that we already have – we cannot call everything into question all at once – and these are given to us by historical contingency. What is important then is to provide the conditions to open up belief claims up to dissent and rational disagreement, which this account does by viewing democratic deliberation as a way of giving voice to different forms of reasons and experience and as a testing ground for different practical judgements: "you won't bootstrap yourself out of history and escape your current beliefs. But still you can make progress" (Herzog 2006, p. 107). If we accept that the social and mediated character of belief is a central feature of the pragmatist account, it remains to explain how this account specifically makes room for gauging the trustworthiness of sources rather than directly appraising the truth of epistemic claims. It would be a mistake to think that viewing democratic deliberation as principally a matter of the assessment of trustworthiness is to encourage the uncritical and irrational acceptance of the putatively authoritative claims of others – a politics of deference, as it has been called.[10] For the point I have stressed is that the taking on trust that this position argues is indispensable must be critical rather than uncritically deferential.

   Consider first what I called the procedural dimension. Distinctively deliberative institutions such as citizens' juries can be viewed in a Kantian way, as an opportunity for citizens to express their maturity by subjecting the truth claims of

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[10] For a version of this charge, levelled at the treatment of testimony in Sanders (1997), see Dryzek (2000).

practitioners to direct critical appraisal. However, if we accept the points made in the last section, about the limits on our capacity to provide well grounded direct appraisals of this sort, then we can view these institutions in a different light. As O'Neill puts it:

> It is a feature of juries that they do not for the most part if at all consider the truth or falsity of the evidence directly, but the trustworthiness of those who present it. Thus it is with the citizens' jury: often, it is the character of those on whose testimony we call, their capacity to speak on the issue in question, their reliability, independence and disinterestedness that is at issue. The model provides the best we can hope for in the institutional dimension to answerability. (O'Neill 1998, p. 100)

Similarly, a free press – when functioning well – can be viewed as putting before the public the facts on the basis of which a judgement can be made. However, as I have suggested, this obscures our dependence on inevitably partial sources and our inability to make any evaluation without reference to other sources. A free press, then, can allow us to make judgements about the reliability and trustworthiness of sources of information, including those media themselves.

Assessing reliability and trustworthiness also calls on the epistemic sensibility outlined in the pragmatist account of deliberation, in two ways. The first is that *displaying* the pragmatist virtues can play a role in establishing trustworthiness in this way for others. For we are more likely to treat as credible a claimant who is prepared to subject his or her claims to these tests, and who is prepared to take part in open scrutiny of her claims and debate about them. To reiterate: many of us won't be in a position to judge the outcomes of such a debate with any great competence. But the preparedness to enter into the debate is an indicator of the trustworthiness of the source in this kind of case. Indeed, willingness to expose one's own arguments and claims to test seems to be one of the few means by which trust can be created out of initial distrust – trust not in the specific claims (these may fail the test of public scrutiny) but of the agents agreeing to open up their positions in this way.

A reflexive critical openness toward the claims of others is also necessary as a part of our evaluative equipment when we try to make judgements of credibility. We need to filter, sort and discriminate among epistemic sources, but to do so in a way that does not perpetuate epistemic injustice. One approach here is to fall back on Lockean maxims to guide the assessment of testimony, such as that we want witnesses that are knowledgeable, consistent with one another, and confident. The difficulty with such maxims is that they cannot work as formal rules (cf. Shapin 1994; Lipton 1998). Knowledgeable informants are good, but may also be bad if they over-interpret or their knowledge is attained at the price of being highly partisan on the issue (Hendriks et al. 2007). Consistency among witnesses is good, but can be bad if it is a sign of collusion, or of the failure to interrogate a wide enough range of sources. Confidence in presentation is good, but sometimes hesitancy should inspire more confidence. The point we can draw from this is that responsiveness of the right kind is a kind of ethos or sensibility, rather than the implementation of a codifiable set of formal rules (but compare Lipton 1998).

6.5   Conclusion: Deliberative Vulnerability

The pragmatist conception of deliberation rests on a claim that is conditional but thought to be fairly uncontroversial: that we value the truth (in the "low profile" sense outlined here), and so value the conditions under which we can arrive at true beliefs. This is a premise that we may reject, but, Misak thinks, on the whole will not. She claims that it is "relatively uncontentious" that "everybody claims to be after" true beliefs (Misak 2000, p. 107). It may be true that well-grounded beliefs are what we are after, if we view ourselves principally as inquirers, but it is much more contentious to think that we chase true beliefs at the expense of pursuing other interests and goals. Political agents may put other considerations, such as building coalitions, flattering friends and avoiding embarrassment ahead of adhering to the conditions for the production of a true belief. Now *in any given particular case* it may be sensible (rational, justified) for me to overlook the point of view of various particular others. And, if that is so, it is not clear what grip the consideration that in general I should arrange things so that my beliefs are tested against as wide as possible range of experience and argument has or should have.

One response to this worry invokes the thought that there are specific virtues that accompany inquiry. So, this argument runs, if I wish to avoid epistemic irresponsibility and the difficulties that may flow from that then I should cultivate these virtuous dispositions. And it is in the nature of such dispositions that I cannot just pick them up and drop them at different moments and in different contexts, so to speak. So even when there may be a perspective from which my own interest, ideal or point of view could be better served by a less conscientious adherence to the methodological strictures of inquiry pragmatism, my dispositions will be such that I won't sacrifice them in order to achieve my political goal.

To accept this response, we will need a fuller sense of the specific content of the virtues and how they are derived than I have attempted here. But even if we accept this line of argument, it does not rid us of the difficulty, which concerns the utility or applicability of these virtues in the political realm. For we may question whether the epistemic virtues should be paramount in guiding political action when these virtues are unevenly diffused across deliberators. For you to deliberate conscientiously with integrity and reflexive critical awareness while I energetically pursue my narrow self-interest or particular political project may result in a worse political outcome (which may be an epistemically worse outcome) than if you were equally energetic on your own behalf.

An alternative response to the problem runs as follows. The pragmatist may respond that pragmatism provides some critical leverage on this instrumentally-oriented political agent, and this is exactly the point of the pragmatist account of truth and deliberation. After all, even if I concentrate on coalition-building and vote winning, I will want to do so on the basis of true beliefs: this commitment, and so what follows from it, should not be regarded as dispensable. Even if I have this instrumental attitude toward the political process, I will still wish to form my interests, ideals and projects on the basis of true beliefs and so through epistemically responsible habits and practices. So I will want procedures, institutions and a public culture that foster these.

This is a compressed and sketchy presentation, and a lot more needs development here. I have tried to set out an important account of the claim that democracy possesses epistemic powers, to describe the problem that democratic testimony raises for such an approach, and to outline how this problem can be addressed. Acknowledgement of the ineliminable division of epistemic labour and of testimony in democratic inquiry does not necessarily slide into the endorsement of deference. Deliberation in large part relies upon the capacity to assess the trustworthiness of others, rather than directly assessing the truthfulness of what they say. The pragmatist virtues of openness and responsiveness can play an important role in allowing us to exercise that capacity.[11]

References

Anderson, E. (2006). The Epistemology of Democracy. *Episteme*, 3(1), 8–22.

Barry, B. (1967). The Public Interest. In A. Quinton (Ed.), *Political Philosophy*. Oxford: Oxford University Press.

Bohman, J. (1999). Democracy as Inquiry, Inquiry as Democracy: Pragmatism, Social Science and the Cognitive Division of Labour. *American Journal of Political Science*, 43(2), 590–607.

Christiano, T. (1997). The Significance of Public Deliberation. In J. Bohman and W. Rehg (Eds.), *Deliberative Democracy: Essays on Reason and Politics*. Cambridge, MA: MIT Press.

Coady, A. (1992). *Testimony*. Oxford: Clarendon Press.

Cohen, J. (1986). An Epistemic Conception of Democracy. *Ethics*, 97, 26–38.

Cooke, M. (2002). Five Arguments for Deliberative Democracy. In M. Passerin D'Entrèves (Ed.), *Public Deliberation*. Manchester: Manchester University Press.

Dewey, J. (1987 [1935]). Liberalism and Social Action. In J. A. Boydston (Ed.), *The Later Works of John Dewey, 1889–1924*. Volume 11. Carbondale, IL: Southern Illinois University Press.

Dryzek, J. (2000). Deliberative Democracy and Beyond: Liberals, Critics, Contestations. Oxford: Oxford University Press.

Festenstein, M. (1997). *Pragmatism and Political Theory*. Chicago, IL: Chicago University Press.

Festenstein, M. (2002). Deliberative Democracy, Citizenship and Identity. In M. Passerin D'Entrèves (Ed.), *Public Deliberation*. Manchester: Manchester University Press.

Festenstein, M. (2004). Pragmatism and Two Models of Deliberative Democracy. *European Journal of Social Theory*, 7(3), 291–306.

Festenstein, M. (2005). Negotiating Diversity: Culture, Deliberation, Trust. Cambridge, MA: Polity Press.

Festenstein, M. (2007). Inquiry and Democracy in Contemporary Pragmatism. In P. Baert and B. S. Turner (Eds.), *Pragmatism and European Social Theory*. Cambridge: Bardwell Press.

Festenstein, M. (2008). John Dewey: Inquiry, Ethics and Democracy. In C. Misak (Ed.), *The Oxford Handbook of American Philosophy*. Oxford: Oxford University Press.

Fricker, M. (2003). Epistemic Injustice and a Role for Virtue in the Politics of Knowing. *Metaphilosophy*, 34(1/2), 154–173.

Grofman, B. and Feld, S. (1988). Rousseau's General Will: A Condorcetian Perspective. *American Political Science Review*, 82(2), 567–576.

Hendriks, C. M., Dryzek, J. S., and Hunold, C. (2007). Turning Up the Heat? Partisanship in Deliberative Innovation. *Political Studies*, 55(2), 362–383.

Herzog, D. (2006). *Cunning*. Princeton, NJ: Princeton University Press.

Hopkins, R. (2007). What Is Wrong with Moral Testimony? *Philosophy and Phenomenological Research*, 74(3), 611–634.

Jones, K. (1999). Second-hand Moral Knowledge. *Journal of Philosophy*, 96(2), 55–78.

Larmore, C. (1996). *The Morals of Modernity*. Cambridge: Cambridge University Press.

Lipton, P. (1998). The Epistemology of Testimony. *Studies in the History and Philosophy of Science*, 29(1), 1–31.

List, C. and Goodin, R. (2001). Epistemic Democracy: Generalising the Condorcet Jury Theorem. *Journal of Political Philosophy*, 9(3), 277–306.

Manin, B. (1987). On Legitimacy and Political Deliberation. *Political Theory*, 15(3), 338–368.

Misak, C. (2000). *Truth, Morality, Politics*. London: Routledge.

Misak, C. (2004). Making Disagreement Matter: Pragmatism and Deliberative Democracy. *Journal of Speculative Philosophy*, 18(1), 9–22.

O'Neill, J. (1998). The Market: Ethics, Knowledge, and Politics. London: Routledge.

O'Neill, J. (2002). The Rhetoric of Deliberation: Some Problems in Kantian Theories of Deliberative Democracy. *Res Publica*, 8, 249–268.

O'Neill, O. (2002a). *Autonomy and Trust in Bioethics*. Cambridge: Cambridge University Press.

O'Neill, O. (2002b). *A Question of Trust*. Cambridge: Cambridge University Press.

Peirce, C. S. (1934). In C. Hartshorne and P. Weiss (Eds.), *Collected Papers of Charles Sanders Peirce. Volume 5. Pragmatism and Pragmaticism*. Cambridge, MA: Belknap Press.

Pettit, P. (2004). Depoliticizing Democracy. *Ratio Juris*, 17, 52–65.

Putnam, H. (1994). *Words and Life*. Cambridge, MA: Harvard University Press.

Richardson, H. (1997). Democratic Intentions. In J. Bohman and W. Rehg (Eds.), *Deliberative Democracy: Essays on Reason and Politics*. Cambridge, MA: MIT Press.

Richardson, H. (2002). *Democratic Autonomy: Public Reasoning About the Ends of Policy*. Oxford: Oxford University Press.

Sanders, L. (1997). Against Deliberation. *Political Theory*, 25(3), 347–376.

Shapin, S. (1994). *A Social History of Truth*. Chicago, IL: University of Chicago Press.

Shapiro, I. (2002). *The State of Democratic Theory*. Princeton, NJ: Princeton University Press.

Talisse, R. B. (2005). *Democracy and Liberalism*. London: Routledge.

Tetlock, P. E. (2006). *Expert Political Judgement: How Good Is It? How Can We Know?* Princeton, NJ: Princeton University Press.

Waldron, J. (1993). Rights and Majorities: Rousseau Revisited. In J. Waldron (Ed.), *Liberal Rights*. Cambridge: Cambridge University Press.

Warren, M. (1999). Democratic Theory and Trust. In M. Warren (Ed.), *Trust and Democracy*. Cambridge: Cambridge University Press.

Young, I. M. (2000). *Inclusion and Democracy*. Oxford: Oxford University Press.

Chapter 7
The People Versus the Truth: Democratic Illusions

Glen Newey

7.1 Introduction

The truth, said Winston Churchill, is sometimes so important that it needs to be surrounded by a bodyguard of lies.[1] How far *can* the value of truth be sustained in democracy? That raises a further question, well put by John Gray in his book *Straw Dogs*, about whether we can discover "invincible illusions" (Gray 2002, p. 83) – including that of living with the truth itself – and what, if anything, is to be done about them. I shall suggest some ways in which democracy inevitably gives rise to illusions. Ultimately my concern is whether we can live with democracy as a theatre of illusions, and what that might involve politically.

Accordingly, this paper will argue that the value of truth cannot be sustained very far in democratic politics. This is not merely a matter of bad luck: it is woven into the institutional fabric of democracy itself, especially where it relies on the value of truth. However, this is far from saying that democracy is the only system which falls prey to this infirmity. It is, as I shall suggest, a central irony of Plato's radically anti-democratic political philosophy that the truth-seeking contemplation of the forms, which is perhaps the sole activity which he regards as worthwhile in its own right, has to be supported by a bodyguard of lies. Nonetheless, the illusory nature of democracy poses a particular problem for us (as it did not for Plato), since virtually everyone now endorses democracy. Here, as elsewhere, he casts a long shadow over the theory of practice, and the practice of theory. He was right to think that the life of politics was, invincibly, life of illusions. But he was mistaken – or so I shall argue – to infer that by escaping politics, one can live free of illusions.

7.2 Democratic Politics Between Truth and Lies

I shall start by putting to one side an idea which can certainly be found in the classical literature of political philosophy. It can still be found in the wider political culture today. The idea is that democracies are in the business of making truths –

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[1] Churchill's remark concerned the need for mendacity in wartime.

not just in the sense that democratic action, like all action, makes things true, but also that discovering truth is what democracy is for. On this view, truth is not some accidental by-product of democracy, but its very *raison d'être*.[2]

This idea appears of course in anti-democratic form in Plato's *Republic*, under the rule of the philosopher-kings. The guardians are there to contemplate the eternal verities, the forms, and the task of politics is to support the guardians in that task. The guardian class exists as a kind of leisured secretariat to conduct philosophical inquiry; everyone else sees to it that the guardians' pursuit of truth can go on. But notoriously, that truth-seeking activity is a superstructure founded on mendacity, the so-called "noble lie" of metals, sometimes translated as "magnificent myth" (Plato 1955, p. 181; 1981, p. 414b, c).[3] In a telling metaphor, Plato says that the rulers will need to administer some potent "drugs" in order to make this truth-seeking activity, which he regarded as uniquely valuable, possible. The strongest drugs he has in mind are "falsehood and deception" (Plato 1981, p. 459c).[4]

Nowadays we are unlikely to accept in an unvarnished form the idea that truth can or should be the aim of political activity. Few people suppose that politics is in that sense an inquiry. It is rather a process of working out the conflicts between fundamental interests or concerns, and trying to adjudicate them in a way that pays heed to fundamental values. Truth itself does not really figure among the fundamental values. An important exception, admittedly, is discursive democracy, though even here, truth is very often regarded as being discursively "constructed", or is replaced by notions of "objectivity" or "validity".[5]

While few believe that truth is the goal of democratic politics, it is much more widely believed that truth-oriented values are needed if democratic institutions are to function well. In particular, the mechanisms which exist in democratic polities in order to secure the compliance of the government – the executive – with the popular will, require truth as a value, as a precondition of exercising control. This is particularly true of the values of scrutiny and accountability, both informally, in public debate, and formally, within Congressional or Parliamentary committees designed to bring the executive to account. It is very difficult to see how there could be effective accountability without these committees having quite ranging

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[2] This is closely linked to, but to be distinguished from, the idea advanced by Condorcet and others that we should favour democracy as a form of government because it maximizes our chances of getting at the truth.

[3] The Greek phrase is *gennaion pseudos*; its rendering as "magnificent myth" is given by Lee in his edition of the Republic (Plato 1955, p. 181). However, it is central to Socrates's argument that *pseudos* can connote not merely a fiction, a story, but a lie.

[4] "*Socrates*. Our rulers will then need to use a lot of drugs [… *anangke autois* [sc. the guardians]… *pharmakois pollois chresthai* …] it looks as though our rulers will have to make considerable use of falsehood and deception for the benefit of those they rule. And we said that all such falsehoods are useful as a form of drug" (Plato 1981, p. 459c). Cf. Socrates's remark that lies are "useful like a drug" (Plato 1981, p. 382c). See also Plato (1981, p. 389b) and Hesk (2000, p. 153).

[5] This latter idea can be found, for example, in the writings of Habermas and his followers (see Habermas 1996).

powers of subpoena, for example, as Congressional committees do, in order to get at the truth – to elicit evidence which is necessary for them to carry out their work of scrutinizing the executive. Effective democratic accountability requires the value of truth.

Accountability, as a precondition of legitimacy, has become ever more pervasive in recent decades.[6] This is partly because of the growth of electronic media, with their informal scrutiny of government. But it is also due to the introduction of very wide-ranging standards of performance, league tables, auditing, and other methods of ensuring that the public gets what it is thought to want.[7] Whatever else one may say about it, the targets culture requires truth as a distinctive value if it is to work properly. Targets require auditing, which means investigating performance, and truth is already implicated in the idea of investigation.

Moreover, the quasi-forensic process of advocacy which is essential to political argument itself requires the truth, or at least an appeal to a truth-like value, in the name of which the general public or relevant audience for political argument is addressed. So truth is not going to go away, despite the depredations of both professional politicians, with their tendency to deception and evasion, but also of some recently fashionable academic currents, which cast doubt on the very idea that there is a truth 'out there', or that it exists independently in particular of political interests which seek it.[8]

7.3   Democracy *Adversus* Truth

However, other aspects of democracy counterpoise the bias of democratic institutions to the value of truth. The problem lies in part in politics as a profession. Many writers since Machiavelli have pointed out that political effectiveness requires politicians to treat the truth as a second home; they go there occasionally. There is a career structure which militates against an undue regard for the truth, certainly in the form of disclosures beyond what political self-interest warrants. In current British English the word 'gaffe' is used to mean simply 'telling the truth', where the truth is in some way politically awkward for the person telling it. At the same time, the career structure tends to weed out politicians with a weakness for disclosure.

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[6] The exact nature of the relationship between legitimacy and accountability is a matter for further investigation. But, on perhaps the most widely held view of this relationship, democratic legitimacy requires residual popular control of the executive, whose effective exercise requires formal and informal scrutiny mechanisms.

[7] For criticism of this preoccupation with targets, and the plausible suggestion that it may in fact prove to undermine rather than bolster confidence in government, see O'Neill (2002), lecture 3 in particular.

[8] The relativism or anti-foundationalism of Rorty and Lyotard, the notion of 'knowledge-constitutive interests' in the later Frankfurt School, and the idea of knowledge as a discourse of power, encountered in Foucauldian social theory, illustrate these currents.

There are also familiar public-goods arguments which suggest that the truth is not something which the public necessarily wants. Politicians in government have certain standing public interests to represent and defend, such as prosperity or security. The public interest in prosperity or security may require that the politician lies, misleads, or at least evades the truth. Thus the public interest is not always in the spontaneous, full and frank disclosure of the truth. Various casuistical devices exist in the moral literature on truth and disclosure[9] to make this morally permissible; the most common, perhaps, is to treat lying (as opposed to other forms of deception) as especially reprehensible, while cranking up the bar for what counts as a lie so that many deceptive utterances fail to reach it.

A more disturbing possibility, however, is that politicians find themselves evading the truth or actively fabricating it because of the democratic demands on them. That thought is disturbing not only because citizens value the truth both instrumentally and in itself, but also because of their interest in democracy. The fact that the political career ladder or promoting public goods may hinder truthfulness might be thought incidental to democracy, since the same goes for non-democratic regimes. But it may also be hindered by the values and procedures which define democracy.

In part this is due to the egalitarian and anti-elitist temper of democratic politics to which, of course, politicians cater from professional self-interest. Any sufficiently powerful lobby can claim a hearing for itself – that is, mount a claim to be taken seriously. It is a short step from recognising that a lobby needs to be taken seriously, to treating its professed beliefs in the same way. Those who deny this lay themselves open to charges of elitism, or being 'out of touch'. Nonetheless, the claims of the various lobbies are often at odds with one another. The result is an egalitarianism of claims about the truth, the idea that all claims are 'equally valid'. Once p and not-p are seen as equally tenable, it becomes tempting to espouse either relativism, or the view that there is no truth 'out there' against which to measure the competing claims.

Democracy also opposes truth at an institutional level. As I have already argued, scrutiny mechanisms need truth as a value; not necessarily as a value in its own right, but as an instrumental value, something which is necessary in order for institutions, the executive, to be held to account in democratic politics. But if accountability actually elicits evasiveness, concealment or outright deception rather than the truth, the mechanisms are not working in the way that the standard version of democratic theory envisages that they should. If deception results predictably from democracy's own procedures, and those procedures require truthfulness, it suggests that democracy tends to self-destruct.

It is clear how accountability prompts untruthfulness or evasiveness in politicians. The more widespread the scrutiny mechanisms become, the more politicians are put on the spot by tenacious interviewers or committees. Politicians find

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[9] Traces of this device can be found in Augustine, for example, and Kant. Often the device works by a morally very demanding theory of assertion, which is held to incur obligations from which other kinds of declaration are free. A modern case in point is Chisholm and Feehan (1977). For a similar view, see MacIntyre (1995).

themselves nailed down on issues of policy or the conduct of politics on which, for good reason or bad, they may wish not to tell the whole truth. Thus politicians often fail to be truthful,[10] and find that they are pushed into evasion, deception or non-disclosure far more than they would be if the scrutiny mechanisms did not exist. As Bernard Williams put it, this gives rise to a culture of public suspicion towards politicians which is self-justifying (Williams 2002, p. 212) – and, we can add, self-perpetuating because self-justifying. The suspicion on which the widespread practice of accountability is founded leads to politicians behaving in a slippery way, with the predictable result that citizens are confirmed in their suspicion that politicians are slippery.

Deception also arises predictably from the populist tenor of democratic politics. The respects in which party politics resembles advertising clearly make deception more likely. Politicians compete with each other in a market for votes, and therefore have an interest in outbidding their opponents. So they oversell their policies and their own virtues and blacken those of their rivals. They also find themselves pushed into minimising the opportunity costs of different policies, such as the trade-off between public service quality and tax levels. Again the moral costs involved in trade policy, say, or in war-making, are often minimised, or politicians accept or peddle distorted policy priorities, as in scaremongering over the 'terrorist threat'.[11]

In the nature of things it is impossible to specify where legitimate advocacy ends and pernicious misrepresentation begins. Some forms of democratic fiction are so institutionalised – such as that of collective Cabinet responsibility, or formalised statements of regret – that they barely deserve the name of deception. These routine fictions exemplify a wider democratic phenomenon, that of popular *complicity* in distorting or ignoring the facts. It is difficult, even impossible, to imagine the corporate agency which modern politics demands without these willful fictions. Elsewhere, however, they involve a collective resolve to look past awkward truths or swap them for comforting illusions.

7.4   The People in Democracy: Ressentiment

So far I have indicated some ways in which democratic politics opposes both truthfulness from politicians and the truth itself. While the demands of political professionalism and public goods predictably thwart the truth outside democratic politics as well as within it, I have also suggested that democratic values and procedures

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[10] I take truth as an – one might say *the* – extensional property of assertions, whereas truthfulness is the virtue of concern for the truth. The relation between the two is not straightforward, not least because I may contrive to produce an assertion which has the truth-value *true* while aiming to say something false, e.g. for deceptive purposes. The converse is also obviously true. Further possibilities complicate the relation further. I may, for example, aim to convey a truth by saying something which is literally false, as in calculated hyperbole.

[11] I say more about this in Newey (forthcoming).

themselves generate falsehood and inhibit truthfulness. Democratic populism proves a fertile source of illusions, not least about the nature and role of the demos, the democratic public, itself.

One such illusion concerns the fact of popular complicity itself. A very widespread belief has it that politicians or 'the system' bear sole responsibility for deception, or other vices of the democratic process.[12] The image of voters held up by politicians has to flatter the electorate, on pain of losing votes. Accordingly, among the prime illusions of democratic politics, fed by the collusion of voters and politicians, is the self-image of the democratic public itself.

I now want to examine further the role of that public. I shall speak of *the People*, with a capital 'P', as the legitimating being or mechanism in democratic politics. It remains very much an open question whether such a being exists, and what would decide whether or not it does. I shall begin with a very brief and schematic sketch of how the People figures in what I take to be the standard theory of democracy as popular sovereignty, with particular regard to the value of political legitimacy.[13]

On the standard model, democracy is, by definition, the form of political organisation in which the People, as sovereign, has legitimacy-conferring power over political outcomes. The People's sovereignty is institutionalised through devices such as the franchise, regular elections, party competition, and so forth. Of course in practice the People may not be thought of as having full control over these devices. Rather the idea is that the People is somehow incorporated as one agent – which, as Hobbes notes at the very start of *Leviathan*,[14] is itself an artifice, or fiction – so that democratic decisions can be thought of as enjoying popular authority. Individuals coalesce in some way as a political agent, and the People as sovereign confers legitimacy on the outcomes which it authorises by means of a procedural device such as the vote. That can occur either directly, as in referenda, or via proxies delegated to implement the popular will.

Crucially, on the standard theory, the People's legitimacy-conferring power does not subsume itself without remainder in the government of the day. Its residual independence is not only marked by periodic elections but also by the scrutiny mechanisms to which I have referred. These operate in the first instance through formal scrutiny bodies such as parliamentary and congressional committees, and outside the legislature through public sector watchdogs. But they also work informally – and less accountably – through lobbying organisations and the media. As this last example shows, the *Quis custodiet..?* question is very germane to these

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[12] Naturally this view comes up both in the academic and journalistic literature on political deception. Examples of the former include Maureen Ramsay's "Justifications for Lying in Politics" and "Democratic Dirty Hands" in Cliffe et al. (2000). Examples of the latter are Oborne (2005), Franken (2003) and Pratte (1997).

[13] It is perhaps unfair to name exponents of the standard model, but the Rousseau of *The Social Contract* is one of them. More significantly, the notion of the People as sovereign is the common coin of modern democratic politics.

[14] "[...] by Art is created that great Leviathan called a Common-wealth, or State, (in latine Civitas) which is but an Artificiall Man" (Hobbes 1981, p. 81). I explore this further in Newey (2007).

issues. Since the press itself is largely unaccountable, it becomes a real question in whose name its scrutiny and power is exercised.

On this very schematic model, what is to be said about the role of the People in relation to democracy's tendency both to generate untruth, and to self-destruct over accountability? The problem this tendency poses, as I shall now suggest, is that it threatens to make democratic agency incoherent. On a crude view, the government just is the People in its executive aspect. If the government is producing untruth, as all governments do, then it looks as if political lying, or deception more generally, is in effect a form of *self-deception*.[15] That is, the People in its executive aspect deceives the People. As one might say, deception of the People, by the People, and in paternalistic cases, *for* the People, is the order of the day.

The independence of the executive will be impaired if the scrutiny mechanisms fail to work properly. These mechanisms need access to the truth in order to provide a check on the executive. Such checks are designed above all to call to account those charged with putting the popular will into effect, but they will not work as intended if the scrutiny is self-stymieing. The People's own status in relation to the mechanisms is then thrown into doubt. The first question is how far the People is represented by these mechanisms. Beyond that lies a more fundamental worry: how far there is anything for them to represent.

7.5 The People as Phantom

Before we reach that stage, however, there is the possibility that the People does exist, but deceives itself in relation to these questions of sovereignty and accountability. On one understanding the delusion is a form of epiphenomenalism, like (in Nietzsche's analogy) someone who wills that the sun rise tomorrow and then sees the sunrise as the effect of this act of will. Since self-deception is a form of deception, it deprives the agent of self-direction, by-passing the capacity for rationality. Self-deception subverts rational agency by making it impossible to render the agent's action coherent. The democratic illusions mentioned earlier – the advocacy of policy on a spurious prospectus, and the collusion of rulers and ruled in pleasant falsehoods – baulk the possibility of agency in the way that all self-deception does. I shall explore the consequences of this for the theory of democratic sovereignty later. For now I note only one of its effects on democratic practice.

The failure of legitimation to operate as envisaged within democracy promotes a state of affairs which I call *democratic ressentiment*. I use the term '*ressentiment*' in a parallel sense to Nietzsche's use of the term in *Genealogy of Morals*. Whereas

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[15] Alfred Mele argues that self-deception cannot be coherently intended (e.g. Mele 2001, p. 74). But this argument applies only to individual cases, not to corporate self-deception. In the latter case it is easy to see how one element (e.g. sub-group) within a corporate agent may deceive another.

for Nietzsche, the rise of Christianity expressed the *ressentiment* of the slave class, promising that the pyramid of earthly power will be inverted in the next world, democratic *ressentiment* lies in the resentment of others' power by the down-trodden, and the latter's moralised will to power. In each case, *ressentiment* functions as an ideology: that is, a complex of attitudes comprehensible only by understanding the power relations in which those who hold them are embedded.

In the Nietzschean understanding of ideology, of course, the attitudes express a specific conatus, namely the will to power. This is its positive moment. The negative one involves rejection of the status quo – the Roman imperium or, again, the political caste. Accordingly, democratic *ressentiment* often surfaces in cynicism towards politicians and the political process itself. It often rejects formal politics, and reserves a right of private judgement which is held to trump the outcomes delivered by formal processes. Democratic citizens see the prevalence of deception and the debasing of scrutiny mechanisms as something which happens to them, rather than something they authorise. Government then comes to seem alien, a power not of the People, but set over against it.[16]

A strong grain of narcissism marks this way of thinking. Politics and politicians become projective repositories of the bad, while democratic citizens – sufferers rather than authors of political processes – remain exemplars of virtue. Citizens come to think that politicians are self-serving, that the political class exists as an elite caste, a 'them' distinct from the 'us' which is the citizenry at large. Hence the opprobrium directed against so-called 'big' Government, as enshrined in the 'Washington' or the 'Westminster village'. And that resentment is then turned against democratic government itself, or at least against the political outcomes which democratic government produces – and on standard democratic theory, produces legitimately.

Unlike the Roman *imperium*, modern-day government – again on the standard theory of democracy – is supposed to *be* the People, at least in its executive aspect. The government exercises power on the People's behalf. So when citizens protest about public policy, they object to the exercise of powers which are, at least in theory, their own. But on the standard version of democratic theory, the People endows policy with authority through political procedures such as the ballot. How then should we understand this rejection of authority?

7.6   Justificatory Platonism

It is not clear that rejecting authority is a defensible position for citizens in a liberal state. At some level the political outcomes in a democratic society have to be generated procedurally. So, at least, we are owed an explanation of how it would be pos-

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[16] These thoughts are well exemplified by "Not in my name", the slogan of the movement opposing the 2003 US-led invasion of Iraq.

sible to create a procedure which would be guaranteed to lead to the desired outcome on matters such as tax policy, farm subsidies, or social policy, to which one might take exception.[17] How could the procedure be so refined that it could infallibly deliver outcomes with which one was in agreement?

Some liberal philosophers have sold the pass in this respect. They subscribe to what, following Bentham, may be called "anarchical fallacies" (cf. Bentham 1843) about democracy, which simply reiterate rather than resolve the problems which they address. In the writings of Ronald Dworkin, for instance, on civil disobedience and other issues, Dworkin's arguments presuppose a kind of *justificatory Platonism* about the political.[18] In other words, Dworkin argues that there are truths 'out there' in a quasi-Platonic realm, wholly independent of actual political processes, and to which actual political outcomes are to be held to account. As the truths are thought to reside in a Platonic realm and are not embodied in actual processes, it is uncertain how we can pull the truths down in a form which would be useful to us. Part of Dworkin's idea is that it should be embodied in the judiciary; but not in the actual judiciary, but in the figure of a judge he describes in his book *Law's Empire*, as an ideally wise judge, or "Hercules" (Dworkin 1986). Dworkin's picture here seems to have little to do with democracy, as is made explicit by the apotheosis of the judiciary as the body which is to deliberate about what is good for the rest of us. That follows as a direct consequence of Dworkin's justificatory Platonism, whereby political outcomes are assessed at the bar of idealised moral truths. So, for example, when civil disobedience is carried out in the name of the ideal truths, it is justifiable. When legislation or policy runs afoul of these truths, citizens are justified in disobeying the law or adopting exceptional measures in order to protest against what is being done on their behalf (Dworkin 1971).[19]

To anticipate my conclusion, we have to have more faith in procedures than that. There is no alternative to accepting that procedures are imperfect vehicles for achieving outcomes. There is no perfect procedure. Nor is there any possibility that there is a non-procedural method of getting at the truth, which will be superior to any actual procedure. Dworkin himself, after all, has to rely on procedures – and in fact actual procedures, such as judicial review – whereby judges can strike down democratically approved legislation, as in the US constitutional model.[20]

Dworkin is sometimes accused of anti-democratic impulses. I suggest however that Dworkinian jurisprudence in fact offers a sophisticated reprise of the attitudes underlying democratic *ressentiment*, which seem to embody justificatory Platonism

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[17] Not *all* outcomes, clearly, not least because there is always scope for discretion about when and how procedures apply.

[18] Traces of this stance can be found throughout Dworkin's oeuvre. See for instance Dworkin (1977), which sets out the "right answer" thesis.

[19] For similar arguments on civil disobedience, see e.g. Rawls (1972), see Chap. 6 in particular. See also Walzer (1970) and Raz (1970).

[20] For well-founded sceptical worries about the democratic credentials of judicial review, see e.g. Waldron (1999), esp. Sect. III.

in a fairly pure form. Whereas Dworkin vests moral authority in an idealised judiciary, *ressentiment* vests it in an idealised People. On the ideal plane, the People legitimates political outcomes – even though the outcomes to which citizens object, and which spark *ressentiment*, arise from procedures designed to give effect to popular sovereignty.

Now it is easier to see the source of the confusion underlying *ressentiment*. It comes from thinking, first, that the People only exists as embodied in concrete procedures; and second that the People can exist, along the lines of justificatory Platonism, outside any procedure whatsoever, so that the People can – in Bertolt Brecht's suggestive phrase[21] – be dissolved, and another elected. Of course, Brecht was talking about the Party in the 1953 East German workers' uprising, and accusing it of failing to represent the real People. However, the same point can be made the other way round. The fallacy in the justificatory Platonism on which democratic *ressentiment* rests is that a perfect People can exist, so to speak, as a ghost in the machine of the body politic, and be conjured at will against democratic political outcomes which one happens to dislike.

I am arguing not merely that this line of thinking is implausible, but that it is actually contradictory. The 'People' is a fiction, a phantom, until it is embodied procedurally. So the People, or least popular sovereignty, requires procedural embodiment. The move made by justificatory Platonists is to say that when the outcomes happen to be repugnant to one's moral intuitions, for example, or there are other reasons for regarding the outcomes as unsatisfactory, then one is entitled to call in 'the People' against those outcomes. But there could be no 'People' which would simultaneously be embodied in the procedures and yet exist outside them, simply as a Platonic ideal. And this, the ideal of the phantom People, the ghost in the political machine, I take to be one of the enduring fallacies, indeed illusions, of democratic life.

It might be objected that there is a mismatch between the two main lines of argument pursued so far. On the one hand, I have talked specifically about truth as a value and the way in which it can be subverted by democratic institutions. Then I went on to discuss democratic *ressentiment*, and the way in which citizens can disown outcomes they dislike – and the incoherence which in my view attends that. But of course some people will want to say, "Well, people may dislike the proliferation of untruth in democratic politics, but there's lots of other things they dislike too. They may just disagree with economic or defence policy, for example." This is true. But there is a special value to truth in people's minds, precisely because of the central role that it plays in democratic life. And it is not just to do with the accountability and scrutiny mechanisms that I have already been talking about. Rather it concerns the role of truth in agency itself.

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[21] In Brecht's original: "Nach dem Aufstand des 17. Juni/Ließ der Sekretär des Schriftstellerverbands/ In der Stalinallee Flugblätter verteilen/Auf denen zu lesen war, daß das Volk/Das Vertrauen der Regierung verscherzt habe/Und es nur durch verdoppelte Arbeit/Zurückerobern könne. Wäre es da/Nicht doch einfacher, die Regierung/Löste das Volk auf und/Wählte ein anderes?" (Poem "Die Lösung", in Brecht 1964, p. 9).

7.7 Truth, Agency, and Democratic Politics

Free agency, whether in the personal or the political sphere, itself seems to require a commitment to truthfulness. The following remarks are indebted to the interpretation of Kant's second formulation of the Categorical Imperative given by Christine Korsgaard.[22] This, the "Formula of Humanity", holds that one should use humanity, whether in one's own person or that of another, never merely as a means to an end, but always also as an end in itself. Korsgaard interprets that to mean with specific regard to lying that there is a way in which someone who is lied to *cannot* consent to his agency's being used in the way that the liar intends. Suppose you lie to me in order to trick me into giving you money. I might have been happy to give you the money had you asked me for it. But if you trick me out of it, I cannot consent to your use of my agency to get your preferred end *by that means*.

The liar undermines the dupe's agency, by-passing his capacity for consent. In this respect, lying is strictly analogous with coercion. By overriding the dupe's the capacity for consent, i.e. free agreement, lying destroys the scope for shared agency. This possibility clearly arises in politics as well as interpersonal action. By forestalling the free agreement of the ruled to the actions of their rulers, deception removes the basis for collective action. Instead, one group of people, those in power, create a simulacrum of agreement by duping another, those subject to power. We have not a republic of free and equal citizens, but an oligarchy divided between rulers and subjects.[23]

So when citizens are lied to by politicians, their agency is subverted, if the lie solicits their approval for some course of action to which they would not otherwise have consented. This explains much of the fury in the UK at least, over the Iraq War, where it was widely perceived that people had been lied to, or at least duped, about the reasons for going to war. It emerged, for example, during the Hutton inquiry that the British government had knowingly permitted newspapers to publish on official authority the claim that the Iraqi regime possessed strategic weapons of mass destruction, even though it knew that at most the Iraqis possessed battlefield weapons (Hutton 2004, pp. 148–150). Again, before the House of Commons vote on the war in March 2003, in a debate over a Parliamentary vote on the invasion,

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[22] See Christine Korsgaard's "Two Arguments Against Lying", reprinted in Korsgaard (1996).

[23] I shall not pursue further the possibility that democracy deception can be construed as a form of self-deception by the People. Procedures give rise to the possibility of self-deception, where an agent engages in behaviour which defies rational explanation. Just as interpersonal or two-party deception subverts the basis for joint action, self-deception subverts the basis for individual action. That is, self-deception undermines action, i.e. rationally accountable behaviour. To deceive oneself is to hold a belief which one believes one has better reason not to hold. Action on this belief will defy rational explanation, that is, it will lack the coherence required for agency. For the agent will hold a belief which rationally results in the conclusion that a certain action should be performed (or avoided), while failing to perform (or avoid) that action. So action involving the belief is, in Donald Davidson's description, "surd" – it defies rational explanation. If democratic deception is a form of collective self-deception, then political action based upon it will be surd.

the Prime Minister described as "comprehensive, detailed and authoritative" evidence for the existence of WMD which had been presented to the Joint Intelligence Committee as "sporadic and patchy" (Butler 2004).

Someone whose compliance is extorted under false pretences cannot be said to have endorsed the proposal as it was put to them. Without prior consent they *could* not agree to the proposal as falsely presented. Here we have a situation in which one party is fully aware of the falsified conditions under which agreement is extracted, while the other is not. The dupe's capacity for self-direction is subverted or by-passed, and it is this which means that the trickster's stratagem destroys collective action. Rather it involves the *use* of one party's agency for the other's purposes. In one respect deception is a more effective form of coercion than threatened or actual physical force, just because it is insidious. This explains the sense of grievance at the thought that the British government went to war against Iraq in 2003 on a false basis.

The belief that policy has been sold to the public through deception creates a sense of political expropriation. Citizens who believe they have been deceived are liable to feel cheated of their political agency, at least where there is no identifiable public interest which the deception serves.[24] It is this feature of deception which is particularly problematic for democracy, since the sovereign as a political agent is liable to disappear once unauthorised deception enters the picture. And that is why it is regarded as acutely distasteful when politicians lie about matters of public interest, even though it is very widely thought that politicians do exactly that, for self-interested reasons, as well as reasons of public interest.

Justificatory Platonism's appeal stems partly from this sense of grievance at expropriation. In part the appeal can be put down to the narcissism of projective identification, but it also highlights a real problem in democracy. Deception arises in part from democracy's scrutiny mechanisms. As a result, deception threatens to undermine the basis for democratic political action. In these circumstances it is tempting to see the People as hapless victims of a political behemoth. The thought then gains currency that the nominal democratic sovereign is systematically denied a real say in producing political outcomes. Because the People, as legitimacy-conferring agent, is denied a say, the real basis on which political outcomes are legitimated must lie elsewhere.

7.8   The Antinomy

This pattern of thinking spotlights a real antinomy in democratic practice. As with all antinomies, alternative resolutions present themselves. One option is to face the fact that most democratic politics does not really work as the theory and rhetoric of

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[24] I deal briefly with the problems raised by the notion of the public interest later. As I also argue, in specific instances citizens may well feel deception is justifiable, even if they have not expressly authorised it.

popular sovereignty demand. On this view, actually existing democracy will always run a distant second behind the ideal – which is really a chimera – of the phantom People, the demotic version of Dworkin's Hercules, which defies encapsulation in real democratic procedures. This ideal People serves as a projecting-screen for the political outcomes individuals wish for, especially when these outcomes are unlikely to emerge from actual procedures, such as the ballot. But this People is an illusion – one might say that it is *the* democratic illusion. There is no being which exists somehow beyond procedure but has a well-defined will which may or may not correspond to the upshot of real political procedures. The thought that the democratic sovereign will deliver the truth and other morally reputable outcomes requires a bodyguard not perhaps of lies, but of illusion.

We should resist the temptation to resurrect the ghost in the machine. The other option is to abandon it as illusory, and take the consequences. In this case we either have to give up on the notion of the People entirely, or refashion it so that it can rise again. If we refashion it, the only plausible course is to accept that the People is indissolubly embodied in actual, and imperfect, political processes: the People cannot be absolved of responsibility for bad outcomes. As a political agent, the People's hands are no cleaner than the politicians who do its bidding. Rousseau's vision of the infallible General Will would be exposed as illusory. This would have far-reaching consequences. One would be that "dirty hands", conceived as a special problem confronting the political class, would either disappear or would apply to citizens generally. Another would be that grounds for civil disobedience, provided that the procedures had been followed, would be much weaker than many liberals now assume.

Nonetheless, the authority and hence responsibility which the People has for political outcomes may be very indirect. For example, when deception is practised in its name, the People may not explicitly authorise specific lies. Not that it is impossible for a one agent to authorise another to lie to them[25]: I can authorise you to lie to me in certain circumstances as long as I do not know that I am in those circumstances when the lie is told.[26] The problem for democracy is in determining just what *is* authorised, how far a public interest defence of lying goes, and where in these circumstances we locate political responsibility for it.

I do not pretend to have any satisfactory answers to these questions. Giving up on the People entirely is a real possibility, at least in the abstract, but it is a practical

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[25] See my "Political Lying: A Defense" (Newey 1997). Cf. the view of Hugo Grotius in *De Jure Belli ac Pacis*: "But this right [to be told the truth] may be taken away by the express Consent of him, with whom we deal; as if any one shall declare before hand that he will speak false, and the other allows it, so also by a tacit Consent, or a Presumption founded upon just Reason, or by the Opposition of another's Right, which by the Judgment of all Men is far more considerable' (Grotius 2005 p.p. 1214–15)." It is a notable feature of Grotius's treatment that no previous consent is required, only the reasonable supposition that the person to whom the lie is addressed would agree to it.

[26] Korsgaard takes this to show that Kant's Formula of Universal Law, unlike the Formula of Humanity, cannot generate an exceptionless prohibition against lying. But the same holds true of the Formula of Humanity, given the possibility of prior authorisation.

option only if the illusions which would then be dispelled are not 'invincible'. To vanquish the illusion that the People as such rule would require redesigning popular sovereignty, so that political agency was vested in a secretariat ruling in the People's stead. Demotic oligarchy would become what it is. But, as Heraclitus said, it is hard to fight with one's heart's desire: it will pay with the soul for what it craves (Heraclitus 1908, pp. 104–106).

Then, more prosaically, there is proceduralism. In its basic form, proceduralism says that the People exists only insofar as it is embodied in political procedures. Beyond this, there is nothing but a disaggregated 'we', an imputed subject of political will and disaffection.[27] This at least frees us from the illusion of the phantom People, as a fiction floating free from procedure. It does not however deliver us from the spectre of a permanently illusory politics. The illusion is not primarily due to endemic political deception – after all, a reliably mendacious culture would be transparent. The problem is rather that we have no clear way to make sense of democratic political agency. Political talk, both by politicians and theorists, is replete with notions of agency, such as intention, will, responsibility, planning, action, etc., and it could hardly be otherwise. But as I have argued, deception fractures agency: it removes the basis for collective action.[28]

The People's capacity for political agency would then depend on the cohesion of the procedures with which it was identified. Broadly speaking, the closer the identification between the People and the inner executive – those responsible for initiating policy – the more cohesive the People becomes as an agent. This is because 'the People' then approaches ever closer to the level of the individual agent which is, to put it mildly, paradigmatic of agency in general. However, the other side of this coin is the risk of popular alienation from political processes. Here, talk of 'dissolving the People' starts to make sense, because the People is identified with a tiny elite cadre of decision-makers. In this context the illusions of justificatory Platonism are liable to present themselves in especially vivid form.

Jürgen Habermas's attempted resolution of these problems seeks a third way between identifying the People as a sovereign agent, and subsuming it in constitutional procedures or institutions (see Habermas 2002).

> Once one gives up the philosophy of the subject, one needs neither to concentrate sovereignty in the people nor to banish it in anonymous constitutional structures and powers. The 'self' of the self-organising legal community disappears in the subjectless forms of communication that regulate the flow of discursive opinion- and will-formation in such a way that their fallible results enjoy the presumption of being reasonable. This is not to denounce the intuition connected with the idea of popular sovereignty but to interpret it intersubjectively. (Habermas 2002, p. 117)

The People is then reinterpreted as the intersubjective process of discourse itself. One of the questions this raises, however, is how to understand the relation between

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[27] Compare Hobbes's debunking of the myth that sovereign monarchs are *singulis maiores*, but *universis minores*, in *Leviathan* Chap. 18.

[28] Here I rely on an argument I put in more detail in unpublished work on Thomas Scanlon's contractualism.

abstract conditions on discursive legitimacy, and the institutionally-mediated out-comes of real political processes. The danger is that the abstract conditions will reinstate justificatory Platonism in discursive garb when the reasonableness of out-comes can no longer be presumed. As far as this goes, the problem lies not in con-structing a coherent political subject, but in reconciling the abstract conditions on legitimacy (assumed to include popular sovereignty, hence the entry onstage of the People) with the outcomes of actual political procedures.

The alternative to a total identification of People with procedures is to identify it with some non-executive part of the process, such as the scrutiny mechanisms. In this case, the possibility that the People is deceived or kept in the dark about politi-cal decisions is real, and it will be much harder to give a cohesive account of the popular authorisation of these decisions. It will not however be impossible to do so. As I have already suggested, the People may be seen as authorising its own decep-tion in certain circumstances. This authorisation, strange as it may sound, would demand a revival of trust in those who rule.[29] Then we would have to resolve the conflict between modern demands for transparency and the fact that trust is neces-sarily blind. It is possible to overstate this problem, since the job of scrutinising the executive may be carried out by bodies whose own deliberations are less than trans-parent. Of course, as already noted, the problem of trust recurs with regard to the scrutineers. But if we forgo the wager on trust, it seems we are left with the disen-chanted politics of *ressentiment*.

To identify the People, on the other hand, with democratic procedures while allowing for the possibility of its deception, enables us to save some of the core phenomena of democratic life. We can reinstate the People as the author of political decisions, and thus continue to talk of popular legitimation of those decisions. We can also talk of scrutiny bodies as agents of the People – even though these bodies themselves elicit democratic deception through the pressures of scrutiny – and more generally hold onto the idea that during the incumbency of different holders of political office, the People can persist as an independent being. What will be lost, fairly obviously, is the vision of a fully truthful politics which some democratic theorists uphold.[30] It will, in effect, accept the inevitability of tactical illusion, or at least deception, in the name of strategic transparency.

Because accountability may fail, or work only after the fact, there is no escape from agency-fracturing deception. The problem, perhaps under-acknowledged in the large literature on democratic theory, is that the fact of deception often subverts the basis for the judgements on which the public judges whether it has occurred. This may apply even to *ex post* legitimations of deception. For there need be no

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[29] For further arguments on public trust, see Matthew Festenstein's article "Truth, Trustworthiness and Public Deliberation" in the present volume. Festenstein argues that the pragmatist virtues, understood partly along Aristotelian lines, can underpin the trust needed for the effective division of cognitive labour. My more pessimistic view is that political trust sometimes has to devolve on agents whose *bona fides* is, and is rationally seen as, dodgy.

[30] See, for example, Maureen Ramsay's "Justifications for Lying in Politics", in Cliffe et al. (2000). Some pragmatist views of political discourse are also drawn in this direction.

authoritative standpoint from which to judge whether a course of action serves the public interest, and hence whether deception is or was legitimate. In some cases there may be no answer to these questions. Then the question of popular authorisation also goes unanswered, and with it the People as legitimating entity either disappears, or remains at the cost of there being some outcomes which it fails to authorise. Either way, the People fails to appear as an agent.

It is an open question, moreover, whether democracy can tolerate this reduced executive role for the People. It runs counter to the belief that the People must be fully engaged in political decision-making in order for decisions to be legitimate, while the decisions and their effects are held to an external and subjective standard of justification. This belief is a prominent example of what Reinhold Niebuhr called the "emotionally potent over-simplifications" which gain currency in mass democracies, owing much to the populist rhetoric of democratic politics. It is no coincidence that it is also underpinned by the standard theory of democratic legitimacy, since it is to that theory that the populist rhetoric appeals. Perhaps the cognitive dissonance in accepting a procedure as legitimate while rejecting its outcomes can be dissolved only through illusion: by projecting the bad onto actual political processes or their outcomes, or abstracting the good into an idealised People.

My argument could be read as an immanent critique of Plato. It agrees with Plato that transparency in politics is chimerical: a non-illusory political life is itself an illusion. But so, by the same token, is the thought, which Plato took seriously, that by escaping from democracy we can escape from illusory politics. Most modern political philosophers are of course far more sympathetic to democracy than Plato was. But many of them follow him in thinking that politics can be put in its place by fitting it to a scheme of abstract justification. This is how they fit justificatory Platonism in with their highly non-Platonic endorsement of democracy. If my argument has been on the right lines, they are deluded in thinking that this can get them beyond illusion; for Plato was right in thinking that democratic politics is a theatre of illusions.

However, some modern thinkers, who retain their commitment to democracy, remain troubled by the Platonic thought. In this they are perhaps aided by the fact that Plato seems not to have regarded the anti-democratic alternatives, at least in the Hellenistic world of his day, as being any better than democracy itself. The rule of the philosophers is not really political at all: rather the *Republic* bodies forth a world from which conflict is not merely absent, but banished, and with it the primordial political question: *Who rules?* Beguiled by his vision of the changeless stability which the rule of the just confers, they become more susceptible to Plato's own illusion about politics: that life without politics offers a practicable way of living without illusion.[31]

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[31] It would be unfair to single out particular theorists as exponents of the patterns of thinking I criticize in this paragraph. But the dominant trend in modern philosophical liberalism, which bases political design on supposedly consensual moral norms, exemplifies this way of thinking.

7.9 Final Remarks

I have argued that some systemic features of democracy generate invincible – or at least very tenacious – illusions. When democratic political culture generates falsehood, the idea that democratic procedures construct truth is itself an illusion. So either the People as sovereign authorises illusion; or some outcomes of "democratic" political processes lie beyond popular authorisation, threatening to make illusory the doctrine of popular sovereignty on which democratic theory and practice rests.

If this is so, the onus is on philosophy to explain what it is doing in exposing the illusions of democracy. A satisfactory explanation will have to start from the fact that theory pervades political life. As Michael Sandel has well expressed it:

> [P]hilosophy inhabits the world from the start; our practices and institutions are embodiments of theory [...]. Political institutions are not simply instruments that embody ideas independently conceived; they are themselves embodiments of ideas. (Sandel 1996, p. ix)

We can put this together with a quotation from the English idealist philosopher Bernard Bosanquet, that institutions are the embodiment of an ethical idea (Bosanquet 1920, Chap. XI). I have asked how far the institutions of democracy embody the value of truth, and answered that these institutions by their nature engender illusions. Since ancient times philosophy has aspired to expose illusions and debunk them, precisely by appealing to the truth. In *Straw Dogs*, from which I have already quoted, John Gray asks why our aim in life cannot be "simply to see" (Gray 2002, p. 199).[32]

The problem, however, for philosophers is to explain how we can "simply see" an illusion, when the question is what is *there* to be seen in the first place. In this setting the basic philosophical task is to avoid simply replicating illusions. But it may be too much to ask that illusions be debunked, rather than merely laid bare and, perhaps, explained. The question for democratic politics is how we can live in a state of illusion which is in part manufactured by the rhetoric of democratic politics, and is sometimes unthinkingly reiterated by political theorists.

References

Bentham, J. (1843). Anarchical Fallacies: Being an Examination of the Declaration of Rights Issued During the French Revolution (1796). In J. Bowring (Ed.), *The Works of Jeremy Bentham. Vol. 2* (pp. 491–534). Edinburgh: William Tait.

Bosanquet, B. (1920). *The Philosophical Theory of the State*. London: Macmillan.

Brecht, B. (1964). *Gedichte 1948–1956*. Frankfurt am Main: Suhrkamp.

Lord Butler (2004). *Review of Intelligence on Weapons of Mass Destruction*, *HC898*. London: HMSO.

Chisholm, R. and Feehan, T. (1977). The Intent to Deceive. *The Journal of Philosophy*, 74(3), 143–159.

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[32] For commentary on this passage, see my "Gray's Blues: Pessimism as a Political Project" (Newey 2006).

Cliffe, L., Ramsay, M. and Bartlett, D. (2000). *The Politics of Lying: Implications for Democracy*. London: Macmillan.

Dworkin, R. (1971). On Not Prosecuting Civil Disobedience. In J. G. Murphy (Ed.), *Civil Disobedience and Violence*. Belmont, CA: Wadsworth.

Dworkin, R. (1977). *Taking Rights Seriously*. London: Duckworth.

Dworkin, R. (1986). *Law's Empire*. London: Fontana.

Franken, A. (2003). *Lies and the Lying Liars Who Tell Them*. London: Penguin.

Gray, J. (2002). *Straw Dogs: Thoughts on Humans and Other Animals*. London: Granta.

Grotius, H. (2005). In R.F. Tuck (Ed.), *The Rights of War and Peace*. Book III. Ch. 1.

Habermas, J. (1996). *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy* (Transl. W. Rehg). Cambridge, MA: Polity Press.

Habermas, J. (2002). Deliberative Politics. In D. Estlund (Ed.), *Democracy*. Oxford: Blackwell.

Heraclitus (1908). *Early Greek Philosophy* (Transl. J. Burnet). London: Adam & Charles Black.

Hesk, J. (2000). *Deception and Democracy in Classical Athens*. Cambridge: Cambridge University Press.

Hobbes, T. (1981). *Leviathan* (Transl. C. B. MacPherson). Harmondsworth: Penguin.

Lord Hutton (2004). *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly CMG*, *HC247*. London: HMSO. Reprinted in W. G. Runciman (Ed.), *Hutton and Butler: Lifting the Lid on the Workings of Power*. London: British Academy.

Korsgaard, C. (1996). *Creating the Kingdom of Ends*. Cambridge: Cambridge University Press.

MacIntyre, A. (1995). Truthfulness, Lies, and Moral Philosophers: What Can We Learn from Mill and Kant? *Tanner Lectures on Human Values XVI*. Salt Lake City, UT: University of Utah Press.

Mele, A. (2001). *Self-deception Unmasked*. Princeton, NJ: Princeton University Press.

Newey, G. (1997). Political Lying: A Defense. *Public Affairs Quarterly*, 11(ii), 93–116.

Newey, G. (2006). Gray's Blues: Pessimism as a Political Project. In J. Horton and G. Newey (Eds.), *The Political Theory of John Gray*. London: Routledge.

Newey, G. (2007). *Hobbes and Leviathan*. London: Routledge.

Newey, G. (forthcoming). What Good is Security? In M. Lane and G. Morgan (Eds.), *Security*: *Political and Philosophical Perspectives*. Cambridge: Cambridge University Press.

O'Neill, O. (2002). *A Question of Trust: BBC Reith Lectures 2002*. Cambridge: Cambridge University Press.

Oborne, P. (2005). *The Rise of Political Lying*. London: Free Press.

Plato (1955). *The Republic* (Transl. D. Lee). Harmondsworth: Penguin.

Plato (1981). *The Republic* (Transl. G. M. A. Grube). Indianapolis, IN: Hackett.

Pratte, A. (1997). *Le syndrome de Pinocchio: essai sur le mensonge en politique*. Montréal, QC: Boréal.

Rawls, J. (1972). *A Theory of Justice*. Oxford: Oxford University Press.

Raz, J. (1970). *The Authority of Law*. Oxford: Oxford University Press.

Sandel, M. (1996). *Democracy's Discontent*. Cambridge, MA: Belknap Press.

Waldron, J. (1999). *Law and Disagreement*. Oxford: Oxford University Press.

Walzer, M. (1970). *Obligations: Essays on Disobedience, War and Citizenship*. Cambridge, MA: Harvard University Press.

Williams, B. A. O. (2002). *Truth and Truthfulness: An Essay in Genealogy*. Princeton, NJ: Princeton University Press.

Part III
The Physical Spaces of Democracy

Chapter 8
Does Democracy Require Physical Public Space?

John R. Parkinson

8.1   Introduction

When political theorists discuss public space they generally take it to be a metaphor that refers to the myriad ways in which citizens separated in time and space can participate in collective deliberation, decision-making and action, a concept interchangeable with 'the public realm' or 'the public sphere' (for example Benhabib 1992; Nagel 1995). Thus 'public space' is taken by many to refer to things like the media, the internet, and networks of citizens in civil society, such that "the literal meaning has almost been wiped out" (Hénaff and Strong 2001, p. 35).

This shift has taken place for good reasons. From the standpoint of democratic theory, the issues are scale and complexity. The members of large-scale, complex societies cannot all gather together in a physical forum to argue, deliberate and decide. Yet they need to participate in public debate in some way if that society is to be called democratic, even if only to debate their choice of representatives. But while the pursuit of metaphorical conceptions of public space is clearly a worthwhile endeavour, and one that is doing much to broaden conceptions of democracy, I think it would be a pity to wipe out the literal meaning. In this chapter I contend that physical public space matters to democracy, and that neglecting the physical can have detrimental consequences for a democratic society's health.

While political theory has moved away from the physical, social theory has embraced it. Indeed, social theory and some related disciplines have undergone a 'spatial turn' in the last 20 years or so, leading to a blossoming of interest in matters of politics and space in geography, sociology, and architectural theory.[1] This has led to some useful work not just, as one might expect, on the social construction of space and political boundaries, but also on the way in which spatial relationships and built environments reflect power relations and shape behaviour. However, from a democracy theorist's point of view, work in these fields tends to focus on descriptive aspects, especially the power relations that are said to be inscribed in

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[1] The 'spatial turn' phrase is from Soja (1989); other key figures are Benjamin (1999) and Lefebvre (1991). For recent examples, see Barnett and Low (2004), Borden et al. (2001), Madanipour (2003) and Watson (2006).

spatial forms. It does not connect at all with the revolution in democratic theory that has taken place during the same period. When social and urban scholars write about democracy and public space they tend to do so assuming a rather thin, unproblematised concept of democracy. Perhaps this is only fair. To the extent that they have noticed it at all, writers on democracy have tended to work using a somewhat thin, unproblematised concept of space.

So, my aim is to attempt to connect current thinking on democracy and public space. The normative starting point is a macro deliberative account of democratic societies, but one which I give a 'performative' twist, setting out the roles required for the performance of democracy. On this account, public space matters because of the *functional necessity* of physical arenas for democratic action. Indeed, I claim that physical arenas matter even to action in virtual public spaces. Democratic debate in the news media, the internet, or in civil society still requires physical anchor points for the purposes of political dramatisation and communication.

8.2   Democracy: A Performative Account

In order to discuss democratic roles we need some account of what democracy requires to begin with, and I am going to start with a deliberative account of democratic societies. The deliberative criteria require the giving, weighing, and acceptance or rejection of proposals and reasons in public. As other chapters in this volume stress, the *epistemic* status of claims is an important factor. Part of how we judge reasons is whether they accurately characterise situations, represent experiences, claims and interests. For deliberation to be democratic, it also needs to include 'all affected interests' (Goodin 2007) and it needs to be decisive – that is, deliberation needs to express the values of political equality and popular control (Beetham 1994). To these I add Dryzek's (1996) scope criterion: that the domains of public life under democratic control should be relatively extensive. The resulting definition – decisive public reasoning on common issues among all affected interests – seem to me to capture the essentials, and encompass discussions of *responsiveness* (May 1978; Saward 1998), *inclusiveness* and *reciprocity* (Gutmann and Thompson 1996).

One further element is required, however, and that is a macro rather than a micro view of deliberative democracy (see Hendriks 2006). Habermas's sociological exploration (1996) offers one such vision, an account of democratic societies which recognises both the creative spaces of democratic performance in the 'informal' public sphere and the 'formal' public sphere of representative institutions which make binding collective decisions. Similarly, Mansbridge (1999) talks about 'the deliberative system', again with formal representative institutions at one end, everyday political conversation at the other, and a range of mediating institutions in between. This is not the democracy of single institutions like parliaments or minipublics in isolation from one another; this is a macro, holistic account of deliberative democratic societies.

In the hands of some writers this approach to democratic theory has become disconnected from real people, drifting off into an abstract realm of ideas and reasons. This may seem odd at a time when otherwise democratic theory is highly attentive to talk, communication and interaction. Yet Young (2000, p. 16) reminds us that even battles over ideas involve people performing actions: persuading, discussing, voting, demonstrating, petition-gathering, arguing, eye-balling. What I wish to argue is that, for reasons to be discussed, these activities require physical settings in which to take place. This is true even of apparently 'disembodied' notions of democratic engagement which emphasise not people and their decision making processes but discursive threads (Dryzek 2000, pp. 74–75) or storylines (Hajer 2003, pp.104–105) which persist over time and space. While discursive threads may appear to have an existence independent of the people who pick them up and use them, they depend on being 'grounded' in activity, performance and physicality. Democracy is not merely the interplay of arguments and reasons in some abstract public sphere, but is performed, by people, with aims and motives, who require stages on which to perform and audiences to perform to.

Thinking of politics in performative terms has a long history. The major form this has taken has been to draw an analogy between politics and drama, something that goes back to Plato (Hindson and Gray 1988, p. 31) but which had particular resonance in early-modern England. This was a time in which the public sphere and the theatre were almost coterminous, with some public men being 'dramatists, courtiers, scholars and politicians' all rolled into one (Walker 1998, p. 1), while one of the primary means used by the powerful to legitimate their rule was the public spectacle (Backscheider 1993). Later, one finds the analogy in Burke's writing, who draws repeated attention to the idea that parliament is a great, dignified "theatrical exhibition hall for dramatic talents" (Hindson and Gray 1988, p. 28), full of actors acting out a grand play. The language persists today, with scholars of politics talking of 'actors' and 'backstage' politics, although it is rare now for writers to work with the metaphor to the extent that Burke did. Recent exceptions are Whitehead (1999, 2002) and Hajer (2005). Whitehead uses some of the features of drama – conflict, leadership, persuasion, narrative tension and resolution, dramatic time, motives, character development and public/private personas – to analyse democratic transitions. Hajer, by contrast, goes beyond metaphor to analyse policy deliberation in terms of the setting and staging of deliberative events.

However, drama is a problematic label at a time when otherwise democratic theory is concerned with rationality, truth-value and communicative competence. This is because drama carries with it an implication of insincerity – if one is 'playacting' one is putting on a show in order to manipulate (Harrington and Mitchell 1999, p. 1) – whereas actual motivations may well include the sincere desire for mutual understanding, the reinforcement of social bonds, or problem solving. Thus drama is viewed with the same suspicion that some deliberative theorists view rhetoric. Equally, the analogy can lead us off on a tangent, getting too caught up in the sociology of the political spectacle and losing sight of the descriptive and normative

theoretical task at hand. Nonetheless, it is useful to consider elements of the dramatic analogy to draw attention to the roles that democracy requires citizens to perform.

What are those roles? In the limited space available here I only have room to discuss them in the broadest terms, but drawing on my own model of the deliberative system (Parkinson 2006), the main roles are:

- Narrating interests, opinions, and experiences (see Young 2000, p. 134)
- Making public claims:

  – Requesting action on collective problems
  – Expressing, setting and defending norms
  – Making claims on public resources
  – Challenging claims and making counter-claims

- Deciding what to do, or what not to do, to address public claims, including weighing up options
- Scrutinising and giving account for public action and inaction

I distinguish between general *articulation* of interests, opinions and experiences on the one hand, and *making* specific public *claims* on the other. Although the former is an important resource for the latter, it does not automatically imply the latter. As Kingdon (1984) points out, there are many issues and conditions that attract our attention, but not every one of them comes with a demand for collective action in response. In his terms, this is what separates a 'condition' (that there are rich and poor, for example) from a 'problem' (that we should do something about the gap between rich and poor). I think it is worth including 'articulation' in an account of democratic roles, because without it, 'claiming' has no foundation in lived experience.

Given the political equality criterion of democracy, these are roles that all members of the *demos* should be able to play to some degree. However, in a large-scale society, there is necessarily some role separation between the vast majority and specialist representatives who perform some of these roles on their behalf. This may not be a matter of mere efficiency but, as Kateb (1981) argues, a positive advantage for achieving what in Britain is now called 'joined up' decision making, ensuring that policy proposals are considered relative to resources and effects on other policy domains rather than in isolation. Given that specialisation, we can add the following roles, some of which will be more often that not performed by representatives, whether elected, selected or self-appointed, some of which will be undertaken by everyone. Those representative roles are:

- Re-presenting experiences and impacts
- Making, checking, accepting and challenging claims to represent (Saward 2006)
- Leading
- Proposing ends and means, norms and standards
- Communicating decisions and reasons to other members of society
- Making claims to public office
- Deciding between competing claimants

There are, of course, many other things that governments and states do: provide security, enforce law, provide welfare and so on. But these are things that governments of all stripes do; they do not emerge from the requirements of democracy per se. I should also point out that the distinction between formal and informal does not neatly map onto a centralised, hierarchical form of state organisation. Formal public spheres exist at fairly local levels too, in the shape of parish, town, and county councils, for example. Equally, a deliberative system can form around a particular issue in a particular place, with ad hoc institutions set up to deal with it. In other words, it is a mistake to equate the formal public sphere with central legislatures alone. Nonetheless, for convenience and reasons of space, I will focus my remarks on those central institutions.

While the specialisation point prejudges this to a certain extent, I think it is important to separate democratic roles from the actors who perform them. For one, single actors can play multiple roles. This is commonly the case with elected representatives who not only have private and public roles to keep separate, but who also can have multiple public roles as party members, constituency representatives, government members, and so on. For another, consider the important democratic role of scrutinising the legislative programme of governments. In many countries, this scrutiny role is played primarily by an upper house. In others, it is played by sub-committees of the legislature, courts, legislative analysts' offices, academics, quangos, or any number of other appointed and self-appointed watchdogs. Now, effective scrutiny requires independence from those people whose actions are being scrutinised, which tends to mean independent resources and tenure. One's ability to scrutinise the powerful is seriously compromised if one owes one's job to those same powerful individuals. In the United States, this is one reason why the members of the Supreme Court are appointed for life – no President can kick out justices whose decisions they do not like. In the United Kingdom, the House of Lords performs a similar role: life tenure frees up members to scrutinise the government's programme, regardless of who actually secured them their ermine robes.

This provides some logic, as I have argued elsewhere (Parkinson 2007), to what would otherwise be a puzzling feature of British democracy: the unelected nature of the upper house. Putting aside historical explanations of how the situation came about, it is most normatively puzzling when seen in isolation. When considered from the perspective of roles in a democratic system, it makes a little more sense. The point is that while roles and actors have many linkages – it would not do to have too young a man playing the 'four score and upward' King Lear or to have a government crony playing the role of Chief Justice – this still leaves a great deal of room for creativity and local tradition in assigning democratic roles to individuals and institutions, and some room for doubling up the roles assigned. Therefore, I do not propose to provide a detailed cast list to match the *dramatis personae* above: this will vary from context to context. Still, I can make some general comments about what should go on in the formal and informal public spheres respectively.

I tend to the view that binding collective decisions are best made at the formal end of the deliberative system, either in legislatures by elected representatives or directly by referendum. In the case of elected representatives this is because their

hold on office is dependent on the pleasure of their constituents. In the case of referendums, it is because of the clear act of consent to a specific proposal that such mechanisms entail (Parkinson 2006, pp. 152–154, 171–172). The alternatives (such as fully-empowering the randomly-selected or the self-selected) lack the necessary, legitimating bonds of accountability on the one hand, or inclusive participation in an act of consent on the other.

At the opposite end of the deliberative system, Mansbridge (1999) emphasises the importance of private talk between people that is nonetheless political, talk that focuses on power relations and resource distribution. One of people's most important democratic roles is discussing political issues with each other, helping to form not only their own views but also to distribute opinion and 'story lines' through the system as a whole (Hajer 2003). Some attentiveness to what is going on at the formal end of the public sphere is also required if the accountability mechanisms are going to be effective. So it is important that people listen to pronouncements on those issues that concern them, or at least are alert enough so that when attentive publics like journalists and interest groups sound the alert on something (Zaller 2003), the rest of us are awake enough to notice.

That point raises the issue of the necessary linking role of *attentive publics* (Mansbridge 1992), especially journalists, bloggers and advocacy groups, but also artists, competing political parties (one of whose roles is to look for chinks in their opponents' argumentative armoury), and even the formal scrutiny role of bodies like the Audit Office or the Committee on Standards in Public Life in the UK. This in turn leads to a distinction between the full-time role of the directors of such organisations, and the part-time role of other individuals who may devote a great deal of time and resources to supporting a cause on a regular basis, or who may take only an occasional interest, responding with time and money, voice or vote when an issue that concerns them closely is brought to their attention.

The 'attentive publics' point leads to one final issue in this performative account of democracy, and that is the important role of audiences. It is a commonplace observation in dramatic studies that no theatrical 'event' can exist without the audience (Sauter 2000). It is always aimed at communicating with or involving someone. Likewise, democratic performance is always directed at an audience, persuading someone to think something or do something. Standard deliberative accounts do not distinguish well between performers and audience. In classic models oriented around the ideal speech situation of Habermas (1984), participants are alternatively speakers and listeners, all engaged together in the attempt to achieve mutual understanding. Get beyond even fairly small numbers of participants, however, and some role specialisation emerges, with the majority taking more of a 'supporting' role, or a seat in the stalls, while the few occupy centre stage. When that happens, communication can become less about achieving mutual understanding with one's interlocutors, more about persuading the audience. For example, no-one would expect a debate between a group of presidential candidates to result in one of the leaders being persuaded by something another said, stroking his chin thoughtfully and responding, 'There is something in what you say, I will have to reconsider my position.' Rather, the aim of such events is to convince the audience

that one's ideas are right (*logos*), to engage their emotions on your side (*pathos*), and to convince them of your good character (*ethos* – to use Aristotle's categories of rhetorical proof), at the expense of rather than to the mutual benefit of one's opponents.

Furthermore, the primary audience may not even be in the same room. This was clearly the case with a deliberative poll I once witnessed in Australia: several of the expert witnesses and a few of the small-group spokespeople in the televised plenary question-and-answer sessions realised that their primary audience was not their fellow panellists or randomly selected participants in the chamber, but the television audience. Some, therefore, and completely rationally, chose to play to that gallery rather than engage in micro-deliberative reasoning together (see also Gibson and Miskin 2002). Similarly, as elected representatives have multiple roles, so too do they have multiple audiences, and they tailor their performances according to whether they are talking to their parties, their leaders, their constituents, their voters, the rest of the public, the media, interest groups, party donors and so on.

To sum up so far, I have defined democracy as decisive public reasoning on common issues among all affected interests, which involves four primary roles: (1) articulating interests, opinion and experience; (2) making public claims; (3) deciding about those claims; and (4) scrutinising and accounting for decisions and actions. In addition, representative structures introduce a set of roles to do with representing, leading, deciding, communicating and competing for office, along with a role to do with judging and choosing between competing claimants for office. Roles and actors are separate: different contexts divide the roles up in different ways, some actors perform more than one role, some roles are performed by more than one actor. Nonetheless, I broadly go along with Habermas's distinction between the formal public sphere as the sphere of binding collective decision-making and the informal public sphere as the site for feeding and monitoring roles. The other key role distinction arises between performers and audiences, which means that the classic theoretical conflation of participants in deliberative democracy into a single category cannot apply in real world deliberative democracy at the large scale.

The usual point of such observations about political performance is to show how the performance itself shapes the construction of political problems and thus which solutions are successfully advocated (e.g. Edelman 1988). I want to take this in a different direction, and ask what this performative understanding of democracy can tell us about (a) the stages required, and (b) whether physical stages are needed in the age of networked, mediated, virtual democracy.

8.3 The Need for Physical Stages

To begin with, I want to consider a background set of claims that underlie everything else in this section, and those are claims about the physical requirements of interpersonal communication. The *first* claim is that communication is much easier face-to-face because of how much it is dependent on non-verbal cues: gestures,

tone, facial expressions, body position, and setting. Indeed, the art of rhetoric and the dramatic presentation of leadership involves the manipulation of visual cues – bodily movements, clothing, and setting – to convey symbolic messages (Mabley 1972, p. 4). Strip away those cues, and communication becomes harder work, more ambiguous, and much less fluent (Kock 2007).

The *second* claim is that face-to-face deliberation is more civil: it is easier to demonise the 'other' and call them names when one has not actually met them, let alone when one's own name is hidden behind a online pseudonym. It is much harder when in the other's company. This is another application of the Kantian publicity principle that underlies deliberative ethics (Gutmann and Thompson 1996). Papacharissi (2004) challenges the civility claim, drawing on a well-known line of argument to claim that while online exchanges are often less polite, they may be more civil in the sense of encouraging people to engage with each other in discussion. Those discussions might be heated, but at least they are discussions across difference, and as such, says Papacharissi, should be valued by deliberative democrats. That might well be true in relation to the narrating role specified above, but coming to working agreements between parties requires that participants either come to respect each other or see that they cannot operate without others' coopera-tion. This leaves democrats like Sunstein (2001) plenty of room to worry about the impolite, if not uncivil, interactions that run rife online.

Now, it might be objected at this point that face-to-face interaction still need not be physical interaction: it might involve videoconferencing instead. That might well be true for small numbers of participants, but once there are more than about a dozen separate locations being conferenced together physical limitations strike once more. There just is not enough room on even fairly large video screens to accommodate more than that number of participants at once, and the larger the screens need to be, the more expensive the engagement becomes. One might over-come that limitation by just including single speakers on the screen at a time, but then one misses the visual cues of others' reactions to the speaker – leaning for-wards in alert attention, or yawning, scratching, finger-nail biting, and so on. Until technology progresses to the point where we can be present together in 3-D projections – Isaac Asimov's *The Naked Sun* gives an imaginative representation of such a world – it remains far better, still, to engage in face-to-face discussions physically, in one room at one time. This is not to say that communication stripped of its non-verbal elements is impossible, just that physical presence makes communicative life a lot easier and richer.

Let's now turn to the major democratic roles discussed in the previous section. Here again, while we can conceive of many democratic actions taking place in a virtual fashion, some kind of physical presence seems to be a necessary component. For reasons of space I will concentrate on three of the roles: (1) making public claims; (2) making collective decisions; and (3) scrutinising the powerful.

To start with *making public claims*, this is a democratic role that traditionally has been done both virtually through the media and civil society networks, and physi-cally through demonstrations and direct action. With so many other avenues of expression opening up, it is sometimes claimed that demonstration does not matter

much any more. People are more likely to express themselves through blogs, online campaigning, or by sending cheques to activist organisations than through marching down a city street, placards and slogans at the ready. In response, it is not clear to me that public enthusiasm for demonstrating on topics that are highly salient to them has diminished significantly. A quick scan of online newspaper archives in Washington DC and London over the last 15 years – admittedly a short time frame – shows a big spike in marches and demonstrations in early 2003, just before the invasion of Iraq, but a fairly regular number in the years either side of that. What demonstrations can do is show public office holders the sheer scale of public displeasure with their actions. It is easy to dismiss letters to the editor as the rantings of a few nutcases; not so easy to dismiss the physical presence of millions.

Incidentally, to suggest 3-D holography as a solution to the face-to-face presence problem is also to miss an ineliminable feature of such solutions: that they require hardware and software to make them happen, which in turn requires that the relevant equipment be installed in the right places, that everyone has access to the equipment, and can project themselves when and where *they* want, not when the powerful choose. Technology often introduces not freer access but more control points. It is vastly easier for the world's security services to monitor electronic communication than it is to have agents infiltrate organisations and monitor meetings; likewise, if I were the campaigning type, I would be encouraging mass gatherings in public space rather than naively trusting in the goodness of our leaders to install the necessary holography hardware in Parliament Square or the Mall.

Another reason why campaigning organisations often go to enormous lengths to create, stage, and publicise physical events – 'actions', as many call them – is to attract media coverage. Such actions, while often risky, are not undertaken simply to make the activists feel like Rambo, although from an identity and teambuilding perspective that may well be an important factor. Rather, they are done because of important features of the broadcast media. All media require issues to be narrated for them, by which I mean that issues need to be given a narrative structure. In addition, news is, by definition, something out of the ordinary, and there is much more 'going on' at any one moment than can fit into the really rather small 'news holes' available through the media. Both of these facts mean that organisations need to stage unusual stunts in order to attract attention. More than that, however, broadcast media in particular require pictures, pictures of physical events, to illustrate symbolically in one or two images something that might otherwise take hundreds, even thousands of words to say. The electronic media might transmit discourse the 'virtual' ways, but the *things* that they transmit are very often stills or film of physical events, involving actors in specific physical locations. The fact that the pictures are frequently *staged* shows how important political actors think it is to get the right image out, because they are keenly aware of the fact that certain images of an event support one storyline and one set of interests rather than another (Edelman 1988).

Examples are legion. One of the more obvious is US President George W. Bush on 1 May 2003 landing on the deck of the USS Abraham Lincoln, clambering out in a flight suit to the delirious cheers of the assembled sailors, and declaring 'Mission accomplished' in Iraq. Every element of that event was designed to be

different in order to attract even the most jaded journalist, and to communicate symbolically – the choice of ship (Lincoln, the great emancipator), the flight suit and the tail-hook landing in the Persian Gulf (the Commander-in-Chief bravely sharing risk with those under his command). The 'Mission accomplished' performance was a particularly dramatic and thoroughly criticised example. There are others that are less dramatic, have caused less comment, but are nonetheless staged, such as the decision of Nelson Mandela, on his release from prison in February 1990, to make his first major public address from the front porch of Cape Town's old City Hall, for locals a location rich in symbolism to do with leadership, the power of the state, and as a site of protest for almost a century.

The pictures achieve something that merely saying the same thing cannot, because of the way we assess credibility. We distrust what people say about themselves; we trust more what others say about them; but we trust even more when we can see for our own eyes the person in settings and performing actions that back up the words. For political leaders, therefore, physical settings are absolutely essential for building rhetorical *ethos* – the settings provide the *ethos* cues far more effectively than words.

Turning now to the role of *making binding collective decisions* in a democracy, it was Burke's view that because parliament is the centre of power for the polity, because it makes binding decisions, it should be "imposing and majestic. It should overwhelm the imagination of the populace, and awe them into acquiescence. The arena should be the architectural summit of human achievement, vast, impressive and sublime" (Hindson and Gray 1988, p. 31). We need not agree with this Burkean desire to overwhelm the populace or the hubris of thinking that what goes on in parliament represents the summit of human achievement. It is possible, for example, to stage binding collective decision-making in much less grandiose style, as the Swiss cantons of Appenzell Inner-rhodes and Glarus do at their annual outdoor *Landsgemeinden*, held in the main town square each Spring (Reinisch and Parkinson 2007), or as the two houses of the South African Parliament have been doing recently, holding parliamentary sessions in giant marquees set up in rural locations as part of their 'Taking Parliament to the People' programme.

Nonetheless, even though the South African example is mobile, and the *Landsgemeinden* take place outdoors, they are still *physical* assemblies in which people act out democracy both using rhetoric to move and persuade the audience, and using the vote to make those binding decisions after all the discussion. This is important for another reason that Burke provides: that being a powerful member of a legislature means that one is "on a conspicuous stage, and the world marks our demeanour" (quoted by Hindson and Gray 1988, p. 21). Many political leaders and writers have remarked on how exposed that stage can be. Orgel (1975, p. 42) quotes James I as saying, "A King is as one set on a stage whose smallest actions and gestures all the people gazingly doe behold".

Considering the *scrutiny role* in democratic performance, then, it is a significant advantage to have a single, readily-identifiable and prominent stage on which the powerful must perform. It puts the powerful under the 'spotlight' and keeps them there. This, I suspect, is one reason why people find the existence of 'off-stage' political actors so troubling. It is not just that these people are unelected or hard to

hold accountable for their actions, but that they cannot be clearly seen on the stage, that they cannot be *located* in a physical sense and thus have the light of publicity shone on their words and actions. This too has a Kantian effect, helping to ensure that their words and actions are publicly defensible.

Returning briefly to the *Landsgemeinden*, it is strangely unsettling, as an outsider, the first time one experiences a crowd of 8,000 people voting by simultaneously raising their hands. Until then, the *demos* is a fairly abstract notion, represented by poll samples and turnout figures, and seen in dribs and drabs at polling booths on election day. Afterwards, the *demos* gains a great deal more solidity. Fishkin (1997, p. 163) relates a similar experience when a colleague of his sees for the first time a stratified random sample in the shape of real, flesh-and-blood people gathered together in one room at the start of a deliberative poll.

As an insider, participation as a member of the *demos* that physically assembles together is a highly significant badge of identity (Reinisch and Parkinson 2007). This may well be changing for young voting age people now, but I recall a similar sense of significance when I first got to vote. It was physically going into the booth, marking my paper and dropping it into the ballot box that was the significant rite of passage. The physical action helps reinforce a sense of its importance, which is, I think, right. Voting for one's leaders has much more impact on the lives of one's fellow citizens than voting on the latest C-list celebrity game show. It is important to mark that difference by an appropriate performance, such as having to turn out to a polling booth, or come to the town square on *Landsgemeinde* day. The action and the setting impresses people with a toned-down but still valuable, Burkean sense of the significance of the act – and so should not, in my view, be replaced by the option of pushing the red button on the TV remote control.

Similarly, think of the significance of Westminster parliamentary rules about voting by having to walk physically through the Ayes and Noes lobbies. Parliamentarians in countries which retain Westminster rules but not the physical action have said to me that they regret the passing of that tradition, and its replacement by push-button voting from their desks. They report that it used to take real courage, and made a much more significant public statement, to have to physically 'cross the floor of the house' and stand with one's erstwhile political opponents. In the New Zealand parliament even the comparatively minor thrill of pushing one's own voting button is absent – on matters of party policy, votes are presented by the whips, not by each MP. Only on so-called 'conscience' votes, where the party has taken no line, do the MPs vote themselves, in which case the dramatic impact of crossing the floor does not apply anyway.

8.4 Conclusions and Implications

One could take the other democratic roles and make similar points, but the key ones have all been made now. I have argued that physical settings are necessary for the performance of the major democratic roles. This is for several reasons. The *first* is

because interpersonal communication is strengthened and more civil. The *second* is because the making of *ethos* claims is easier. The *third* is because physical performance has an 'impressive' effect both by showing leaders that large numbers of people care about an issue, and by impressing the seriousness of binding collective decision making on participants. This has a particular effect on decision-makers at the top of a representative hierarchy, alerting them to the fact that they are under scrutiny, and thus activating the Kantian publicity principle that disciplines their words and actions in publicly-defensible directions. More than that, the provision of a single, identifiable stage helps ensure that the powerful are kept in publicity's light rather than hidden in the wings. The *fourth and final* reason is that physical stages provide material that the media needs in order to transmit claims and impacts through the virtual public sphere.

All these points might be objected to by saying, 'Yes, but none of these requirements is a necessary condition for democracy. They are all nice to have, all enhancements, but none is necessary.' My response to that is to claim that they are not sufficient, certainly, but still necessary. To appreciate this, imagine a society in which one is not free to undertake any of these activities. In a society where one is not free to demonstrate, public claims can be dismissed as the rantings of a few malcontents. In a society where parliament becomes 'virtual', we lose the ability to identify readily those who are supposed to be in control and therefore who we can call to account when things go wrong. In a society where all voting and decision making shifts online, debate would become less civil, more polarised, and taken less seriously. Politics would become another game show, and a rather tedious one at that.

It might then be argued that we already live in such a society. In Britain and the United States it is becoming more and more difficult to gain direct access to representatives because of security worries and the fact that, in a 'differentiated polity' (Rhodes 1997) it is increasingly difficult to identify decision-makers let alone press public claims upon them. All the more reason, goes the objection, not to worry about access to physical public space and engage with the powerful virtually.

In addition to the other reasons why physical engagement is nonetheless important, I have one final response. Mass demonstrations are useful physically not because the demonstrators eyeball the powerful – they do not any more – but because the demonstration is publicised, televised, and watched by the powerful. They usually take place in symbolically important places rather than where the powerful are actually located. In Mexico City, for example, protests traditionally focus on the massive central square of the Zócalo, bounded on one side by the Presidential Palace, whether or not the issue is to do with the federal president. To repeat, the virtual, mediated dissemination of public claims requires a physical event to focus on, the *thing* that is transmitted. To object to the importance of physical public space on the grounds that virtual transmission of messages matters more these days is to focus on the medium to the exclusion of the message that the medium transmits. The message still matters – demonstrating the sheer scale of popular anger still matters – even in a world in which the public sphere has burst out of the coffee house, beyond the confines of the central plaza, and onto the airwaves.

References

Backscheider, P. (1993). *Spectacular Politics: Theatrical Power and Mass Culture in Early Modern England*. Baltimore, MD: Johns Hopkins University Press.

Barnett, C. and Low, M. (Eds.) (2004). *Spaces of Democracy: Geographical Perspectives on Citizenship, Participation and Representation*. London: Sage.

Beetham, D. (Ed.) (1994). *Defining and Measuring Democracy*. London: Sage.

Benhabib, S. (1992). Models of Public Space: Hannah Arendt, the Liberal Tradition, and Jürgen Habermas. In C. Calhoun (Ed.), *Habermas and the Public Sphere*. Cambridge, MA: MIT Press.

Benjamin, W. (1999). *The Arcades Project*. Cambridge, MA/London: Belknap Press of Harvard University Press.

Borden, I., Rendell, J., Kerr, J. and Pivaro, A. (Eds.) (2001). *The Unknown City: Contesting Architecture and Urban Space*. Cambridge, MA: MIT Press.

Dryzek, J. (1996). *Democracy in Capitalist Times: Ideals, Limits, Struggles*. New York and Oxford: Oxford University Press.

Dryzek, J. (2000). *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. Oxford: Oxford University Press.

Edelman, M. (1988). *Constructing the Political Spectacle*. Chicago, IL: University of Chicago Press.

Fishkin, J.S. (1997). *The Voice of the People: Public Opinion and Democracy*. 2nd ed., New Haven, CT: Yale University Press.

Gibson, R. and Miskin, S. (2002). Australia Deliberates? A Critical Analysis of the Role of the Media in Deliberative Polling. In J. Warhurst and M. Mackerras (Eds.), *Constitutional Politics: The Republic Referendum and the Future*. St. Lucia: University of Queensland Press.

Goodin, R. (2007). Enfranchising All Affected Interests, and Its Alternatives. *Philosophy and Public Affairs*, 35(1), 40–68.

Gutmann, A. and Thompson, D. (1996). *Democracy and Disagreement*. Cambridge, MA: Belknap Press of Harvard University Press.

Habermas, J. (1984). *The Theory of Communicative Action* (translated by T. McCarthy). Boston, MA: Beacon Press.

Habermas, J. (1996). *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (translated by W. Rehg). Cambridge, MA: Polity Press.

Hajer, M. (2003). A Frame in the Field: Policymaking and the Re-invention of Politics. In M. Hajer and H. Wagenaar (Eds.), *Deliberative Policy Analysis: Understanding Governance in the Network Society*, Cambridge: Cambridge University Press.

Hajer, M. (2005). Setting the Stage: A Dramaturgy of Policy Deliberation. *Administration and Society*, 36(6), 624–647.

Harrington, J. and Mitchell, E. (Eds.) (1999). *Politics and Performance in Contemporary Northern Ireland*. Amherst, MA: University of Massachusetts Press.

Hénaff, M. and Strong, T. (Eds.) (2001). *Public Space and Democracy*. Minneapolis, MN: University of Minnesota Press.

Hendriks, C. (2006). Integrated Deliberation: Reconciling Civil Society's Dual Role in Deliberative Democracy. *Political Studies*, 54(3), 486–508.

Hindson, P. and Gray, T. (1988). *Burke's Dramatic Theory of Politics*. Aldershot: Avebury.

Kateb, G. (1981). The Moral Distinctiveness of Representative Democracy. *Ethics*, 91(3), 357–374.

Kingdon, J.W. (1984). *Agendas, Alternatives and Public Policies*. Boston: Little, Brown.

Kock, N. (2007). Media Naturalness and Compensatory Encoding: The Burden of Electronic Media Obstacles Is on Senders. *Decision Support Systems*, 44(1), 175–187.

Lefebvre, H. (1991). *The Production of Space*. Oxford: Basil Blackwell.

Mabley, E. (1972). *Dramatic Construction: An Outline of Basic Principles*. Philadelphia, PA: Chilton.

Madanipour, A. (2003). *Public and Private Spaces of the City*. London: Routledge.

Mansbridge, J. (1992). A Deliberative Theory of Interest Representation. In M. Petracca (Ed.), *The Politics of Interests: Interest Groups Transformed*. Boulder: Westview Press.

Mansbridge, J. (1999). Everyday Talk in the Deliberative System. In S. Macedo (Ed.), *Deliberative Politics: Essays on 'Democracy and Disagreement'*. New York: Oxford University Press.

May, J. D. (1978). Defining Democracy. *Political Studies*, 26(1), 1–14.

Nagel, T. (1995). Personal Rights and Public Space. *Philosophy and Public Affairs*, 24(2), 83–107.

Orgel, S. (1975). *The Illusion of Power*. Berkeley, CA: University of California Press.

Papacharissi, Z. (2004). Democracy Online: Civility, Politeness, and the Democratic Potential of Online Political Discussion Groups. *New Media and Society*, 6(2), 259–283.

Parkinson, J. (2006). *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy*. Oxford: Oxford University Press.

Parkinson, J. (2007). The House of Lords: A Deliberative Democratic Defence. *Political Quarterly*, 78(3): 374–381.

Reinisch, C. and Parkinson, J. (2007). *Swiss Landsgemeinden: A Deliberative Democratic Evaluation of Two Outdoor Parliaments*. Paper given at the European Consortium for Political Research Joint Sessions, Helsinki.

Rhodes, R. A. W. (1997). *Understanding Governance: Policy Networks, Governance, Reflexivity, and Accountability*. Buckingham and Philadelphia, PA: Open University Press.

Sauter, W. (2000). *The Theatrical Event: Dynamics of Performance and Perception*. Iowa City, IA: University of Iowa Press.

Saward, M. (1998). *The Terms of Democracy*. Cambridge, MA: Polity Press.

Saward, M. (2006). The Representative Claim. *Contemporary Political Theory*, 5(3), 297–318.

Soja, E. (1989). *Postmodern Geographies: The Reassertion of Space in Critical Social Theory*. London and New York: Verso.

Sunstein, C. (2001). *Republic.com*. Princeton, NJ: Princeton University Press.

Walker, G. (1998). *The Politics of Performance in Early Renaissance Drama*. Cambridge: Cambridge University Press.

Watson, S. (2006). *City Publics: The (dis)Enchantments of Urban Encounters*. Abingdon: Routledge.

Whitehead, L. (1999). The Drama of Democratization. *Journal of Democracy*, 10(4), 84–98.

Whitehead, L. (2002). *Democratization: Theory and Experience*. Oxford: Oxford University Press.

Young, I.M. (2000). *Inclusion and Democracy*. Oxford: Oxford University Press.

Zaller, J. (2003). A New Standard for Judging News Quality: Burglar Alarms for the Monitorial Citizen. *Political Communication*, 20(2), 109–130.

Chapter 9
Cities as Spaces of Democracy: Complexity, Scale, and Governance*

Murray Low

9.1 Introduction

It's easy to view cities as actual or potential spaces of democracy. Cities are central to the everyday experiences of much of the world's population, and are also favoured objects of study that connect geography with other social science disciplines. Moreover, the city has a particular place in Western thought about democracy. This is because of the iconic status of classical Greek, medieval Italian and other city-states in debates about the origins and destinations of democratic practices. This association between cities and democracy has been reinforced by affinities between the city and the idea of citizenship; by on-going traditions emphasising the need for more participatory, local forms of democratic governance; and by recent concerns with social capital as a means of 'making democracy work' (Putnam 1993). This chapter will argue that, in fact, cities are not good models for democracy in general, and that it is hazardous to view them as uniquely important sites for deepening democratic governance.

There are two important senses in which the spatiality of the city is considered to be important to debates about democracy. Firstly, cities are favoured spaces for thinking about democracy because of importance attributed to the types of democratic practices that they have made or can make possible. In particular, the interpersonal proximity and density of contact facilitated by cities have always held out the hope of cities as places where better, more participatory, or at least more involving democratic practices might thrive. This hope is connected to interpretations of democracy's past in which city-states are figured as privileged sites for the exploration of forms of democracy seen as more theoretically defensible or practically engaging than modern representative institutions operating in cities and at broader scales.

Secondly, cities can be seen as crucial spaces for democracy because of the scope and roles of their governments in relation to particular geo-historical transformations. Key transformations in political institutions have often involved changes in

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the scale organisation of politics. In narratives about modernity, the construction of 'national' or territorial states occurred by reorganising a prior political landscape defined by the often mosaic-like territorial structures of land-ownership and net-works of cities. In many accounts (e.g. Dahl 1989; Held 1995; Manin 1997), the transition from democratic city-states to nation-states made new forms of demo-cratic practice necessary. In these stories, transformations in the scale of political institutions led to altered views about the definition of democracy, about what sorts of institutions embody democracy, and about what we can expect of democratic rule. As noted in the introduction, this spatial story is not a novelty: it was already char-acteristic of reflections on democracy and modernity around the turn of the nine-teenth century, in the writings, for example, of James Madison, Benjamin Constant and Alexis de Tocqueville. The current relevance of the narrative concerns its con-tinuation in a post- or less- national world (Taylor 1995). In particular, recent discus-sions of globalization have placed a considerable theoretical and practical-political emphasis on cities and city-regions as key protagonists in a post-national global order. A stronger focus on the possibilities presented by cities for the deepening of democracy has ensued (Borja and Castells 1997; Isin 2000).

Arguments about the potential political role of cities in an emergent post-national order often draw on both of these two lines of thinking. Normative claims about the importance of proximity in constructing more democratic relations between citizens, and between citizens and government, can be used to support arguments about global transformations leading to inevitable changes in the scale of politics and democracy. As a result, cities' increasing responsibilities as spaces of democracy can be presented as both necessary and desirable (Borja and Castells 1997). In this chapter, I explore three issues concerning cities as political spaces that connect with both of the senses noted above in which cities are ascribed a spe-cial status when it comes to thinking about democratic practices. Firstly, I consider the issue of the complexity of urban political space, to put in perspective claims about the privileged interaction-contexts cities may provide for democracy to flour-ish. Secondly, the connections between cities and democracy raise questions about the ordering of relations between governing organisations at different spatial scales. These relations are often viewed as external to the scope of democracy as we under-stand it. I suggest that a constructive sense of democracy's potential should, in some way, internalize these relations to democracy. This has implications for how we think about what democracy involves and also, by relativising cities within broader geopolitical networks, makes them seem less plausible as privileged sites of democracy in themselves. Thirdly, most current discussions of urban politics emphasise the on-going pluralization of the political agents involved in running cities. This is usually discussed under the heading of new governance arrange-ments. Some of these agents (e.g. communities, unions, neighbourhood move-ments, voluntary sector organisations) can fit into some existing theories of democracy. The involvement of other actors, of businesses in particular, seems harder to square with our inherited sense of democracy as rule of the people. Nonetheless, I will argue that, in spite of the complications involved in relating democracy and governance, this theme does have the merit of forcing us to view

the particular practices actually or potentially comprising democracy in cities in more open and productive ways. Each of these three issues presents us with many difficulties, and it is not possible to resolve them here. They complicate many of the more straightforward connections made between urban spaces and democratic spaces. But in doing so they open up space for imagining new ways of reconciling the heterogeneity and complexity of cities with the need for accountability. Democracy, like cities, has to be thought of as complicated and capable of assuming many forms in different contexts. Simple ideas about social interaction and proximity, local autonomy and government as opposed to governance are impediments to this task.

9.2   Cities, Complexity and Scale

The privilege accorded cities as sites for democracy often rests on a set of micro-sociological foundations. This involves the simplification of the city into a political space whose occupants can face each other, encounter each other on the street, gather together, use their senses to negotiate their relationships with one another, struggle with one another, and so on (Low 1997). It involves the figuring of the city as a space where anonymity, non-encounters and isolation are characteristic general conditions to which building institutions facilitating denser interaction are an appropriate response. Both of these lines of thought depend on the idea that cities do, or should, produce new kinds of social relationships through the heightened interpersonal proximity they make possible. There have been many critical discussions of such urban imaginings (e.g. Castells 1977; Sennett 1977; Boden and Molotch 1994; Amin and Thrift 2002). Yet, when not themselves subjects of reflection, generalisations about urban interaction or non-interaction underpin a remarkable amount of work on the city. They have played a central role in thinking about the importance of cities as sites of cultural or industrial activity (e.g. Scott 1988; Zukin 1995), as well as in normative accounts of democracy and social justice drawing on models of urban life (Young 1990).

Why does this matter for thinking about cities as democratic spaces? The characterisation of urban life in terms of the reality or possibility of dense, proximate, interpersonal interactions – both between citizens, and between citizens and agents of government – is an important element in much thinking about democracy. The models of democracy associated with the city states of the past, or with the Paris Commune, or with contemporary Barcelona or Porto Allegre, are all informed by the idea that proximity between urban citizens, and between them and their governments, makes possible more direct, knowledgeable, interactive forms of democracy than those associated with polities organised at broader scales. Moreover, claims concerning the benefits of democracy at the urban scale, in terms of the proximity of government to the people and of the direct involvement of citizens, are common in everyday city politics around the world.

    The case of London is quite instructive. Like other recent innovations in local government in the UK, the introduction of a successor to the Greater London Council, which was abolished in the 1980s, was justified in terms of bringing government closer to residents, a justification often expressed in terms of bodies and interaction (UK Labour Party 1996; UK Government 2001). As is common in contemporary discussions of localised democracy, the metaphor of democracy as a form of 'voice' – emphasising the directness of the flow of communication from citizens through the new institutions – was frequently mobilised to legitimate the new Authority. Crucially, the new arrangements were seen as a way of bypassing institutions that interpose themselves between the London electorate and those who govern them. The elected assembly element of the UK model of local councils was downgraded, and a directly elected executive Mayor introduced who would be able to personify and 'speak up' for the city – giving it 'a voice'. There was much commentary about the way in which this arrangement would encourage a post-party politics in which one highly visible leader would improve upon the more anonymous workings of normal politics by putting Londoners 'in touch' with their government (e.g. Phillips 1997; Jenkins 1998a). In the event, this perception was reinforced by the election of an independent as the first Mayor in 2001. A range of interactive opportunities were on the agenda, including town meetings, various types of forum related to specific areas of policy, and Mayor's question times. Each policy-making mechanism specified in the Act that established the Greater London Authority was accompanied by a host of specifications about the involvement of communities, businesses, and other specified social interests. The new headquarters of the Authority are a glass lens-shaped building meant to symbolize the abolition of distance between Londoners and power, and a new transparency of democratic political life.

    Now, there is nothing intrinsically wrong with or un-democratic about having an elected authority at the scale of Greater London. Arguments for the Authority in terms of both community identification with London and better overall strategic management of the city have a lot of plausibility. Yet the legitimating rhetoric surrounding the Authority was at best misleading, and at worst set up impossible expectations as to what it could achieve in democratic terms. London is obviously a highly complex urban centre, whose inhabitants cannot speak with one voice though one leader without a great deal of selection and aggregation going on. Nor can Londoners be routinely involved en masse in policymaking and town meetings. The Greater London Authority is not necessarily more 'transparent' than governments at broader scales, and no 'closer' to London's electorates than the national government in Westminster and Whitehall. London's residents (or at least those of them that had political citizenship rights) were not in any straightforward sense 'voiceless' or un-represented before its advent. They did and still do elect representatives to the national parliament and to borough councils (which, as opponents of the creation of the GLA were quick to point, were certainly 'closer' to the people than the new institutions would be).

    The next section will consider the important issue of the relationship between urban autonomy and democracy. Here it is enough to note the use of ideas about

proximity and directness in the London case. This example reminds us that there is a strong ideological dimension to microsociologically grounded understandings of why cities matter in democratic terms. Boden and Molotch (1994) present a careful and nuanced set of arguments defending the importance of face-to-face interaction as a form of interactive communication, but these imply that there is a low spatial threshold where the benefits of proximity lose much of their purchase. The idealized microsociologies of democracy typically depend on simplified imaginary geographies that emphasize generalisations about encounters and everyday life in the city. Ideologically compelling as these accounts can be, as overall characterisations they are not very helpful. Cities are far more complex spaces than such microsociological accounts suggest. They are characterised by various different forms of socially structured interaction and non-interaction; by social relationships embodying different degrees of knowledge and ignorance; and, crucially, by contacts and communications mediated by an array of technologies, institutions and organisations.

One way out these difficulties is to say that cities are characterised by social complexity, and to try and evaluate their potential for democracy on this basis. By itself, this is a risky strategy, and the difficulties are perhaps one reason why simple interactive stories about co-present urban residents and government retain so much force in theory and in the world. Stories about 'complex societies' have played a role in arguments about the possible shape democracy can take in contemporary conditions. Robert Dahl's arguments about pluralist politics in New Haven are embedded in a narrative about modernity and social differentiation, where social differentiation enables but also constrains what we can expect from modern urban democracy (see Dahl 1960; Judge 1995). Social complexity can also provide fuel for arguments that democracy is a highly problematic form of rule under contemporary conditions. Hayek's (1960) arguments about the need to limit the scope of democracy in the face of the incalculably complex and uncontrollable market processes that characterize modern societies comes to mind (see also Zolo 1990).

To argue that cities are complex or differentiated does not, however, get us very far in thinking through the possibilities for urban democracy. By itself, it is just as unhelpful as imagining cities as built up from microsociological relations founded on proximity. Cities are social spaces that are differentiated or complex in specific ways, depending on their social, cultural and economic histories, position in the urban hierarchy, and governmental practices. Noting that Mumbai, New York, Recife, Athens and Beijing are all complex is an important baseline for thinking about democracy in these contexts, and does act as a corrective to nostalgia about city-states or community. Moreover, it suggests that we should not view the politics of the city as necessarily more or less complex than that of entities defined at other scales. City politics is not, in a mediatized age, necessarily more visible or transparent than that of the nation-state or even of international organisations. Outside of the focussed conduct of highly localised political discussion and negotiation, its inhabitants are not necessarily any more able to participate directly in its politics than they are at other scales. But the heuristic usefulness of the idea of complexity does not provide much analytic purchase on democracy and democratization in

different cities. For that, more focused analysis and evaluation of different institutions and procedures in terms of their communicative potential, mechanisms of accountability, and potentials for change in differently complex urban environments is necessary. Amin and Thrift (2002, p. 157) have emphasized that the city, far from being reducible to a sociology of interaction and proximity, is 'brimful of different kinds of political space'. I agree with them that cities are interesting and important 'settings for the *practice* of democracy' as opposed to 'formative of a particular *form* of democracy' (op. cit., p. 152) that would be identifiably urban and superior to other hypothetical forms at other scales. Following through on this understanding requires more precision about the qualities of political institutions that link up (or fail to link up) different kinds of spaces, and the manner in which these more or less effectively mediate the different complexities making up differently situated cities.

9.3   Democracy, Autonomy and City Limits

It is difficult to imagine an operative democracy where governments are not sufficiently autonomous of spatially external influences and pressures to respond unequivocally to 'the people'. In reality, however, for all governments professing democratic credentials, the degree to which their actions are determined endogenously by the preferences of their peoples is highly variable across policy areas. Moreover, because of globalization and similar processes, this problem for democracy could be said to increasing in intensity. Human geographers and others have for some time been exploring the relationships between political institutions organised at different geographical scales. Topics of debate have included trans-national processes; the geopolitics of the world system; emergent forms of potentially post-national politics such as the European Union or trans-border regions; and relationships between cities and regions on the one hand and the national and international political institutions in which they are embedded on the other.

   We can speak here of 'democracy's edges' (Shapiro and Hacker-Cordon 1999). More apposite in the urban case would be Peterson's (1981) metaphor of 'city limits', developed in the context of a critique of cherished ideas, sometimes reinforced by the case-by-case nature of much urban political research, about local or urban political autonomy. A wedding of ideas about local autonomy with ideas about urban democracy has been important in recent discussions of re-scaling political life, particularly in the case of those seeing globalization as an opportunity for shaping more positive forms of city-centered politics. In recent decades, decentralization has been seen as a political good by many on both the right and left of the political spectrum, although many of the technical arguments often made for it turn out to be weaker than might be supposed (Rodriguez-Pose and Gill 2003). In addition, even proponents of a greater role for cities or city-regions are usually aware of the gap between urban/regional capacities and resources and the larger roles that the 'hollowing out' of the nation state might make it possible or necessary for them to take on. The strongest

grounds for greater urban autonomy are often normative ones, depending on the strong democratic resonances of the idea that autonomy implies self-determination. Normative arguments for local autonomy are connected to discourses about cities facilitating democracy because of their potentially interactive character. The key reason for re-centering politics on cities in a context of globalization often turn out to have to do with proximity relations (Borja and Castells 1997).

Autonomy is usually said to be a key democratic value. Yet, some of the most authoritarian forms of political power over the last century were firmly grounded in the promotion of autonomy at various scales. Nationalist discourses in particular have invoked notions of autonomy to justify reactionary, organicist and non-democratic concepts of popular representation. The defence of local privilege, institutions, and practices from external interference characterized resistance to democratization and universal citizenship in many contexts in the late twentieth century, for example, in the cities and States of the American South. By itself, local autonomy is not a guarantee of satisfactory democratic decision-making procedures, though it has been associated with the development of viable democratic procedures and practices in cities around the world. There have been interesting attempts to define and categorise degrees and types of local autonomy on the basis of different political and legal systems (see e.g. Clark 1985; Wolman 1995), which suggest that local autonomy may be most productively thought about as a property whose meaning varies between different contexts. Yet, given the role of local autonomy in supporting arguments about the desirable roles of cities in a globalizing world, it is a little surprising that its specific political-legal implications and its relationship to democracy have not received more attention. This is all the more so given the fact that the same processes of geopolitical reorganization which form the context for arguments in favour of devolution and the rebirth of city-states have provoked a flow of critical discussion about the concept of sovereignty, a closely related concept to autonomy.

The policy-making autonomy of cities, then, is not necessarily connected to their democratic credentials. It might even be argued, that running cities democratically necessarily involves extensive interaction with and even management by democratic government organisations at other scales. Limitations and diminutions of urban political autonomy may therefore be part and parcel of democratization processes. Legalès (2002) develops a set of arguments directed at what he sees as mythical understandings of the political pasts and potential futures of European cities as autonomous actors. He suggests that we view cities as 'partial societies', able to some degree to project themselves as autonomous agents, but only partially, because of their internal divisions, conflicts, specific socio-economic profiles, and their openness to outside relationships, influences, resources and institutions. His arguments are suggestive in relation to dilemmas about cities, democracy and political scale. Citizens involved in city politics make up partial citizenries, simultaneously involved in broader constituencies with a wider geographical reach and interest (including the policy choices of other cities) as well as being involved with jurisdictions of more limited scope within the city itself. They also have interests in the actions of national and regional governments, and when these interfere in or

structure politics in urban centres it is far from clear that a basic democratic norm is being in some sense violated.

To some extent, the problem of defining different 'peoples' or constituencies that lies at the heart of the intuition that intergovernmental relations, in particular, are in some sense necessarily external to democracy is a false one (Hurley 1999). Democracy does not involve processes of political communication between tightly confined political communities and their governments, a vision which at both local and national levels can give rise to inward looking, static and traditionalist notions of who 'the people' involved in democracy are. In reality, it is a messy affair of negotiation between multiple and overlapping popular constituencies at different geopolitical scales, in which dynamic, contested and shifting definitions of popular interests, needs and identities are necessarily at stake. Thinking about democracy in urban contexts might therefore require thinking about the specifically democratic, as opposed to autonomy-limiting, character of the intergovernmental links, institutional connections, flows of information and influence and the mediation of competing interests at different scales that cities inevitably face. The interventions, for example, of the national Labour government to limit the tasks facing the Greater London Authority, particularly in the areas of transport policy and revenue, and in the politics of the first Mayoral election, only seem illegitimate, as opposed to unwise or contestable, in the context of an equation between urban democracy and urban autonomy propagated by the same government in setting up the Authority in the first place (Jenkins 1998b). The merits of the government's actions certainly deserved all the scrutiny they received, but since London is a focus of concern and interest for citizens distributed well beyond the perimeter of the Authority's jurisdiction, it would be difficult to construe them as un-democratic were it not for the prevalence of this equation between democracy and autonomy.

These problems are not new ones, even if they are more sharply posed by recent phenomena such as globalization and the evolution of the European Union. Democratisation has historically involved the formation of mediating institutions such as political parties, labour unions, social movements, and local or urban government associations, all of which link constituencies across differentiated jurisdictional spaces, including beyond the national scale. It is remarkable how little discussion these organisations receive in connection with urban democracy (as opposed to urban politics or governance), even though they are crucial to the insertion of cities across the world in the geographical complexities of contemporary democracy. For example, Borja and Castells (1997) discuss the importance of the formation of urban-based political parties as a step towards revitalising urban citizenship. Yet the creativity of urban democracy is often rooted in the particular tensions channelled through cities' connections with constituencies at broader scales through party systems and intergovernmental links. The case of Barcelona comes to mind, where rival yet connected versions of nationalism have been invented and played out through the relationship of city to province. So too does that of New York City, with its complex history of political innovation rooted in tensions, mediated by complex national party organisations, between City, State and Federal governments (Pecorella 1987; Shefter 1996).

When we consider cities in connection with intergovernmental relations we are in a zone where it can be hard for inherited ideas about democracy to make sense. Intergovernmental and more broadly inter-scalar relations have often been viewed as interstitial to workable ideas about democratic politics. Yet, consideration of unavoidable intergovernmental elements in the operations of democratic city politics forces us to abandon any simplistic picture of autonomous democratic cities where politics and policies somehow derive from the internal transmission of urban constituencies' wants, preferences, or needs. Cities are partial societies with partial citizenries and cannot be viewed as democratic entities in and of themselves. The response cannot be, however, to resort to equally unhelpful ideas about the necessarily greater democratic legitimacy inhering in governmental organisations at larger scales, as though there were a simple positive relationship between constituency size and legitimacy. This would simply reproduce the same kind of picture at a different level and present an equally essentialist picture of the ongoing primacy of national democracy. The fact is that intergovernmental relations are systematically relativizing for all the different scales 'in' which democracy is taking place: none of these are best thought of as 'fundamental' for how democracy works. Nonetheless, these connections between constituencies and jurisdictions are also constitutive of democracy. It is perhaps natural in studying cities that researchers and theorists are predisposed to scrutinise the relationship between urban society and urban government. But where the relationship between models of democracy and the real-world geography of political institutions is at stake, rather than asserting the necessary priority of one space of democracy over others, a greater priority should probably be given to evaluating the means though which partial popular constituencies interact, negotiate, and inter-organise to invent ways to make democracy work.

9.4 Governance and Urban Democracy

The third theme I want to consider is the de-centering of the contemporary institutions of urban governance. It is a common theme in urban studies that *government* – understood as a relationship between state and society – has been replaced by more complex *governance* arrangements. In the latter, different networks of public and private actors come together, or are brought together, to formulate and implement solutions to public problems. These actors generally include elements of central and local governments, businesses, as well as specialized public forums, neighbourhood organisations, voluntary sector organisations and other NGOs.

'Government' is at least associated with the possibility of democracy, in that a clear flow of influence from the people to something called government capable of implementing this will forms the basis of much democratic theory. 'Government' arrangements allow us to imagine the channelling of popular influence towards an agent of that influence that is clearly identifiable and hence potentially accountable to the public. 'Governance' scrambles these clear flows of influence and

implementation and obscures loci of responsibility. Unsurprisingly, a key question in much of the literature on governance is the degree to which these sorts of specialised multi-actor arrangements represent a shift away from democratic urban management (Burns 2000). As the emergence of non- or less- state forms of governance proliferate (from subcontracting, private finance arrangements, through regeneration partnerships to area based management schemes in which the state may cede a wide range of powers to private interests in large tracts of cities), the gap between conventional liberal forms of democracy, in which publicly accountable politicians are periodically elected and have responsibility for the management of cities, seems to have less and less purchase on what is really going on. What seem like accumulating experiments in the organisational form of public policy-making and implementation could clearly shade, at some point that is difficult to determine, into an urban democratic deficit of alarming proportions.

'New forms of governance' is a topic about which normative argument is quite difficult. As with globalisation, or modernization, it is hard to argue with those who write about it as a clear, and irreversible, shift in the way the political world works. Critics (e.g. Jessop 2001) argue that a transition to new mechanisms of governance is in some sense inevitable, and focus on working out its contradictions and dynamics as a form of rule. On the other hand, enthusiasts imply that there is something ideologically backward in expressing concern about these kinds of change (Goss 2001). Nonetheless, 'move on' might well work as a slogan for both of these positions. Of course, blanket criticism on democratic or other grounds seems very difficult to sustain. 'Governance' in the urban context means a number of different things, and its promotion can be conducted within a range of different ideological frames that have quite different implications for understanding the on-going role of the state in urban life (Legalès 2002). The label covers so many policy-making arrangements that it is not clear how to begin except on a case-by-case basis. The real extent of governance-type innovations, and their variability and uneven development across national contexts also creates difficulties in evaluating the degree to which a shift from government to governance is a generalised problem facing democratic theory (John 2001).

New governance arrangements confront democratic theory with three general problems. The first problem concerns the direct involvement of business in making, implementing, and managing urban policy. This is different from the problem raised by the perennial question in urban studies about the disproportionate power and influence of certain businesses over city policy-making. It is a problem raised by the formal incorporation of business into the running of cities. While in the first case, the activities and power of business in city politics are normatively suspect within the very terms used by urban government to legitimate itself, in the second case, of new urban governance, it is not. This transition has been mirrored to some degree in academic writing on city politics. Formerly, arguments that businesses had disproportionate power over urban political agendas and decisions were characteristically countered by suggestions that this could not be shown to be systematically the case. This, generally speaking, was an important dimension of the 'pluralist' analysis of city politics in the 1960s and 1970s (Dahl 1960; Polsby 1980;

Judge 1995). Now, it is more common to suggest that business power, exercised more or less informally through structures such as 'urban regimes' (Stone 1993) or through the various forms of partnership organisation characteristic of governance, is at least a necessary evil, and perhaps justifiable on grounds of efficiency, effectiveness and flexibility.

Over time, democracy has been understood through its differences from other forms of rule, not in terms of an essential, easily grasped meaning. In Western political thought, comparisons with monarchy and oligarchy, or more recently with dictatorship, have been important. In the urban context, the contrast between democracy and rule by elites has been important. Operationalizing the concept of elites in cities has not been straightforward, as different kinds and combinations of power-resources may underpin the ability of certain social actors to influence policy and political institutions more than citizens at large. But whatever the nuances, it is hard to avoid the role that business power has played in helping to define (negatively in most accounts) what democratic cities might be like. In seeking to ratify a key role for businesses in running cities, new governance arrangements do seem to move across a crucial boundary that defines urban democracy. There are different visions of democracy, and some of the new governance arrangements are compatible with those that endorse a shift to processes of negotiation and consensus building among groups or associations, including businesses (Amin 1997). Here, it is plausible that some of the structural leverage of powerful economic actors is tamed through dialogic processes, counterbalancing their presence with that of other interests and citizen representation. On paper, at any rate, governance arrangements often look like structured exercises in networked pluralism, rather than elitism, in so far as in the former case the participation of, and negotiation between, different interest groups or stakeholders are designed into urban management. It might even be argued that, despite the risk of capture of these arrangements by business, the outlook of businesses in forums, partnerships, and other instruments of governance, has transformative potential because it engages them in structured relationships with government and other city groups. However, despite the fact that democracy in capitalist societies has always involved a degree of compromise with business interests, unlike the case of intergovernmental relations, this structuring limitation is not internal to democracy. The actual or potential use of power by business (based in financial, cultural, knowledge and social network resources) in the urban political arena, or at other governmental levels, to effect urban change in their own interests flatly contradicts any plausible theory of democracy. It may or may not be eradicable, but it is a limit on democracy nonetheless. Given this, although incorporating the private sector in urban management may be justified in terms of managerial flexibility, efficiency or expertise, or more generally as being a means of realizing the popular will or responding to urban citizens' needs, it is not in itself democratic.

It could be argued that in any political division of labour there is a risk that specialised political agents will appropriate public resources or their positional power more generally, to their own benefit. One of the rationales for involving businesses and other groups in managing cities, after all, is the negative perception

of specialised politicians in many contemporary democracies. This brings us to the second problem for democracy associated with the new governance, which is the problem of accountability. The potential ability of citizens to hold specifiable political agents accountable through democratic procedures is central to how democracy works, and specialised politicians act in the context of mechanisms of public accountability, however limited, while businesses and other governance participants do not. In the governance context, where businesses and other organisations play key policy roles, effective mechanisms of democratic accountability are hard to envisage, without undermining the very non-hierarchical virtues governance is said to encourage. Jessop (2001) highlights this problem in the context of an argument that governance embodies an alternative form of rule ('heterarchy') to that of the market ('anarchy') or state ('hierarchy'). In the context of organisations linking parts of government, interest groups, businesses, neighbourhood associations and others in horizontal rather than vertical partnership relationships it can be difficult to know quite who or what is responsible when something goes wrong, or when something succeeds. In these sorts of organisational arrangements, there are always likely to be tensions among the participants, for reasons of mistrust, fear of breach of organisational or commercial confidentiality, different interests in outcomes defined over different time-horizons and different understandings of means and ends. As Jessop suggests, these sorts of tensions are arguably important in making governance effective. In this context, and especially where there is turnover in members of any given arrangement, the clarity of responsibility for actions potentially characteristic of government is absent, partners have strong incentives not to take responsibility if problems arise, and conflict over issues of responsibility are potentially problematic.

If governance arrangements are means to public ends, then the issue of responsibility matters, even where elements of the public are involved amongst a set of horizontally linked partners. Jessop's arguments take up the idea of governance always requiring 'metagovernance' (the governance of governance), and he and others have linked this to the on-going responsibilities of states in steering the new arrangements. The degree to which the state can or should plausibly be held responsible for problems in urban policy implementation where responsibility has been devolved to a partnership or similar is nonetheless unclear. Moreover, in this situation of blurry private-public boundaries, complexity really is a problem for democratic publics: in terms of their coping with information fragmentation and overload as differentiated initiatives proliferate; in terms of their capacity to monitor their ongoing work; and because of the necessarily selective public involvement they afford. In his book on the complexities of the new governance in the UK, Rhodes realizes that the proliferation of these arrangements combined with complex and overlapping policy networks cutting across jurisdictions and scales, raises severe problems for prevalent understandings of democratic accountability. He does not, however, consider most of the available solutions adequate, suggesting that simple solutions cannot cope with complex problems, and that 'messy problems need messy solutions' (Rhodes 1997, p. 21, see also pp. 197–198). One suggestion is that we remodel what we understand accountability to be, thinking

of it as policy-domain or policy-network specific. This suggestion relates to questions about the different status of 'the people' in democracy – as citizens or as consumers of public goods and services (Burns 2000). One thing is certain: even the task of specifying what kinds of 'messy solutions' to the accountability problems that new governance arrangements cause as they tackles 'messy problems' is a difficult task for theorists of the phenomenon. This is not comforting from the point of view of squaring governance and democracy in the near future.

The third problem for democracy in the context of the new governance relates to what are arguably its most democratic aspects. Defenders of experimentation with new arrangements for tackling local problems can readily point to the energising effect that public participation in partnerships, forums, citizen juries, and so on can have in making cities work better, and in creating more fruitful relationships between citizens and their governments (see Goss 2001). Governance, on this view, is a potential antidote to civic privatism, affording opportunities for building social capital and meaningful inclusion in the political process for people on issues that matter to them most. This line of argument can be hard to resist, although the jury is out on the degree to which neighbourhood representation and other modes of citizen incorporation in the new governance are empirically able to decisively modify, let alone determine, the mechanisms and goals of partnership organisations in which state and business organisations are often dominant partners. Unless the mechanisms of democracy are viewed in a narrow way in terms of periodic elections on the one hand, and rights to organise and protest on the other, experimentation with new means of connecting citizens to specific policy initiatives is nonetheless clearly attractive, especially in the light of the accountability problems discussed above.

But differentiated judgement is obviously required. Some fashionable forms of governance, such as Business Improvement Districts, are financed and managed by compulsory levies on local businesses or landowners. They are organised in such a way that, however effective they may be in re-shaping areas of cities in the interests of these contributors, and perhaps thereby in the interests of sections of the urban public at large, it is hard to see them becoming effective democratic vehicles. Similarly, large regeneration projects, with all the financial investment, risk, and potential profit that they involve, are situations where it is unlikely that, in general, selective involvement of local citizens can decisively alter or frame their main goals unless the interests of other partners are congruent with public views. Any large scale participation of the public around city wide strategic plans, currently a phenomenon common in cities across the world, involves of necessity a huge amount of interpretative work by city officials and other actors. This inevitably opens a gap between the raw material of the local forum and the finished scheme, a gap that is just as likely to produce disaffection from the political process as the gap between citizens and their representatives that proponents of governance are keen to close up. In other words, participatory governance is just as likely to breed cynicism and mistrust in urban publics as established forms of delegated responsibility, and those situations where it is less likely to do so are not easy to specify in advance.

The necessarily selective inclusion entailed by more dialogic or participatory governance arrangements is in itself a problem. It is difficult to disengage the value of democracy from values of equality and universality. Whatever 'the people' is, and whatever its geography, democracy seems to demand that its members have an equal potential influence and that this influence is equally shared. In the contemporary differentiated urban polity with all its multiplying points of access for different groups of citizens, usually selected in terms of specific criteria of residence or group or organisation membership, there are a host of issues opened up about the effects that such dispersed and selective involvement has for the value of democratic membership. Combined with the problems of complexity and accountability outlined above, familiar problems of biographical availability and participation fatigue also bedevil attempts to run cities on the basis of shifting special purpose partnership arrangements, heightening the risks of generating an even more stratified hierarchy of effective political citizenship rights than that associated with 'government'.

The 'new governance' in cities, then, raises many troubling questions. How do we make differentiated normative judgements about the roles of different 'sectors' of the urban social fabric in governance? How far is a more differentiated and interactive involvement of urban political actors in urban policy making compatible with democracy? What constitutes an urban political 'constituency' under these conditions of selective and differentiated participation? In addition, we have to ask how far any of the new arrangements, which inevitably entangle actors and interests operating over a variety of geographic scales, are plausibly 'urban' in any case? As in the first two sections of the chapter, complexity creates difficulties here for any straightforward view of cities as sites of democracy. Nonetheless, the emergence of experimental forms of governance in which the theme of reinventing democracy, as well as reinventing government, is at stake has to be seen as generally positive in democratic terms. It helps to keep open imaginative space for asking questions about the flexibility of what counts as democratic institutions and practices in cities (and of course at other scales). I have already noted Legalès' suggestion that cities are fascinating because they are unavoidably partial societies, particular combinations and intersections of actors and relationships with particular political implications. It is obvious from this that different sorts of arrangements in different cities represent potentially equally viable attempts at institutionalising democracy. Contemporary urban politics involves a plethora of different kinds of activities, procedures, and devices. Many debates, within and without the academy revolve around the competing claims of these various elements of political life to embody democracy or to be more democratizing than others. So, for example, public participation in planning and urban policy making (Healey 1997), insurgent activities by social movements (Sandercock 1998), or elections, can all readily be argued to be the most important foci of aspirations to urban democracy. Different styles of politics, from the symbolic politics of the carnival or festival, through the disruptions of direct action, to the negotiations of deliberative decision-making and the silence of the voting process can be invoked. So can different loci of urban democracy, from the street, via the clubs and organisations often said to build social

capital, to City Hall. Different processes, styles and spaces can be more or less marked as pertaining to 'the state' or 'civil society', to the formal or informal dimensions of political life, or to the public or the private. Democracy should be, Amin and Thrift (2002) suggest, about the politicisation of means and procedures as well as of participation as such. Debates about different styles, channels and spaces of democracy are a vital dimension of democracy, although their purpose cannot be to insist that one urban form trumps all the others. For all the difficulties new forms of governance pose in democratic terms, it may be through attempts to puzzle through their implications that a welcome flexibility or openness about how best to translate democracy into urban institutions in different places comes about. The assumption of easily defined urban 'peoples' communicating straightforwardly with their governments does little to encourage this space for transformation and invention. Pluralizing the actors and institutional forms involved in running cities, in other words, should help us develop a more plural, open set of conceptions of what democracy in cities can involve.

9.5   Conclusion

This chapter has identified three problems for the way we think about contemporary cities as actual or potential spaces of democracy. Urban societies are complex and differentiated; urban governments are enmeshed in a range of unavoidable political relationships; and 'government' in cities is as fuzzy and dis-articulated as are urban popular constituencies. These problems are not obscure ones requiring any complex social theory to make them evident. But they certainly need conceptual innovation and debate for potential solutions to them to be identified. They are at times covered over by an ideologically compelling but limiting spatial imaginary of democracy. This involves a shorthand in which we imagine democracy involving a directed flow of influence, will, or pressure from a coherent social body or constituency – 'the people' – to a singular government. The latter acts as an instrument capable of transforming this flow into a stream of popularly mandated policy, thus creating a closed circuit of clear and consequential political communication. Tensions set up by this picture of directed flows between coherently imagined 'peoples' and 'governments' animate many debates about democracy. Democracy seems to demand a transmission process from 'the people' if it is to make any sense, yet this necessary flow sets up the possibility of democratic failure though misinterpretation and distortion.

   This picture of democracy implies a simple geography, where the longer the flows of communication between demos and political power the greater are the possibilities for democracy's corruption and for the substitution of other agendas for those of the people. Specifically, this makes it more likely that various mediating agents (governmental organisations at various scales, political parties, bureaucrats, courts, media institutions) will be become necessary parts of the transmission process, and that hey will come to have the positional power to re-define the scope,

content, and outcome of the popular message. In certain versions of democratic theory, the circuit can be shortened and purified through various forms of participatory or direct popular rule that bypass specialised institutions of government and political parties. From the point of view of urban democracy, the flow of influence, desires, needs, pressures, interests or choices (understood as a sort of emanation from the people), is supposed to be easier to read and less riskily transmitted at a local scale. Hence the special status which cities, local autonomy, and associated 'on the ground' experiments in governance have often had in thinking about democracy's pasts and futures.

This way of conceptualizing the geography of democracy is highly limiting. It can lead to implausible assumptions about the priority of the local, and of cities in particular, as privileged democratic spaces, and to the related assumption that relations between cities and other levels of government are limits on, rather than being necessarily constitutive of, democracy. It can also lead to an overvaluation of new forms of governance on the grounds that they link citizens more directly into policy-making and policy-implementing networks, and they are more likely to express and make effective the popular will than established, more hierarchical arrangements which embody clearer lines of accountability. It is tempting to say, in the face of the realities of contemporary urban life, that democracy is in effect made impossible by the complexity of the spaces with which it has to reconcile itself. The argument of this chapter is that there is no basic blueprint for democracy that is valid for all times and places. Part of what makes democracy work is the sense that it is necessarily about contesting and changing the ways in which citizens communicate with power over different distances, how they oppose it, and how they try to hold it accountable. Democracy is about the re-invention of these relations in changing situations in different geopolitical contexts. Rather than tying it down to specific spaces, whether national or urban, it is better to acknowledge that democracy has only thrived to the extent it has because it has involved the continuous development of practices, institutions, and forms of communication that have made it socially and spatially complex.

These conclusions may seem rather negative from the point of view of debates about cities and democracy. But if they are so, it is only in relation to a set of expectations about the affinities between cities and democracy that are unhelpful, and which insufficiently recognize the contingent, open, and indeterminate character of democratic practices and spaces. Cities are certainly spaces where democracy should matter, work, be tested and extended, even if they are not in some way spatially or socially fundamental in our thinking about this form of rule. Thinking beyond simple stories about how the microsociological character of cities, about autonomy, or about how the closeness of urban populations to government make real democracy more attainable, should actually make it easier to bridge the gaps between democratic theory and empirically grounded debates about urban programmes and institutions. Paradoxically, then, cities may be important for thinking about democracy because this necessarily involves countering the mythology of the city as a space with special affinities with democratic practices.

References

Amin, A. (1997). Beyond Associative Democracy. *New Political Economy*. 1(3), 309–333.

Amin, A. and Thrift, N. (2002). *Cities: Reimagining the Urban*. Cambridge, MA: Polity Press.

Boden, D. and Molotch, H. (1994). The Compulsion of Proximity. In J. Friedmann and H. Molotch (Eds.), *NowHere: Space, Time and Modernity*. Berkeley, CA: University of California Press.

Borja, J. and Castells, M. (1997). *Local and Global*. London: Earthscan.

Burns, D. (2000). Can Local Democracy Survive Governance? *Urban Studies*, 37, 963–974.

Castells, M. (1977). *The Urban Question*. Cambridge, MA: MIT Press.

Clark, G. (1985). *Judges and the City: Interpreting Local Autonomy*. Chicago, IL: University of Chicago Press.

Dahl, R. (1960). *Who Governs? Democracy and Power in an American city*. New Haven, CT: Yale University Press.

Dahl, R. (1989). *Democracy and Its Critics*. New Haven, CT: Yale University Press.

Goss, S. (2001). *Making Local Governance Work: Networks, Relationships and the Management of Change*. London: Palgrave.

Hayek, F. (1960). *The Constitution of Liberty*. London: Routledge.

Healey, P. (1997). *Collaborative Planning*. London: Macmillan.

Held, D. (1995). *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Cambridge, MA: Polity Press.

Hurley, S. (1999). Rationality, Democracy and Leaky Boundaries: Vertical vs. Horizontal Modularity. In S. Shapiro and C. Hacker-Cordón (Eds.), *Democracy's Edges*. Cambridge: Cambridge University Press.

Isin, E. (Ed.) (2000). *Democracy, Citizenship and the Global City*. London: Routledge.

Jenkins, S. (1998a). Let's Not Pick a Clapped-out Old Has-been. *The London Evening Standard*, January 16, 5.

Jenkins, S. (1998b). Who's Pulling the Strings? *The London Evening Standard*, December 17, 6.

Jessop, B. (2001). Governance Failure. In G. Stoker (Ed.). *The New Politics of British Local Governance*. London: Macmillan.

John, P. (2001). *Local Governance in Western Europe*. London: Sage.

Judge, D. (1995). Pluralism. In D. Judge, G. Stoker, and H. Wolman (Eds.), *Theories of Urban Politics*. London: Sage.

Legalès, P. (2002). *European Cities: Social Conflicts and Governance*. Oxford: Oxford University Press.

Low, M. (1997). Representation Unbound: Globalisation and Democracy. In K. Cox (Ed.), *Spaces of Democracy*. New York: Guilford.

Manin, B. (1997). *The Principles of Representative Government*. Cambridge: Cambridge University Press.

Pecorella, F. (1987). Fiscal Crises and Regime Change in New York. In C. Stone and H. Sanders (Eds.), *The Politics of Urban development*. Lawrence, KS: University of Kansas Press.

Peterson, P. (1981). *City Limits*. Chicago, IL: University of Chicago Press.

Phillips, T. (1997). The Real Revolution Is in London. *The Independent*, July 26, 17.

Polsby, N. (1980). *Community Power and Political Theory*. New Haven, CT: Yale University Press.

Putnam, R. (1993). *Making Democracy Work: Civic Traditions in Modern Italy*. Cambridge, MA: Harvard University Press.

Rhodes, R. (1997). *Understanding Governance*. Milton Keynes: Open University Press.

Rodriguez-Pose, A. and Gill, N. (2003). The Global Trend Towards Devolution and Its Implications. *Environment and Planning C: Government and Policy,* 21, 333–351.

Sandercock, L. (1998). *Towards Cosmopolis*. London: Wiley.

Scott, A. (1988). *Metropolis*. Berkeley, CA: University of California Press.

Sennett, R. (1977). *The Fall of Public Man*. London: Faber.

Shapiro, I. and Hacker-Cordon, C. (Eds.) (1999). *Democracy's Edges*. Cambridge: Cambridge University Press.

Shefter, M. (1996). *Political Parties and the State*. Princeton, NJ: Princeton University Press.

Stone, C. (1993). Urban Regimes and the Capacity to Govern: A Political Economy Approach. *Journal of Urban Affairs,* 15, 1–28.

Taylor, P. (1995). World Cities and Territorial States: The Rise and Fall or Their Mutuality. In P. Knox and P. Taylor (Eds.). *World Cities in a World System*. Cambridge: Cambridge University Press.

UK Labour Party (1996). *A Voice for London* (Consultation Document). London: The Labour Party.

UK Government (2001). *Modern Local Government: In Touch with the People*. London: The Stationary Office.

Wolman, H. (1995). Autonomy and City Limits. In D. Judge, G. Stoker, and H. Wolman (Eds.). *Theories of Urban Politics*. London: Sage.

Young, I. M. (1990). *Justice and the Politics of Difference*. Princeton, NJ: Princeton University Press.

Zolo, D. (1990). *Democracy and Complexity*. Cambridge, MA: Polity Press.

Zukin, S. (1995). *The Cultures of Cities*. Oxford: Blackwell.

Chapter 10
Semi-public Spaces: The Spatial Logic of Institutions

Bart Verschaffel

10.1   Introduction

Over the last few decades, media theory, philosophical anthropology and architectural theory have all called attention, with increasing emphasis, to what may be called 'the crisis of place'.[1] The importance of place, as an integrative and stabilising force in human experience, is waning. Our experiences of time and space, work, communication and social relations are increasingly becoming mediated by a series of devices and systems that diminish the impact and meaning of place. Transport networks and, more recently in particular, communication and information networks, are radically redefining what it means to be 'someplace'. At first, these devices and systems seem merely to lift old restrictions, without affecting the form of the experience itself. The elevator seems to be merely a way of getting up the stairs faster; flying another, quicker, mode of travel; the telephone merely a device for shouting over a very great distance; and the television screen a kind of enlarged town square. However, the realisation has gradually dawned that these things are not what they seem. A person who has flown someplace has not travelled, and talking to someone on the telephone is something completely different from a face-to-face encounter. Communication networks have effected the most drastic change on experience, with unforeseeable consequences. They entail that the act of speaking is completely disconnected from a specific place: the place occupied by the speaker in reality (that is, where his or her body is) has no bearing on the speaking and listening, and does not determine the distance over which the voice carries. Virtual contact and virtual ubiquity result in the body being left behind on the edge of the network, as well as in new types of social relations, unconnected to bodily presence, substituting for place-bound

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[1] For an excellent and quasi-exhaustive overview in English of the theme and extant literature, see "Part one: Theory" by the Ghent Urban Studies Team (GUST) (in De Meyer et al. 1999, pp. 13–151). For more recent developments see Ghent Urban Studies Team (2002). See also the 'Urban Reader Series' published by Routledge (e.g. Miles et al., 2000; Graham 2004).

relations. The speaker's 'real' place and his or her body are no more than residue.[2]

These developments have immediately and radically affected the self-understanding of traditional architecture and urban planning. After all, architecture is (or was) about ordering the world and giving people and things their place, by making places and the experience of these places as defined and as strongly felt as possible, and in so-doing bringing structure and order to the human experience and social life. Architecture *spatializes* the political form of a society.[3] One of the most elementary distinctions that architecture can impose is that between private and public, house and street or square, inside and outside. Architectural expressions of these differences involve extremely subtle arrangements of space, which indicate borders and barriers, paths, crossings and thresholds. But architecture does not merely create the material and concrete circumstances within which a society functions. A doorstep is always more than an obstacle; it also is a sign. Architecture also presents an immediate picture of a *possible* world: it proposes a normative and ideal spatial expression of that society; it represents values. However, architecture can only have this impact when, in every social process or every event, the place – which architecture and urban planning have shaped – is *constitutive* of the event and actually *appears*: the place where one addresses somebody or where a conversation or an encounter takes place is to the social encounter as the stage and the backdrop are to a theatre play or to an event. It is not external as hardware is to software. But how is one – literally – to locate the kind of presence or proximity that new communication devices mediate – of a telephone conversation, for example? Rem Koolhaas stated years ago that the telephone is the end of architecture. Designing a public phone booth is one of the most difficult commissions an architect can receive, precisely because the encounter that *partly* takes place in such a booth is always *there* but also *elsewhere*, and in the end maybe *nowhere*. Just how is one to design a non-place? What becomes of Roger Scruton's principle of "the priority of appearance" (which says that what is hidden from us cannot have meaning) in those instances where we experience a place made up half of a bodily residue and half of a virtual presence (Scruton 2001, p. 57)?

I will argue the hypothesis that transformations in the concept of place affect the meaning and validity of several important political and legal concepts. *What follows when it is no longer possible to define the distinction between private and public, or the relationship of the public to the political, or the concepts of freedom and unfreedom, in terms of space, of enclosure, and of accessibility of space?* What follows when it is no longer self-evident to equate the private with house and home and the

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[2] For these topics see in particular the classic oeuvre of Paul Virilio (1977, 1991) and see Augé (1995). For the social effects of communication networks and for the basic reference of what has become the 'network society literature', see Castells (1996, 1997, 1998). See also Barney (2004). I have myself discussed the topic in "De Kring en het Netwerk. Over het statuut van de 'publieke ruimte'" ("From 'Social Circle' to 'Network'. On the Condition of 'Public Space'") (Verschaffel 1992).

[3] I use Claude Lefort's concept of "forme historique" (see Lefort 1978).

public with street or square; or when political space cannot be identified with the public realm and the city – as it has been in political theory ranging from Aristotle to Hannah Arendt; or when one cannot consider the private as a realm that on the one hand closes itself off from the world, and on the other *borders on* the public? What are the consequences when all we have are interiors without facades?

10.2   Private and Public: A Matter of Space?

A definition is often inadequate really to clarify what a term signifies. The meaning of a term or cluster of terms is therefore often illustrated by citing cases that are considered exemplary or prototypical, by referring to a field of experience as the 'scope of application' of a term or term cluster, and/or by familiarity with 'good practice' in using the term. Knowing how words work and knowing how to use them goes hand in hand with the sense that words have a grip on things, thus assuring the user that his vocabulary is valid. Certain scientific disciplines engage in very clear, abstract thinking; but many other disciplines are unable to integrate their concepts and conceptual structures within a unifying theory. In these cases, grasping the meaning of a term is often inextricable from pre-scientific empirical and practical familiarity with cases or with a field of reference. Some scientific concepts derive their terms from a pre-reflexive field of reference. In these cases, familiarity with that field of reference becomes a precondition for grasping the concepts themselves. For instance, the vocabulary of epistemology is clearly dominated by visual metaphors. Many words refer either to light and dark, or to perspective. What could 'insight' mean to a person who lacks the experience of 'seeing' – to one who has never seen light fall on an object enveloped in darkness, or who does not know the difference between a frontal view and a lateral perspective? What is true for the conceptual apparatus of epistemology certainly applies to many other fields as well. What about the conceptual apparatus of politics, for instance, or of the juridical system? What does 'freedom' stand for? What does 'public space' mean? In what sense is the 'private' *really* a *space*?

The meaning of freedom is grounded in pre-philosophical terms according to a double prototypical reference. Namely, freedom comes down to being free to speak one's mind and being free to go where one pleases (cf. Berlin 2002). That is, freedom – in every possible meaning of the word, in any possible scope of application – is always somewhat *like* being able to speak one's mind or to go where one pleases. 'Unfreedom', then, is anything that amounts to or feels like being unable to say what one thinks or to go where one wants. Basically, freedom and the lack of it are connected with experiences familiar to everyone, or at least easy to imagine by us all: of what it means to be locked up, forced to speak, to have one's way barred, or to be stopped at a border. In other words, the basic experiences of speaking freely and moving freely fill in what freedom means for us. These experiences continue to inform, as a quasi-metaphorical substratum, our concept and theoretical

definitions of freedom, and are even their de facto standard measure. Definitions or meanings of freedom that do not implicitly check with these basic references sound implausible, seem counter-intuitive, and instantly lose their validity. Conversely, any political discourse that manages to appeal directly to these basic experiences, or is able to use them to show that the actions or programmes of their adversaries curb freedom of speech or movement, tends to convince.

In positive terms, freedom is the freedom to say what one wants to say and to go where one wants to go. In a second, negative moment however, freedom is also *not being obliged* to speak, i.e., being able to keep one's opinion to oneself and not being obliged to go anywhere. One needs a balance between these two sides of freedom. Moreover, in a free and democratic society, in which *everyone* is entitled to freedom and everyone is, in principle, entitled to an equal voice in the decisions that regulate society, there are a great many complex freedoms in need of mutual integration. *It is here that the definition of freedom is spatialised*, with the aid of categories such as 'the private' and 'the public', and the home or 'oikos' versus the public or political spaces of the 'polis' and the 'agora'. The basic experiences that function as root metaphors for these political and juridical concepts are related to spaces that *literally* delimit each other and *effectively* exclude each other. Each of these spaces has its own regime of accessibility and its own limitations of speech and voice range. The private and the public are normally, or in the first place, not seen as dimensions or aspects of life or of society, but are lived as realms or *spaces,* as places and relations between places in the world. Each of these spaces is governed by a specific regime. In the seclusion of the home, one can think and say what one wants, without anyone overhearing or even being entitled to listen in; and one can stay home when one does not wish to go out. In a democratic society, everyone is entitled to this freedom (and therefore to privacy), which implies that these private spaces are closed off from the world. Therefore these spaces are inaccessible to strangers. My freedom of movement is restricted by the private spaces of others. But the rest of the world – the land and the streets and the city – is still, in principle, accessible public space. This public space is available for free exploration, for encounters, for free association and free assembly. Freedom means that one can move about in this space and meet whomever one wants to meet. In a democratic society, where the decisions concerning society are, in principle, made in public, freely accessible public space is also *political space*. Political space is considered a freely accessible public realm. There everyone has the right to listen, speak and be heard.

It is important to bear in mind that these prototypical situations that ground and fill abstract concepts (for me/us) are cultural abstractions. Understanding freedom as free speech and free movement is connected with a whole set of cultural and social premises. The notions of freedom of speech and freedom of opinion, for instance, presuppose that the speech in question is addressed to a public of equals, and that speaking and discussing is a kind of game with equal players, which is settled purely by strength of argument or by power of persuasion. In real life, on the other hand, the players are never exactly equivalent, because there are men and women, pupils and masters, old and young, clergy and laity, rich and poor, prominent citizens and the rank and file. To overlook such

differences is to negate certain givens of social reality, and to deny the fact that its participants *are* unequal to all intents and purposes. For this reason, many societies are unwilling to play the game of free speech: they believe that the presumed theoretical equality of speakers, which the modern West considers to be implied in the logic of rationality, comes down, in reality, to a lack of respect, and to a discourteous and dangerous disregard for real positions of varying dignity. Similarly, freedom of movement implies seeing the world as a homogeneously accessible space, open to free exploration and free initiative. For many cultures, this principle goes against the understanding of what their world really is. For many people and peoples, the world is not homogenous and available, but heterogeneous, always already structured and invested with variant meanings. These other cultures deem it improper to roam freely through space, driven merely by one's own desires or whims. In such a cultural context, therefore, the opposition private/public simply does not work at all, for public space means something quite different than in Western cultures.[4] It may have a different meaning, depending on whether it is applied to a man or to a woman, or during the day or the night. So it is clear that one cannot think about public and private space, or about the public and the political space, in the abstract. At the same time, however – and this too is an anthropological fact – the aforementioned basic experiences, together with the spatial diagram they are based on, constitute the foundation of the legal and political reasoning that gave rise to the topic itself of 'truth and the public space'.

   Such shifts in the meaning and experience of space mean that the basic experiences that define, intuitively and prototypically, what freedom and political participation amount to are becoming inadequate. How can privacy be defined and understood except by referring to spatial categories? Can we understand violating privacy when we can no longer properly formulate it as some kind of unwanted intrusion into a shielded space or territory?[5] Where – how far or close – is a person who carries a mobile telephone in his pocket? How private or public is a telephone conversation held by a passenger on a train? What does it mean to be free to move in a public space controlled by surveillance cameras? (The average Londoner is filmed by security cameras 300 times a day.) How political is the public square when next to the 'speakers' corners there is a virtual space where one can address millions of people? Crucial and formative conceptual distinctions such as that between the private and the public, and highly important assumptions such as the idea that a public space is by definition also a political space, and vice versa, are gradually becoming *unreal*. I will, to clarify this further, first look at the status and the meaning of the house or residence, and at the assumption and expectation that the citizen has a fixed place in society. 'Fixed place' should here be taken literally: a civil identity is connected to a *domicile*.

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[4] See for example Jean-Godefroy Bidima's interesting article, questioning explicitly the applicability of the 'Western' concept of public space to African Societies (Bidima 2000).

[5] I use here Thomas Scanlon's concept of privacy (Scanlon 1975).

10.3   The 'Deterritorialisation' of Social Life

People are supposed to live *somewhere*. Living implies dwelling: a durable connection with a place – a house or a flat – as well as identification with it. The domicile is the place where a person can be reached and 'addressed'. Home is the place where one can talk to someone, where one goes to wait for someone and to meet someone. It is the place that people who live together share with each other. The fixed place that grounds a life and living together is considered an essentially *private* space: the place where a person can be reached is also the place where that person withdraws from the public realm. But because the exterior of the private space always borders on the public space – and because, in European aristocratic and middle-class residential cultures, a part of the interior is explicitly conceived of as a public 'reception space' – the house (the facade and sometimes a part of the interior) does uphold *a public appearance*. The house *represents* the person: it is perceived and read as a bearer of his or her social identity and – in the era of individualization – even as the expression of a personality. In other words: *the house is a private space with a public face*.

Transport networks and the fact that human relations and contacts are now largely mediated through communication networks reduce the impact and diminish the importance of this identification. They lessen the qualities of representation of the home. This is so in the first place because transport networks increase a person's radius of action, making his or her social contacts more dispersed and one-dimensional. It is quite common nowadays not to know where and how close colleagues or associates live. Above all, new information and communication technology erodes the public meaning or representative nature of the home. This technology disconnects the home from the communication space where people meet 'virtually'. In the virtual communication space, the house where real fingers *really* type on the keyboard does not appear: the web page is the new facade. Inevitably, this wears away the representative qualities of the home. When you can find a personal website via a simple Google search and when the WWW often provides enough information to put together a file on a person, what social relevance could a stone facade or the furnishing of a living room still have?

The second generation of communication media reinforces this development. For mail and the landline telephone, the domicile remains crucial: the telephone is plugged in at home. Messages – such as letters – arrive and are picked up there. Letting messages pile up for a longer period of time is likely to get one into trouble. Contact in the first-generation communication network is virtual or indirect, but the home continues to mediate and ground a person's life in a particular place. The house becomes headquarters and remains a meeting place. The address is not yet a position in the network itself – as an e-mail address is – and it remains a place in the world. The newest communication devices however, such as the internet and the mobile telephone, have separated accessibility from domicile. Accessibility, contact, and the meaning of what is said, are no longer connected to the real location of the speaker. Addresses are mobile, people carry their address with them, and

they can be reached anywhere. They become themselves their own headquarters. This has major implications for the way space is used. Before the introduction of the mobile phone and wireless internet, appointments needed to be made well in advance, as a person who was already on his way could no longer be reached. These days people use their mobile phones to agree *ad hoc* on where and when they will meet, based on the current positions of the persons involved. It makes no difference from which real place one plugs into the virtual space that guarantees the continual reachability of everyone and the ubiquity of all information. Even togetherness and intimacy in private relationships is now mediated by new technology: when a mother and child both have mobile phones, the mother is always 'present' and she knows at any moment where her child is, without a house or a home mediating. When addresses thus become mobile and reachability is disconnected from domicile, the house loses emotional importance and its representational value. The private no longer borders on the new virtual public space where everyone is virtually together and (for the time being) one cannot see private spaces from the virtual public square. Houses therefore lose their facades or faces. The home becomes a private retreat, disconnected from its exterior, and acquires increasingly a provisionary and intimate meaning.[6]

This loss of public significance of the private space goes hand in hand with a growing exposure of the private life and loss of anonymity in the public realm. Freedom implies freedom of movement and of encounter. The public space is not just a stage for public appearance and social interaction, but has always *also* been perceived as an open space and "a space of anarchy" (cf. Mitchell 2003). The awareness that in the public space anything is possible inspires the demand that public space somehow be guarded and controlled, so as to guarantee the safe and peaceful use of everybody's freedom. This drive to control and regulate use of the public space will always lead to the exclusion of what is – by a certain class or regime – considered as 'improper use' by 'undesirable users'. It produces the phantasm of the clean and well-ordered city, from the urban utopias of the Renaissance to the 'gated communities' of today. But now, new surveillance devices and an obsession with security create a condition that not only excludes the social dimension, but where *everybody* is being watched all the time. People who move 'freely' leave traces wherever they go. Being free to move without anyone interfering, while nonetheless continuously being tracked or watched, is no longer intuitively perceived or experienced as freedom. New information networks extend this development even from the public space into what used to be 'private life' and 'private space'. New developments in information and archiving techniques have turned the whole world into one large virtual carpet of snow, in which every action leaves traces that can be combined and used in ways that are uncontrollable and unpredictable. "[I]ndividuals increasingly exist beyond their private bodies [...] even the most intimate 'private' is no longer entirely 'personal' or 'inner-worldly'" (Sheller and Urry 2003, pp. 116–117). How 'private' is life indoors when housekeeping

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[6] I have discussed this in an article on Koolhaas's architecture of housing (Verschaffel 2003).

purchases, telephone calls, library use, electronically purchased train tickets and internet surfing behaviour are all saved and stored someplace (automatically and as a matter of course, even without anyone being curious or interested)? All this makes it impossible to continue to think privacy in 'spatial' terms, i.e., in terms of private space and seclusion. How is one to deal with this "fluid hybridizing of public-and-private life" and this "de-territorialization of publics and privates" existing within "less anchored spaces" (Sheller and Urry 2003, p. 108)?

10.4 The Myth of the Street

Sheller and Urry seem to accept that the growing "de-differentiation" of the "previously separate spheres" of public and private is unavoidable. They are convinced that the turn from "staging" to "screening" as an "operative metaphor for public events" is unavoidable (Sheller and Urry 2003, pp. 117–118). They conclude their article with a devout positive open ending: "The future of citizenship, democratic possibility and good social science belongs to those who will navigate new material, mobile worlds, bringing into being ways of communication, mobilization and theory that are both and neither, public and private." (Sheller and Urry 2003, p. 122). I would argue that they jump to vague conclusions. Supporting the existing *semi-public* spaces, where public life is necessarily staged, seems to me – for the time being – politically much more reasonable and wiser: *if* one is ready to accept that there is a natural difference and an inherent conflict between private interests and the common good and *if* one still believes that the game of democracy is *also* about argument and giving good reasons.

   It is crucial to distinguish between public space and political space. Before new communication technologies were introduced, meeting someone or attending a political meeting involved going outside – leaving private space and going out into public space. Traditionally, public space mediates even private relations: to meet or visit someone, you must venture out of doors. A friendship becomes objective and can be witnessed by others through the mediation of the public space, just as the private space of the house turns a public face toward the street and so connects to the city. In a democratic society, the public space, and in particular the city, made up of streets and squares, was – and still is – *identified* with political space. Essentially – or ideally – it is a space for discussion, for protest and consensus, argumentation and decision-making. Especially since the 1970s, architecture and urban planning, which together give material shape to public space, have protected that space and the city in this sense. They have fought against its being functionalised and objectified through large-scale transportation networks and against its being made void through the creation of the virtual, technically mediated space of communication. The architect Louis Kahn succinctly and simply phrased this tendency in architecture and town planning in a lecture to students in 1972. He summarised an argument that he had already presented at the last CIAM Congress in 1958: "The city is only a part of the inspiration to meet." From this follows the ways in which architects and urban

planners should think about architecture and the city: "if you think of the street as a meeting place, if you think of the street as being really a community inn that just doesn't have a roof [...]. And the walls of this meeting place called the community room, the street, are just the fronts of the houses [...]. And if you think of a meeting hall, it is just a street with a roof on it" (Kahn 1991, pp. 274–276). The same line of thinking remains operative when some decades later Lyn Hofland equates the public realm with the city and programmatically opens her book on the subject with the statement that "the city provides, on a permanent basis, an environment composed importantly of persons who are personally unknown to one another – composed importantly of strangers" (Hofland 1998, p. xi).

My point is certainly not to downplay the *social* importance of the street. Such significance comprises not only the opportunities that the street offers to meet strangers, for social life continues to consist to a great extent of pre-modern relations based on literal, physical proximity: being neighbours, sharing the same physical space. And these very real and very local relations are highly important, in particular for those age groups and social groups that are less mobile than others. But it would be totally wrong still to consider the street, simply because it remains an important social and existential space, also as the primordial *political* space, as the agora and therefore as the speaking place. The relationship between speaking or having a voice, between speaking in public and space need to be reformulated. Precisely this connection between the public space, the function of the agora, and discourse, has become problematic.

The key argument here is that the public space – the city – is not a speaking place anymore; it has become mainly a place of spectacle and voyeurism and has therefore lost its political relevance.[7] The public space is now the space where one is free to move and to look, to *choose and to buy*: it is the space of consumption. The dominant social logic that regulates people's relationships with what lies outside the private realm, at the same time determining the social rules in the public realm, is not the logic of community and consultation, but the logic of consumption. The primitive experience of freedom has shifted. It is no longer so much that one is free to go wherever one wants, but rather that one is free to choose and buy whatever one wants. However, this freedom has very deceptive political relevance. Consumption does not happen on the marketplace, where business relations are made and maintained and where shared interests and agreements are woven into a contradictory but very real social tissue. Consumption happens in solitude, in front of the display window. Consumption does not start from needs and is not geared toward negotiation and agreement. Its driving force is desire. It demands an atmosphere of daydreaming, in which a person is left alone in the company of a quantity of merchandise. There, he or she forgets about money and reality for as long as possible until, unexpectedly and accidentally, coming across the 'missing object', which then transforms itself, surprisingly and mysteriously, into an 'object of desire'. In the second movement, the shopping street or the city itself is turned into

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[7] The literature on the subject is well-known and too long to include here. The following token titles stand for a whole field of literature: Baudrillard (1990, 1999) and Sennett (1977).

one large shop window, in which the consumers have, through their ways of buying, appropriated a certain image. Each then becomes exposed to the critical gaze of all the others, in turn judging those others as if they too were objects in a shop window. However, these forms of encounter – the purchase of an object, the attention paid to a person's looks, as well as the refusal to be interested or to buy – are never the result of negotiation or discourse. They cannot be measured against a need or a necessity. Consequently, *the consumer can never be asked to give reasons*. What decides is the irrational "I want" or "I don't want". Consumer logic is utterly based on arbitrary desire and personal taste. It offers the experience of a wild freedom that is not answerable to anything or anyone. But this roaming and freely desiring subject cannot be considered a political subject. A consumer's choice, precisely because it doesn't need any conviction or argumentation, can rarely be considered the expression of an opinion and has no political value. The consumer does not distinguish the way one elects politicians from the way one chooses a car. The dominant myth of the street is *de facto* the ideology of populism.

In light of the objectification of public space by technology on the one hand, and the individualisation of public space as part of commercial logic on the other, I believe that the place and the meaning of so-called semi-public spaces need to be reconsidered. Even after the fall of public man, these spaces *do* function more or less as traditional *speaking places* formerly did. Semi-public spaces are essentially *theatrical*. This implies that they are spaces *with a threshold*. They are only *conditionally accessible*: they can only be entered on condition that one plays with. Semi-public spaces like the theatre, the school, the city hall, the library, the museum and the university, are *separated* spaces. This separation automatically implies violence and exclusion. Each separated space is indeed dominated by power, as Foucault and many others have argued. Certain groups have easy access while others are barred. But a threshold is more than an obstacle. It also marks a *transition* from the street to a conditioned space: one may enter the theatre or the museum *on condition that one plays the game* and takes part in what goes on inside. The theatre creates an exceptional situation in which not only actors but also spectators are cast in a role. *All* people must leave behind (at least part of) themselves on entering the playing field. *Just as the actor is not himself when he plays a role, the spectators who play the audience are no longer themselves. They are participants in an ongoing play (such as: science, or art), or a discussion within the space of an institution.* The street certainly offers a spectacle which can be fascinating from time to time, but it is no theatre. Consumers do not play a role: they desperately try to be (or to play) just themselves – they have to *be* their desire.

10.5   The Spatial Logic of Institutions

Modern civil societies have, at least since the nineteenth century, *officially* divided social life into different spheres, each of which has its official logic and specific activities. The decisions that are taken in each sphere are checked against the specificity of the sphere. Religion and the acquisition of knowledge are considered

specific and different from business and from national defence; law differs from morality; art from science and entertainment; and the private sphere from public life. The autonomy of these spheres is relative and must always be negotiated with adjoining or overlapping spheres. Although this autonomy is therefore a fiction to a certain extent, it does open up, for each sphere, a field that is governed by a *specific* logic. This logic determines the grounds to which one can refer and excludes arguments which are valid in other spheres or fields. Game logic is always imposed and works *as if*, because in each field there are *de facto* always hidden forces and improper motivations at work. Invoked reasons and goals are always (also) used as cover-ups and pretexts: it is evident that all the social and psychological mechanisms and all the dark motives and egoistic impulses that determine human behaviour are fully in force in each and every field. However, the point is that, within institutionalized or theatricalised practice, one cannot *invoke* the drives and motivations that are actually at play. *One must at least be capable of hiding them* and, on top of that, one must come up with plausible arguments that are valid in that particular game. One must at least *plausibly pretend* that the law is really about doing justice; that scientific research is dedicated to the disinterested search for the truth and for insight; that art is not about money and success but is practised for its own sake. Whoever wants to play is obliged to play a part, which entails leaving his or her self behind in the dressing room and playing or staging *the actor that is postulated by the game itself*. So it is that all those who play the game also substantiate the whole enterprise: collective pretending is what turns the game into a real event. The decisions taken within a specific institutionalized field must be plausible and are thereby *effectively* tested against principles that are valid within that field. Rationality needs theatre: rationality needs a stage to become effective and real.

When we consider either the rules of play of most social fields or the domains of decision-making as a form of rationality, we can state that the world is certainly not actually rational, but that some social domains are regulated in an exceptional way: the players, who participate in the fiction that the domain in question is ruled by a form of rationality, have (the right) to insist that actions be checked against principles. In the political and civic culture of the West, the existence of these autonomous fields is ensured by institutionalising them, and an institutional 'theatre' is always also a circumscribed and separated space. Each different institution has its own recognisable place: courtroom, church, library, museum, theatre, and auditorium. It is crucial that this autonomy be partly assured and represented by means of architecture. This architectural independence guaranties that a particular field can be demarcated and that a *temporary public space* (and *time*) can be created and defined. The building represents the specificity of the field and effectively circumscribes the space that is ruled by the logic of that field. These spaces are public spaces: anyone can enter them – but only on condition that they are willing to speak the language of the institution, i.e., at least to *pretend* that the game is true. The architecture therefore creates a threshold and a transition. It indicates the boundaries of an area of relative autonomy, and makes a contract obligatory: anyone who enters a theatre or a museum accepts that they are participants and therefore accepts the *cause* of the theatre or of art as his or her own.

Roger Scruton advocates a public realm that endorses "a recognised public morality" and "displays, as a visible meaning, the moral coordination of the community" in "a public language of form", so as to "embody and contribute to a 'civic experience'"(Scruton 2001, p. 57, 60). He criticizes modernist architecture for no longer facing the street and for thereby disregarding the civic mission of architecture. It is, however, debatable whether – or perhaps: how – even the traditional city or the city of streets and squares has ever functioned as a conditional public space, and if the citizen ever was the public man that one refers to. Most probably specific circumstances or contexts once existed when the street *really* was a political space: a stage where the individual filled the role of citizen and took part in the general interest by participating in discussions concerning decisions – be it simply by affirming shared values and principles with his or her normal behaviour. However, little of this seems to remain in the way the public space is shaped and experienced in the contemporary city. Rather, the street survives now as a myth: the street functions as a powerful reference in the populist discourse familiar from the media, as well as in media codes that imitate and evoke the street and freedom of speech *in the media space*. The *reality* of the public consumption space and of media space, however, is not a political and critical argumentative discussion. It is, rather, an endless juxtaposition in which everything is uttered without the possibility either of critical response or of being checked against institutional traditions. In these circumstances, institutional spaces, which literally and *architecturally* separate the private from the public, creating a realm where what is said and done in these public spaces *should* be criticised and checked against their own intellectual tradition, stay important.

The existence of conditional public spaces and of institutional spaces is a precondition for criticism. Every institution imposes and restricts and excludes, but at the same time, because certain social and psychological mechanisms are ruled out, also functions as a refuge for criticism. Those outside that institution can be reminded of the autonomy of the field: against religious authority one can state that religious considerations have no weight in court; against the social consensus, that pedagogic reasons do not count in the theatre; against politicians and managers, that the administration of knowledge differs from commercial management and that acquiring insight differs from making profit. A museum is not a discotheque; a school is not a church or a mosque; a company is not a family. *Within* the institution, the principles that determine the game can be played off against the way the institution *actually* plays the game: a minority or an individual can gain leeway or liberty by invoking the institution's principles against the intrinsic sluggishness and mediocrity endemic to every institutional operation. That is why it is essential, also for art and culture, to confirm and reinforce institutions while also constantly attacking and breaking them open from the inside. In contrast, institutional critique that aims at the existence of the institution itself undermines the possibility of criticism. The trend to counter the slowness and bureaucracy of every institution by professional management – e.g. rethinking the concept of the museum or the university as a company or as business – is extremely dangerous and even perverse. The autonomy of the field is eroded and the margin of freedom and criticism quickly shrinks away.

The indifferent or dismissive attitude of architecture towards architectural typology and towards the specificity of institutional spaces shows a lack of awareness of the nature and importance of these so-called semi-public spaces. *Semi*-public spaces are mistakenly believed to be *less* public spaces. For similar reasons, the wholly public street is falsely held to be the most important public space. But this view loses sight of the fact that, only within such existing institutional buildings, large parts of today's social activity can be conditional. These conditions guarantee that the impact of certain forces and interests is effectively controlled and limited.[8] This implies, for instance – depending on the circumstances and the region where a person lives – that the logic of ayatollahs or of managers can be kept outside universities, precisely because it is architecturally clear that a university is a university and neither a mosque nor a company. The conditional nature of an institutional field also applies to the audience. The visitor entering the institution is not a client but a participant: he or she is assigned a role, a responsibility, and a dignity. The awareness of this role implies that encounters within the institutional space are never spontaneous, informal, or ordinary, but are mediated by the cause that is embodied by the institution. This means that the superb freedom and irresponsibility with which a customer chooses a new car, a travel destination or a television programme no longer gains purchase when that same person enters a museum or wants to study. This is precisely because a museum has to show what the museum believes is important, and because a school must introduce its students to knowledge, the acquisition of which is not the same as buying a commodity. An institution doesn't have clients. In most Western societies, a large number of social decisions are still taken within these autonomous, institutionalised fields. A field that loses its autonomy is colonised, by a political system that cannot tolerate civil liberties, or by the consumer logic of the street. The processes of dismantling these institutions and installing the logic of the street largely restrict the possibilities for speaking and working freely in these spaces, and reduce any room for criticism. An individual, a minority or an opposition cannot survive in an unorganised mass. It can only provide a counterforce against slowness, mediocrity, fear and corruption within an institution, by taking advantage of the leeways inherent in its structure, or else by appropriating its principles.

An institution needs architecture*:* an actual, real space, and bodies who feel they are really in the game because they are in the building. Substituting for parliamentary or congressional sessions with e-conferencing and televoting will undoubtedly be the end of democracy. For the time being it is very important to claim and use those semipublic spaces that assure the traditional 'spatialisation' of political concepts, and to

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[8] Claus Dreyer describes the incapacity of contemporary architecture to find a "common 'language' in architecture through which common experience, ideas, hopes, values, traditions, and conventions could be expressed", and sees that only outstanding individuals can invent their "private language" with an architecture that can only acquire 'public' acceptance by means that come "dangerously close to product advertising". The "crisis of representation in contemporary architecture" Dreyer describes so accurately does not undo the massive fact that – for the time being – most of our lives play out in existing buildings that represent and support traditional meanings. When this kind of 'power architecture' becomes marginal, it's time to use it. (Dreyer 2003, p. 180)

continue to work within these institutions and places of public discourse, such as a traditional university auditorium, a museum, or a city hall. These institutional spaces provide – as long as they last – unique conditions to talk and think about what is happening 'outside', in the streets, the new, virtual communication spaces, and the world. The internet may produce public opinion, but it will not produce institutions.

References

Augé, M. (1995). *Non-places*. London: Verso.

Barney, D. (2004). *The Network Society. Key Concepts*. Cambridge, MA: Polity Press.

Baudrillard, J. (1990). *Fatal Strategies*. Cambridge, MA: MIT Press.

Baudrillard, J. (1999). *The Consumer Society: Myths and Structures*. London: Sage.

Berlin, I. (2002). Two Concepts of Liberty. In H. Hardy (Ed.), *Liberty: Incorporating Four Essays on Liberty* (pp. 166–217). Oxford: Oxford University Press.

Bidima, J. -G. (2000). Le corps, la cour et l'espace public. *Politique africaine*, 77, 90–106.

Castells, M. (1996). *The Rise of the Network Society. The Information Age: Economy, Society and Culture, Vol. I*. Cambridge, MA and Oxford: Blackwell.

Castells, M. (1997). *The Power of Identity. The Information Age: Economy, Society and Culture, Vol. II*. Cambridge, MA/Oxford: Blackwell.

Castells, M. (1998). *End of Millennium. The Information Age: Economy, Society and Culture, Vol. III*. Cambridge, MA and Oxford: Blackwell.

De Meyer, D., Versluys, K. et al. (Eds.) (1999). *The Urban Condition: Space, Community and Self in the Contemporary Metropolis*. Rotterdam: 010 Publishers.

Dreyer, C. (2003). The Crisis of Representation in Contemporary Architecture. *Semiotica*, 143, 163–183.

Ghent Urban Studies Team (GUST) (Ed.) (2002). *Post Ex Sub Dis: Urban Fragmentations and Constructions*. Rotterdam: 010 Publishers.

Graham, S. (Ed.) (2004). *The Cybercities Reader*. London/New York: Routledge.

Hofland, L. H. (1998). *The Public Realm. Exploring the City's Quintessential Social Territory*. New York: Aldine De Gruyter.

Kahn, L. I. (1991). Architecture (The John William Lawrence Memorial Lectures, 1972). In A. Latour (Ed.), *Louis I. Kahn Writings, Lectures, Interviews*. New York: Rizzoli.

Lefort, C. (1978). *Les Formes de l'histoire. Essais d'anthropologie politique*. Paris: Gallimard.

Miles, M., Hall, T., and Borden, I. (Eds.) (2000). *The City Cultures Reader*. London/New York: Routledge.

Mitchell, D. (2003). *The Right to the City. Social Justice and the Fight for Public Space*. New York: Guilford.

Scanlon, T. (1975). Thomson on Privacy (Review of Judith Jarvis Thomson's *The Right to Privacy*). *Philosophy and Public Affairs*, 4(4), 315–322.

Scruton, R. (2001). Architectural Principles in an Age of Nihilism. In A. Ballantyne (Ed.), *What Is Architecture* (pp. 53–62). London and New York: Routledge.

Sennett, R. (1977). *The Fall of Public Man*. London/Boston, MA: Faber & Faber.

Sheller, M. and Urry, J. (2003). Mobile Transformations of 'Public' and 'Private' Life. *Theory, Culture and Society*, 20(3), 107–125.

Verschaffel, B. (1992). De Kring en het Netwerk. Over het statuut van de 'publieke ruimte'. *Archis*, 2, 13–17.

Verschaffel, B. (2003). The Survival Ethics of Rem Koolhaas: The First Houses by OMA. In V. Patteeuw (Ed.),*What Is OMA. Considering Rem Koolhaas and the Office for Metropolitan Architecture* (pp. 153–164). Rotterdam: NAI Publishers.

Virilio, P. (1977). *Speed and Politics: An Essay on Dromology*. New York: Semiotext(e).

Virilio, P. (1991). *The Aesthetics of Disappearance*. New York: Semiotext(e).

Part IV
Transnational Democracy

Chapter 11
Democratization Through Transnational Publics: Deliberative Inclusion Across Borders

James Bohman

11.1 Introduction

Even as cosmopolitanism became distinctly political in the eighteenth century, many cosmopolitans remained deeply suspicious of the world state, which they saw as a form of universal monarchy and empire. Because of the deeply undemocratic character of current international political authority, many democratically minded contemporary cosmopolitans have turned to the democratizing forces of transnational civil society in order to challenge the emerging globalized forms of domination. However important transnational associations and movements have been to many social struggles, they do not always promote the conditions for democracy. And even when they do, they provide at best only one dimension of the process of transnational democratization. In this chapter I argue that the formation of publics is more central than civil society to achieving the necessary conditions for democratization, precisely because publics enable the emergence of communicative freedom across borders, which is central to challenging potentially dominating forms of authority. Ultimately, the task of a transnational democracy of whatever form is to connect such communicative freedom to institutionally realized powers of citizenship.

My aim here is to take the first steps towards a positive theory of transnational democratization by looking at the ways in which its fundamental preconditions have been transformed by global interconnectedness and by certain relatively recent technological phenomena, to which global publics are a response. First and foremost, I have in mind two relatively uncontroversial social conditions that have long been widely identified across many different modern theories of democracy: first, the need for a rich associative life of civil society; and, second, the existence of the communicative infrastructure of the public sphere that permits the expression and diffusion of public opinion. I use the term "public sphere" in a technical sense that begins with Kant and has been developed further by Habermas (1989). A public sphere does not simply consist of the *res publica* of the institutions of government, but is rather a sphere of a particular sort of communication characterized by three necessary conditions.

First, the public sphere is a type of forum in which the participants are 'a public', that is, constitute a social space in which speakers may express their views to

others, who in turn respond to them and raise their own opinions and concerns. There may be a variety of publics, including literary, scientific, and democratic publics, as well as subaltern publics. Second, such communication must manifest the commitment of participants to freedom and equality. Third, and finally, rather than simple face-to-face interaction, this communication must address an indefinite audience, something that can be undermined as actors privatize deterritorialized communicative spaces (Sassen 1998, p. 198).

Communication is then 'public' if it is directed at an indefinite audience with the expectation of a response, the recognition of which grants the mutual status of membership in a public. Publics can deliberate together, with or without any strong connections to institutional decision making and still be spheres of communicative freedom. In this respect, Dewey's conception of publics as constituted by the 'indirect consequences' of actions and problems is insufficient to capture the idea that members of publics are in the first instance to be characterized as addressing and being addressed by each other as sources of claims.

With regard to state authority, its democratization has emerged hand in hand with the achievement of communicative freedom in publics. With the advent of new forms of political authority that directly impact the structure of communication across borders, new forms of publicity have also emerged, and with them new public spheres. This gives special salience to public deliberation as an important basis for democratization, as well as for transnational institutional design. In transnational polities, in contrast to more or less unitary modern states, the democratizing effect of publics consists in the creation of communicative networks that are as dispersed and distributed as the authority with which they interact. As John Dewey put it, the goal of such a process is to create "those conditions under which the inchoate public may function democratically" (1988, p. 327).

In the case of transnational politics, the inchoate publics under consideration are plural, and that makes a great deal of difference as to how we are to conceive of their emergence and contribution to global democratization. But while these publics offer hope for transnational democracy, they are only necessary and not sufficient conditions. To the extent that transnational associations help to form such counterpublics, that is publics who are opposed to the official addressees of most the policies of most international institutions, the states and the agents of states. Counterpublics contribute to the capacity of international society to democratize its relations of power and authority when their claims are recognized as legitimate. However, counterpublics do not rule; and even if they did, we should not take this as a sign of an emerging "global" public that speaks for the collective will of humanity (or even one that speaks for the multilingual 'Europe') (Kymlicka 2001, p. 94).[1] If a unitary 'global' public sphere or world public opinion so formed seems to be an unlikely prospect even in the long term,

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[1] For criticisms of the idea of a European-wide public sphere, see Schlessinger and Kevin (2000, pp. 206–229).

what is the alternative? And how might new public spheres contribute to increasing the extent and intensity of nondomination in the international arena?

My argument has three steps. First, I provide an analysis of new public spheres, precisely because they provide a useful structural analogue that could help in solving the difficult problems of the structural transformation of the conditions of democracy. Whether in institutions or in publics, the transformation is from a unitary to a disaggregated or distributive form. This transformation of the public sphere from a *unitary* to a *distributive* form might provide a structural analogue for the kind of empirical and conceptual changes necessary to develop any theory of genuinely transnational democracy. Second, I describe the nature of current global political authority and the ways in which publics form by resisting the influence of such authority in the communicative domain. The third and final step is to show the possibilities that such publics could create for the democratization of international society. Given new possibilities of communication, such democratization through such publics would have beneficial epistemic consequences. When communicatively free participants in the public sphere interact with empowered institutions, they not only achieve the normative status necessary for nondomination; they are also able to contribute to raising the quality of transnational decision making through inclusive deliberation.

11.2 Publics, Principals and Agents: The Transformation of Political Authority

Some conceptions of democracy demand that the people be able to control most decisions directly, however that might be achieved. In modern representative democracies, however, 'the people' speak only intermittently and at best only indirectly influence those who control the levers of power. Without regularized channels of political influence (such as elections and representation) in the international sphere, challenge and contestation by the broader public sphere of international public opinion seem to be the only ways to exercise some influence over institutional decision making, even if only indirectly.

In the absence of democratic formal institutions, the public sphere is the only place in which informal nongovernmental organizations (NGOs) can challenge political decisions and attempt to organize public opinion around matters of common concern across borders. When successful, NGOs may become integrated into a 'regime' instituted to monitor the performance of various international institutions, as is the case, for example, both with environmental groups who monitor compliance to pollution and whaling regimes and who represent environmental interests in discussions and negotiations of their relevant rules and policies.[2] In this

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[2] Regimes in this sense are "sets of implicit and explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations". See Krasner (1983, p. 2).

way, NGOs often act as surrogate publics, expanding the scope of those who can influence decision making and implementation in public institutions.

This sort of indirect public influence has some legitimizing force, but it does not by itself make such regimes 'democratic', nor does it solve the problem of domination inherent in the relatively independent operation of their quasi-legal powers. Although participation in regimes that are mediated through NGOs may indeed increase the number of actors who participate in decision making, it does not solve the basic difficulty: the widening gap between those who govern and define the terms of cooperation and those who are governed and thus still remain outside of civil society.[3]

By comparison, state-oriented public spheres have had significantly different features that have developed through processes of democratization. Even when citizens do not influence decisions directly, they are able to exercise certain normative powers. In participating in free and fair elections, citizens have the normative power to change representatives and office holders and to express their consent to being governed. Given this channel for influence, citizens may be said to have at least *electoral sovereignty*. This normative power of the collective will of the citizenry is dependent on the role of citizens within an institutional framework that allows for a distributed system of normative powers. In the event that political authority strays outside of the available means to exert democratic influence, citizens can also demand accountability through the *contestatory sovereignty* of the *demos*, as when the voice of the people becomes salient in periods of constitutional crisis or reform.[4] Even in a democracy, authority becomes unresponsive not only because citizens as a collective body are disempowered, but also because these democratic institutions were constructed for a public that is different from the one that currently exists. Similarly, in the international arena, many powerful intergovernmental institutions such as the International Monetary Fund or World Bank lack any mechanism for creating public influence over their agendas.

Viewed in terms of opportunities for public influence, international institutions introduce a further problem regarding their interaction with the public. To the extent that they are organized into a plurality of levels, international institutions amplify the heterogeneous polyarchy of political authority that is already characteristic of contemporary democracies. In so doing, they may sometimes extend the antidemocratic tensions within the modern administrative state, particularly those based on the modern phenomenon of 'agency', a form of authority that is meant to solve the problem of social control for central and hierarchical authority. These new types of hierarchical relationships have been pervasive in modern economies organized around the firm as the unit of production (Arrow

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[3] For a critique of such an idea of participation of civil society through NGOs interacting with experts, see Chatterjee (2004, pp. 68–69).

[4] On the idea that the People speak only in 'constitutional moments', see Ackerman (1992, pp. 3–33). Pettit generalizes this idea by distinguishing between the authorial and the editorial dimensions of 'the people' (2000).

1985, p. 37). They are hierarchical because they are asymmetrical: the principal delegates authority to the agent to act in his or her interest precisely because the principal does not possess the resources, information or expertise necessary to perform the relevant tasks. Given that the principals may not be in a position to monitor their agents even when given the opportunity, the very idea of self-government is eroded by agency relationships to the degree that principals find that "it is repeatedly necessary to give agents powers wider than those they are normally expected to use" (Llewellyn 1930, p. 483). This sort of delegation creates the phenomenon of a *reversal of control*. An example of such a reversal can be found in the evolution of such business intermediary roles as factor and banker, roles that often require the introduction of new "legislative control in the interests of scattered and unorganized principals".[5] If democracy is the goal, then this reversal must be undone; and it can be undone only with a minimal level of popular consultation or the use of various civil society organizations as surrogate publics.

How can such a reversal be avoided and authority democratized? Civil society remains too disaggregated to provide any political solution, however much the bottom-up strategy seems appealing and inherently democratic. Practices of empowerment through NGOs may have paradoxes built into them, as when they act as agents for those they claim to represent or when less well-off civil society organizations become accountable to better-off organizations in exchange for resources and assistance.[6] Similarly, powerful institutions may co-opt and capture the NGOs that monitor them, especially if they have a say in the composition of their consultative bodies and thus exercise control over the public that influences them. Putting the public sphere back into the political structure leads to a very different understanding of deliberative political activity, one that does not automatically consider the entitlements of participants in terms of a relationship of those who govern to those who are governed. Given the role of publics in democratization, democratic deliberative institutions ought to provide the forum in which publics act as intermediaries among civil society, markets and formal political institutions.

This intermediate structure is necessary in global politics, in which top-down institutions remain remote from citizens, and civil society organizations alone cannot provide the basis for translating bottom-up deliberation into political power. Such strategies fail because they ignore conditions necessary for the success of both democracy and empowerment that are found in the proper relations among responsive institutions, a vibrant civil society and robust communication across public spheres. John Dewey seems to have come closest to developing the proper transnational alternative strategy for democratization when he responded to Walter Lippmann's criticism of the "phantom" public in modern complex societies: instead of regarding them as separate spheres, he argued for ongoing interaction between institutions and the

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[5] Llewellyn (1930, p. 484). See also White (1985, p. 205).

[6] See Ewig (1999, p. 97).

publics that constitute them.[7] The capabilities of citizens may sometimes outstrip the institutions that frame their normative powers, as happens, for example, when the public for whom they were created no longer exists (as was the case for the rural and agrarian public constituted by early American democracy). Given complex and overlapping interdependence, many citizens now see the need for new institutions that are more transparent, inclusive, responsive and cosmopolitan.

Even when authority is disaggregated, citizens still may exercise certain powers through the public sphere simply by defining themselves as a public and interacting with institutions accordingly. For this reason, Dewey's causal conception of a public as all those affected by a problem is incomplete. In the first instance, a public sphere institutionalizes a particular kind of relationship between persons. As members of a public, persons regard each other as having at the very least the capacity and standing to address and to be addressed by each other's acts of communication. Call this the *communicative freedom* of publics, a form of freedom that may take on a constructive role when members grant each other rights and duties in their roles as participants in the public sphere. This freedom emerges from the interaction between the communicative power of participants in the public sphere and those more limited normative powers that they may have in their roles within various institutions. By allowing such communicative freedom beyond the control of even a disaggregated authority, membership in a public uses the creative and constructive powers of communication and public opinion to reshape the operations of authority that were previously delegated to an agent. One way that such a public can effect a reversal of control is to see its emergence as recapturing the constituent power of the people, now in a dispersed form, when their constitutive power as citizens has failed.

The current gap between public spheres and institutions creates the open question for citizens whether the authority of their institutions has been legitimately exercised. The beginnings of popular control and thus the satisfaction of the preconditions for democratization are not to be found in the moment of original authorization by either the sovereign or the unified *demos,* but in something that is more spatially, temporally and institutionally dispersed.

In the next section, I want to develop an alternative, normative conception of the power of publics and citizens and of the role of communicatively generated power in the achievement of nondomination and legitimate political authority. But before I turn to the public sphere as a location for the emergence and exercise of communicative freedom, let me address an issue that is in some sense both prior and fundamental to the difficulty of obtaining a foothold for democratization. What sort of public sphere is appropriate for challenging and reconstructing relations of political authority, especially ones that lie outside the boundaries of the nation state? Such transnational public spheres cannot be the same as the ones that emerged to help democratize the state. The appropriate public spheres will not be unified, but *distributed* public spheres, which are publics that take the form of a plurality of overlapping

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[7] See Dewey (1988, p. 255, 314).

publics, none of which is fully coextensive with any other. Here we can think of computer mediated networks as an example. This will allow us to ask the question of popular control or the will of the people in a different way so that it is not a phantom public but something more akin to the Generalized Other in Mead's sense: that is, not simply consisting in a unified 'we' perspective, but in all of the distinct perspectives of each of the participants. Or, as Aristotle put it: "all can be said in a variety of ways" – in the corporate sense, or in the distributive sense of each and every one (Aristotle 1998, p. 1261b). In order to become political again, popular control must become disaggregated into the constituent power of dispersed publics to initiate democratization aims at the transformation of a variety of institutions.

11.3 Publics and the Public Sphere: Unitary and Distributed

In order to adopt this transformationalist rather than evolutionary approach, it is first necessary to set aside some misleading assumptions that guide most thinking about the public sphere and complicate any discussion of transnational democratization.[8] These assumptions are normatively significant precisely because they directly establish the connection between the public sphere and the democratic ideal of deliberation among free and equal citizens. Without making explicit the connection between these assumptions, they may be treated in an overly specific way and leave out two essential conditions for the existence of a public sphere in large and highly differentiated modern societies that are crucial to understanding what sort of public sphere transnational polities might require. The *first* assumption is the necessity in modern societies of a technological mediation of public communication, so that a realizable public sphere can no longer be thought of as a forum for face-to-face communication. There are other ways to realize the public forum and its multiple forms of dialogical exchange that are also more appropriate to modern forms of popular control and democratic public influence, such as the print or visual media which defer the response of the audience temporally. The *second* feature is historical: technologically mediated public spheres have emerged through challenging political authority, specifically the state's authority to censor communication. In this respect, sustaining a sphere of free communication has been crucial to the expansion of emerging normative powers and freedoms of citizens.

To the extent the expansion of dialogue beyond face-to-face encounters is a requirement of a modern public sphere, the very existence of the public sphere is always dependent on some form of communications technology. Historically, the print medium first served to open up this indefinite social space of possibilities with the spatial extension of the audience and the temporal extension of possible responses. The printed word produced a new form of communication based on a one-to-many form of interaction. Television and radio did not essentially alter this

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[8] For a further development of these conceptual issues, see Bohman (2004).

one-to-many extension of communicative interaction, even though they eased entry requirements of literacy for hearers and raised the costs of adopting the speaker role to a mass audience. Perhaps more controversially, computer-mediated communication – especially on the Internet – further extends the public forum by providing a new unbounded space for communicative interaction. Such shifts in the nature of speaker and audience should not be seen as equivalent to "losing control," but rather as Sassen has suggested, marks the emergence of a new kind of authoritative political agent (Sassen 1996, pp. 1–32). But the Internet's innovative potential lies not just in its speed and scale, but also in its new form of address or interaction. This network-based extension of dialogue suggests the possibility of re-embedding the public sphere in a new and potentially larger set of institutions. At present, there is a lack of congruity between existing political institutions and these expanded forms of public communicative interaction. Hence, the nature of the public or publics is changing along with the nature of the authority with which it interacts. What would make it a public sphere?

Consider first the normative features of communicative public interaction. Publicity at the level of social action is most basic, in the sense that all other forms of publicity presuppose it. Social acts are public only if they meet two basic requirements. First, they must not only be directed to an indefinite audience, but must also be offered with some expectation of a response, especially with regard to interpretability and justifiability. The description of the second general feature of publicity is dominated by spatial metaphors: public actions constitute a common and open "space" for interaction with indefinite others – or, as Habermas puts it, publicity in this broadest sense is simply "the social space generated by communicative action" (Habermas 1996, p. 360). This is where the agency and creativity of participants becomes significant, to the extent that such normative expectations and social space can be created by participants' attitudes towards each other and their communicative activities. But how did the public sphere historically extend beyond concern with public opinion and the publicity of communication and start to acquire political functions?

In his *Structural Transformation of the Public Sphere*, Habermas gives an historical account of the creation of the distinctly modern public sphere that depends upon just such a free exercise of the creative powers of communication. In contrast to the representative public of the aristocracy for whom nonparticipants are regarded as spectators, participation in a democratic public is fundamentally open. "The issues discussed became 'general,' not merely in their significance but also in their accessibility: everyone had to be able to participate" (Habermas 1989, p. 38). Even when the public was in fact a group of people discussing in a salon or newspaper, it was also interested in its own adherence to norms of publicity and regarded itself as a public within a larger public. Because a public sphere of this sort required such universal access, participants in the public sphere resisted any restrictions and censorship imposed by state interests. These restrictions (at least in England) were placed precisely on information related to transnational trade, which was thought to violate state interests in maintaining control over the colonies. This conflict with authority was so great that, at least in England, the development of the public

sphere was marked by the continual confrontation between the authority of the Crown and Parliament and the press, particularly with regard to attempts to assert political authority over the public sphere itself (Habermas 1989, p. 60). This specifically egalitarian expansion of the public sphere requires a more elaborate institutional structure to support it (such as that achieved by the modern democratic state but not identical with it) as the social contexts of communication are enlarged with regard to the number of relevant speakers and audience.

The main lesson to be drawn from these preliminaries is that discussions of the democratic potential of any form or medium of communication cannot be satisfied with listing its positive or intrinsic features, as for example its speed, its scale, its 'anarchic' nature, its ability to facilitate resistance to centralized control as a network of networks, and so on. Different forms of communication may create either unified or distributive public spheres. By 'distributive', I mean a form of communication that decenters the public sphere; it is a public of publics rather than a distinctively unified and encompassing public sphere in which all communicators participate. Here there are also clear analogies with current thinking on human cognition. The conception of rationality employed in most traditional theories tends to favor hierarchical structures, where reason is a higher-order executive function. One might argue that this is the only real possibility, given that collective reasoning can only be organized hierarchically, in a process in which authority resides at only one highest level. By analogy (and by analogy only), others see cognition as a recursive structure that is best organized in social settings through dynamically overlapping and interacting units rather than distinct units related to a central unit of deliberation exercising executive control. If we think of democracy only in terms of rule by a self-legislating, singular *demos*, then it is hard to see why the emergence of distributed publics marks a potential gain in democratization. But being the member of a single *demos* is hardly sufficient for non-domination. Rather than simply being a "citizen in a free state," freedom from domination now also depends on the capability of becoming a participant in a public sphere embedded in other public spheres and new institutions. In this way, freedom from domination is now better achieved in multiple *demoi* that connect communicative freedom to institutions in which citizens are empowered to deliberate.

11.4 Deliberative Institutions, Communicative Freedom and the Distributive Public Sphere

As I have discussed thus far, communicative freedom typically operates in a generic modern public sphere, that is, one that combines both face-to-face and mediated communication. The forms of such mediation now seem inadequate to a public sphere writ large enough to obtain on the global level. And even if this were possible, it would hardly create the conditions for communicative freedom necessary for democracy. Two problems are now emerging. The first concerns the issue of a feasible form of mediation and the possibilities for communicative freedom

within it. The second takes up the possibility of sorts of institutional arrangements that could secure such conditions transnationally, and have the potential for inter-action between the normative powers of institutional roles (such as citizen and office holder) and the communicative freedom of members of publics created by interacting publics. The first issue concerns informal network forms of communi-cation such as the Internet; the second concerns new forms of highly dispersed deliberation such as those emerging in certain practices and institutions of the European Union, primarily at the level of policy formation. Both permit the exer-cise of new forms of political agency, while at the same time demanding the agency of those who might otherwise suffer the reversal of control, both as users and as principals.

As long as there are actors who will create and maintain transnational communi-cation, this sort of parallel and distributed public sphere is potentially global in scope. Its unity is to be found in the general conditions for the formation of publics themselves, and in the actions of those who see themselves as constituting a public against this background. Membership in these shifting publics is often to be medi-ated through civil society: in formal and informal organizations that emerge to dis-cuss and deliberate on the issues of the day. The creation of publics is a matter of communicators becoming concerned with and acting to create the general conditions that make such a process possible. Once such agents are present, it is a matter for formal institutionalization, just as sustaining the conditions for the national public sphere is a central concern of the citizens of democratic nation states. In the case of such shifting and potentially transnational publics, the institutions that sustain pub-licity and become the focus of the self-referential activity of civil society must also be novel ones, if they are to have their communicative basis in dispersed and decen-tered forms of publicity. At the same time, these institutions must be deliberative and democratic. In much the same way that they have responded to censorship, publics interact with institutions in order to shape them and to secure their own communica-tive freedom. In so doing, publics expand the scope of the normative powers of citi-zens: powers to shape the conditions of communication and the course of actual deliberation rather than simply demand immunity from interference.

Even with the diffusion of authority, legitimacy minimally requires that partici-pants in the public sphere be sufficiently empowered to create opportunities and access to influence sufficient to preserve the public sphere itself. Currently transna-tional publics are weak, in the sense that they exert influence only through general public opinion without institutionalized deliberation. Or, as in the case of NGOs with respect to human rights, publics may rely heavily on supranational judicial institutions, adjudication boards and other already constituted and authoritative bodies. In order that publics use their communicative freedom to transform norma-tive powers, they need not ever become strong publics in the national sense of being connected to a particular set of parliamentary or representative institutions.[9] However, even strong publics do not rule. This is because strong publics can be

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[9] On the distinction between strong and weak publics, see Fraser (1992). Habermas uses this dis-tinction in his two-track model of democracy (1996, pp. 287–328).

regularized through the entrenched connection between the public opinion formed in them to a particular sort of legislatively empowered collective will. While this mechanism is inadequate for situations in which the dispersed institutional distribution of processes form a popular will, transnational institutions would still have to permit agents to influence deliberation and decisions through the exercise of their communicative freedom across various domains and levels.

Rather than look for a single axis on which to connect emerging publics to decision making processes in international and transnational institutions, it will be more useful to consider a variety of possible forms of communication given various ways in which connections can be made between communicative freedom and normative powers in the public sphere. While the full range of possible forms of institutionalization cannot be considered here, the European Union is transnational and as such obviously lacks the unitary and linguistic features of previous public spheres. I will consider only one aspect of the interaction between transnational publics and political institutions: practices of decision making that are suggestive of how a polycentric form of publicity would allow for a more rather than a less directly deliberative and nonterritorial form of governance.

As Charles Sabel has argued, a directly deliberative design in many ways incorporates epistemic innovations and increased capabilities of economic organizations, nested and collaborative forms of decision-making, which employ highly dispersed collaborative processes of jointly defining problems and setting goals already typical in many large firms with dispersed sites of production. One such process is found in the use of the *Open Method of Coordination* (OMC) for many different policies (such as unemployment or poverty reduction) within the EU, and is best described as "a decentralized specification of standards, disciplined by systematic comparison".[10] In this process, for example, citizens in France, Greece and elsewhere deliberate as publics about policies simultaneously with EU citizens at different locations. Why would such a design not produce something quite similar to the agency problem to the extent that authoritative decisions made by some replace deliberation by all?

The answer to this question is that such a deliberative process is quite different from delegation of authority to a particular agent who supposedly solves the epistemic problems of the public. First, the decisions so produced do not take the form of a uniform policy that governs all. Nonetheless, the OMC promotes a great deal of interaction both within EU organizations and across sites and locations, so that solutions to problems generated by other deliberators can provide alternatives or can be used as premises for the deliberation of others. Second, a shared normative framework established by initial goals and benchmarks structures the deliberation in each site and level, and the process of their application requires new deliberations at various levels of scale. At all levels, citizens could be empowered to introduce their concerns and standards, even as they are informed by the diverse

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[10] Sabel and Cohen (1997). For a more direct application to the EU, see Cohen and Sabel (2004). My description of the OMC as a deliberative procedure owes much to their account.

solutions and outcomes of other planning and design bodies. Rather than relying on a single agent, such a collaborative process of setting goals and defining problems produces a shared body of knowledge and common goals, even if the solutions need not be uniform across or within various organizations and locations. Furthermore, this process is more likely to arrive at innovative solutions that are not handed down from the top, since collective learning does not assume that the higher levels are epistemically superior. In this way, contrary to Cochran and Dryzek, democratization is not primarily a bottom-up process; nor is it a top-down process, but an interaction among levels and sites of deliberation.[11] The advantage of such deliberative methods is that they make it possible for communicative freedom to be transformed into communicative power in decision making and introduce robust accountability: accountability that operates upwards, downwards, and laterally, and in this way cuts across the typical distinction of vertical and horizontal accountability.[12] In such an institutional context, directly deliberative polyarchy describes a method of decision making in institutions across various sites and levels. Because it makes use of distributive publics, the duties and obligations are not imposed, but rather pass through the deliberative exercise of citizens' communicative freedom.

Nonetheless, even on the best possible interpretation, such EU forums are deficient as argumentative forums to the extent that they are only 'semi-public' and relate primarily to networks of administrative agencies and private policy experts.[13] Such a functional body, however deliberative, retains the weaknesses of the hierarchical relations of experts, officials and citizens within which it is embedded. The evaluation of the results of deliberation remains in the hands of officials, and the publics and civil society partners who participate are often filtered by their conceptions of relevance. One possibility for correcting this deficit is to organize deliberation self-consciously by convening and empowering "minipublics" (Fung 2003, pp. 338–367). Whether chosen randomly or as representatives of the body of citizens as a whole, such procedures aim at avoiding the problem of self-selection typically found in NGOs and other civil society organizations. To give just two concrete examples, bodies of citizens have been empowered as minipublics to propose electoral reform in British Columbia, adjudicate environmental disputes in Australia and other places, and much more. Minipublics provide opportunities for empowered participation, where groups of citizens, not experts, are given specific normative powers to deliberate and form opinions and to make recommendations and decisions. The advantage is that such smaller, distributed publics are able to deliberate within specific institutional, functional, and temporal constraints in ways that the public at large cannot, and yet function as publics that institute the deliberation of all citizens. In this way, their legitimacy requires a larger set of deliberative

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[11] See Cochran (1999) and her chapter in this volume. For a similar view, see John Dryzek, Deliberative Global Politics. Cambridge, MA: Polity Press, 2006.

[12] On accountability in 'delegative democracy', see O'Donnell (1999, pp. 162–173).

[13] See, for example, Joerges and Neyer (1997).

procedures and forums in order to transfer their deliberation to the larger public of all citizens, as when in British Columbia all citizens voted in a referendum on whether to adopt the Citizens' Assembly's proposal.

The question still remains, however: who is the public at large at the level of democratic experimentation and implementation in directly deliberative processes? Sabel and Cohen provide no clear answer to this question, asserting only that the process must be open to the public (Cohen and Sabel 2004, p. 368). It is tempting to assert that the public at large is now functionally equivalent to the national *demos*. As a polycentric democratic form, directly deliberative polyarchy disaggregates the communicative freedom of publics and the communicative power of *demoi* at all levels. The problem for the institutional design of directly deliberative democracy is to create precisely the appropriate feedback relations between disaggregated publics and such a polycentric decision-making process. At the same time, such institutionalized, distributed processes are not the same as those informal processes emerging from civil society. NGOs and other actors in international civil society are often able to gain influence through consultation and contestation, sometimes involving public processes of deliberation. In most international organizations, this influence is primarily due not only to internal norms of transparency and accountability, but also to the mechanisms of various adjudicative and judicial institutions that empower individual citizens with rights of appeal. This sort of institutional architecture promotes deliberation through accountability and monitoring, and works particularly well with regard to national authorities and their normative commitments. As the EU case shows, these uses of communicative freedom and the normative powers created from recognition of the status of free and equal members of a public need not be understood as only requiring transnational adjudicative institutions.

Further, as the EU examples show, democracy and nondomination at this level of aggregation are more likely to be promoted by a highly differentiated institutional structure with multiple levels and domains as well as multiple communities and publics rather than just through consultation in a single institutionalized decision-making process.

In these transnational contexts, communicative freedom in a public sphere remains a minimal requirement of nondominating institutions, since the existence of many domains and levels permits citizens to address others and be addressed by them in multiple ways and to employ the resources of multiple jurisdictions and overlapping memberships against structures of domination. To become transnational, such freedom requires an institutional structure that has both interrelated local and cosmopolitan dimensions, each with their own normative powers. When publics shape institutions and in turn are shaped by them, democracy emerges as the fruitful interaction between the openness of communicative freedom and the institutional recognition of the normative statuses and powers necessary for nondomination. Such deliberation also improves the quality of decision making, by facilitating interaction among and mutual testing through various popular and institutional perspectives (Bohman 2006).

11.5   Conclusion: The Epistemic Benefits of Transnational Publics

In order to face the problem of domination inherent in current international decision making, it would seem more is required than communicative freedom, that is, the freedom generated by the mutual recognition of others as participants in public spheres. It might seem that in addition to such freedom, a fair scheme of cooperation across borders is required – perhaps, as Rawls suggests, a "law of peoples" that makes possible "a relation of fair equality with all other societies" (Rawls 1999, pp. 121–122). Similarly, cosmopolitan democracy asks for the protection of freedoms that depend on membership in a specific political community or overlapping set of them. As Held puts it, as "members of the political community citizens should be able to choose freely the conditions of their own association" (Held 1995, p. 145). Both approaches share with my view the importance of membership, of having normative statuses and powers that come from membership in a specific political community. They also point to the recognition that communicative freedom is only one way in which nondomination is secured. More is required, and many different views of democracy see this freedom as derived from political membership. Modern democratic theory has seen membership as a condition for the exercise of autonomy, for the capacity of people to control the circumstances of their lives. The difficulty here is that autonomy or self-determination is either too broad or too indeterminate. If it is thought of broadly, then it requires independence rather than interdependence, as is the case with the law of peoples or of states. When it is not tied to specific, bounded political communities, however, as is the case with most cosmopolitan theories, it becomes too indeterminate. When communities stand in complex relations of interdependence and even self-government, they cannot independently exercise their autonomy without an inevitable indeterminacy of scope. In such cases, the transformation of communicative freedom into communicative power cannot take place without the potential for domination. The same is true of noninstitutional, civil society oriented processes.

How does appeal to nondomination and transnational publics avoid this indeterminacy and fill out these two conditions as the aim of democratization? In democratic communities, nondomination is manifested in the ability of each member of such a scheme to avoid having its terms set by others. But the only way in which each can have this ability is that if all have it and enjoy their cooperation as a product of their common liberty. The key here is then to recast Pettit's term "arbitrary" in terms of the use of normative powers to purport to impose duties on others.[14] That is, the most basic normative power necessary for nondomination is the positive and creative power to interpret, shape and reform those very normative powers possessed by agents who seek to impose obligations and duties on others without allowing themselves to be addressed by others. These consequences can be avoided only on the basis of shared liberty, if citizens exercise their communicative freedom

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[14] On this see Bohman (2007b).

and normative powers together rather than in separate independent political communities.

In no other role or location than as citizens in democratic institutions do members of modern societies exercise their normative powers of changing obligations and statuses under the condition of common liberty. In this case, obligations are not imposed, but are the product of the joint exercise of normative powers and communicative freedom that shape them. Certainly, other forms of authority exist in modern societies that also make it possible for these statuses and obligations to change without popular influence or the discursive control of citizens. Democracy itself is then the joint exercise of these powers and capacities, so that they are not under the control of any given individual or group of citizens but are jointly exercised by all. The central precondition for such nondomination is the existence of the public sphere, a space for the exercise of common communicative freedom. This space must now be transnational as well as a new kind of public sphere with new forms of technological and institutional mediation. Without this open structure of publics, the overlapping and crosscutting dimensions of interactions across various political communities could not secure the freedom that is sufficient for nondomination. In securing such freedom, decision making becomes more responsive to citizens' interests and opinions.

I end with a brief remark on the role of truth in a transnational democracy of publics in light of this conception of communicative freedom and normative power. According to the conception of distributed deliberation that I have defended, the single- perspective institutions of the state with concentrated forms of political authority are not the best way to organize democracy epistemically; the rational capacities of such institutions to convert communicative freedom into communicative power is easily overwhelmed by deep conflicts and entrenched problems that evade requirements of impartial solution in the interests of all. While impartiality may sometimes be important for the procedures of some collective agents, political authority exercised in this fashion is not the best way to make such conflicts productive, as distributed and transnational deliberation in the OMC does much more successfully. Further, deliberative reform of transnational procedures does not in each forum approximate the ideal one; rather, democratic practice is better served by institutional pluralism, in which there are a variety of overlapping and mutually checking procedures, each formulated according to its contribution to the division of decision making and epistemic labor within the system of deliberation as a whole.

In this way, optimal deliberation is not a property of each distributed forum, to the extent that democracy requires institutional agents rather than merely publics. It is rather a matter of interaction among and testing across institutionally structured collective agents that yield epistemic gains and self-correction. The primary benefit of diversity in improving deliberation only accrue in systems that institutionalize diverse forms of deliberation in different types of publics at various levels of organization.[15] The benefits of such a distributed system is that it can overcome some of

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[15] For an argument for this principle of institutional differentiation as promoting optimal deliberation, see Bohman (2007a, pp. 135–170; 2007b).

the cognitive limitations of centralized decision processes, while making the kind of opportunity for publics to possibly influence decisions at multiple locations. The outcomes of deliberation may not be for that reason necessarily more likely true or correct according to some independent standard, but they will often become more robust and provide a good basis for further shared inquiry. Solutions to problematic situations that are arrived at by means of less inclusive deliberation are likely to be less robust than democratic decisions that include all perspectives. When successfully organized and spurred by novelty to go beyond the existing framework, robustness across different perspectives captures the proper epistemic aim of transnational deliberative processes, and one that is achievable only if citizens are empowered as members of publics in a variety of institutional settings and forums. It also offers a measure of epistemic success for those democratic practices of inquiry based on the deliberation of all citizens across various political and institutional boundaries. But this success is due to the fact that those who participate in it are both members of publics and empowered citizens without belonging to a single *demos*.

References

Ackerman, B. (1992). *We the People, Vol. 1*. Cambridge, MA: Harvard University Press.

Aristotle (1998). *Politics*. Indianapolis, IN: Hackett.

Arrow, K. (1985). The Economics of Agency. In J. Pratt and R. Zeckhauser (Eds.), *Principals and Agents*. Cambridge, MA: Harvard Business School Press.

Bohman, J. (2004). Expanding Dialogue: The Public Sphere, the Internet and Transnational Democracy. In J. Roberts and N. Crossley (Eds.), *After Habermas: Perspectives on the Public Sphere* (pp. 131–155). London: Blackwell.

Bohman, J. (2006). Deliberative Democracy and the Epistemic Benefits of Diversity. *Episteme: A Journal of Social Epistemology*, 3(3), 175–191.

Bohman, J. (2007a). *Democracy Across Borders*. Cambridge, MA: MIT Press.

Bohman, J. (2007b). Transnational Democracy and Nondomination. In C. Laborde and J. Maynor (Eds.), *Republicanism and Political Theory* (pp. 190–216). London: Basil Blackwell.

Chatterjee, P. (2004). *The Politics of the Governed*. New York: Columbia University Press.

Cochran, M. (1999). *Normative Theory in International Relations*. Cambridge: Cambridge University Press.

Cohen, J. and Sabel, C. (2004). Sovereignty and Solidarity: EU and US. In J. Zeitlin and D. Trubek (Eds.), *Governing Work and Welfare in the New Economy: European and American Experiments* (pp. 345–375). Oxford: Oxford University Press.

Dewey, J. (1988). The Public and Its Problems, *The Later Works, 1925–1937, Vol. 2*. Carbondale, IL: Southern Illinois University Press.

Dryzek, J. (2006). *Deliberative Global Politics: Discourse and Democracy in a Divided World*. Cambridge, MA: Polity Press.

Ewig, C. (1999). The Strengths and Limits of the NGO Women's Movement Model. *Latin American Research Review*, 34(3), 75–102.

Fraser, N. (1992). Rethinking the Public Sphere, In C. Calhoun (Ed.), *Habermas and the Public Sphere* (pp. 109–142). Cambridge, MA: MIT Press.

Fung, A. (2003). Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences. *Journal of Political Philosophy*, 11(3), 338–367.

Habermas, J. (1989). *The Structural Transformation of the Public Sphere*. Cambridge, MA: MIT Press.

Habermas, J. (1996). *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Cambridge, MA: MIT Press.

Held, D. (1995). *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Cambridge, MA: Polity Press.

Joerges, C. and Neyer, J. (1997). From Intergovernmental Bargaining to Deliberative Political Processes: The Constitutionalization of Comitology. *European Law Journal*, 3(3), 273–299.

Krasner, S. (1983). Structural Causes and Regime Consequences: Regimes as Intervening Variables, In S. Krasner (Ed.), *International Regimes*. Ithaca, NY: Cornell University Press.

Kymlicka, W. (2001). *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Oxford: Oxford University Press.

Llewellyn, K. (1930). Agency, *Encyclopedia of the Social Sciences*, *Vol. I*. New York: MacMillan.

O'Donnell, G. (1999). *Counterpoints*. South Bend, IN: University of Notre Dame Press.

Pettit, P. (2000). Democracy, Electoral and Contestatory. In I. Shapiro and S. Macedo (Eds.), *Designing Democratic Institutions* (pp. 105–146). New York: New York University Press.

Rawls, J. (1999). *The Law of Peoples*. Cambridge, MA: Harvard University Press.

Sabel, C. and Cohen, J. (1997). Directly-deliberative Polyarchy. *European Law Journal*, 3(4), 313–342.

Sassen, S. (1996). *Losing Control? Sovereignty in the Age of Globalization*. New York: Columbia University Press.

Sassen, S. (1998). *Globalization and Its Discontents*. New York: The New Press.

Schlessinger, P. and Kevin, D. (2000). Can the European Union Become a Sphere of Publics? In E. Eriksen and J. Fossum (Eds.), *Democracy in the European Union* (pp. 206–229). London: Routledge.

White, H. (1985). Agency as Control. In J. Pratt and R. Zeckhauser (Eds.), *Principals and Agents*. Cambridge, MA: Harvard Business School Press.

Chapter 12
Conceptualizing the Power of Transnational Agents: Pragmatism and International Public Spheres

Molly Cochran

12.1 Introduction

What power is available to non-governmental organizations and social movements to influence international decision-making? Not only have formal international organizations proliferated in the last century, but international non-governmental organizations (*INGOs*) and social movements have as well. Theories and approaches exist to explain the origins of international organizations and their operation in world politics, but the origin and role of INGOs and social movements is undertheorized by comparison. Can we make a claim about INGOs similar to that Ian Hurd makes about international institutions: that international politics is "carried out using tools derived from or controlled" by these actors? (2005, p. 496) This chapter argues that the existing literature on INGOs needs both bridging and augmentation to answer this question. Openness to an alternative idea of international relations as a social science will be required as will a conceptual tool that can demonstrate the unique nature of power that these non-state actors wield in world politics. To these ends, an idea of pragmatist social science and the concept of international public spheres (*IPSs*) will be introduced and developed.

It is difficult to trace these transnational actors and their effects in world politics. Their influence is constructed through diffuse networks of intersocial relations within and between states. Also, their 'interests' are not defined by the agendas of states or by bureaucratic culture so much as by a principled concern with the welfare of individuals and associated groups who are themselves seldom heard or seen in international decision-making. Neither the subjects – individuals – nor the normative nature of their interests is easy to chart within realist, neo-realist, liberal or neo-liberal approaches. However, two literatures, with little, if any, regular contact or exchange, are engaged in this kind of activity: *constructivism* and *normative* theory.

My central argument is that those who study INGOs and social movements must recognize that international norms, the foundation from which these actors are able to leverage power, are at once facts *and* values that require sociological as well as moral-philosophical investigation. However, neither constructivism nor normative theory has a demonstrated ability to provide this breadth of analysis. Can we bring these literatures together to gain a fuller picture of the power available to these actors? Are they compatible? I will argue that while they are not incompatible, their

insights can only be shared if we assume a *pragmatist approach* to international relations as a social science and use the device of a conceptual tool, *international public spheres*, to realize their potential complimentarity.

This chapter provides a brief account of agent-driven change in the literatures of constructivism and normative theory and draws attention to what remains underdeveloped in each. I will show how gaps in explanation and understanding occur at the limits of what these particular lines of inquiry do and encourage the adoption of a common conceptual tool, IPSs, to augment them both and identify existing synergies. To the extent that rationalist approaches can adopt a pragmatist idea of social science, they too may benefit from a collaborative enterprise around this conceptual tool.

12.2   Constructivism and Normative Theory

Constructivists employ concepts like transnational advocacy networks (*TANSs*) and epistemic communities (*ECs*) to explain how INGOs and social movements emerge, how they work and what kind of work they do, and why they are effective or ineffective.[1] Constructivists understand international interaction to be societal interaction built upon normative structures that shape the identities and interests of international actors, and they map the processes whereby INGOs and social movements are able to socialize states. Constructivists illuminate how non-state actors are sometimes able to draw upon the normative underpinnings of international society as a resource for compelling state actors and state-based institutions to re-examine their interests, bringing them in line with the principled positions advocated by these groups. Thus, constructivists bring to light a kind of power not typically considered within conventional accounts of international relations.

Normative theorists use concepts like cosmopolitan democracy, democratic global governance, or transnational civil society to ask a very different set of questions about how individual autonomy or human flourishing can be best realized. Normative theorists evaluate existing and future norms, practices and institutions on the basis of their potential for realizing justice for individuals and associated groups.[2] In particular, cosmopolitan democrats focus upon the democratic deficits within international institutions and global governance more generally and think about the roles that can be played by INGOs and social movements in making up shortfalls in democratic practice at the international level.[3] Drawing upon philosophical, rather than social scientific resources, cosmopolitan democrats set this normative guidepost for thinking about such issues: that individuals and associated groups should have points of access to international decision-making which affects them.

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[1] For the concept of "transnational advocacy networks", see Margaret Keck and Kathryn Sikkink (1998). The conceptual and empirical work by Peter Haas on epistemic communities is often recognized as the most influential; see for example Haas (1992).

[2] See edited collections by Erskine (2003, 2004).

[3] For a representative sample see: Archibugi and Held (1995), Bohman (1999), Dryzek (1999), and Held (1995).

Despite their different types of inquiry, these literatures share a common interest in exploring the role of transnational actors and the possibility of agent-directed change in world politics. In addition, they share a recognition that INGOs and social movements form around a basic concern: human welfare. However, constructivists are not interested in exploring this concern in any depth. They prefer to study the ways in which values manifest themselves as social facts with causal powers in world politics, suspending any judgment of the social facts they explain. Cosmopolitan democrats are more interested than constructivists in providing reasoned arguments for what democracy requires in an interdependent world. They project alternative futures or ideas of how political community should be transformed in world politics, but they are less focused on what will be required to make the projected future a reality. Constructivists have neglected to develop how values operate in their theories and cosmopolitan democrats have failed to develop how knowledge and power operate in theirs. Both literatures require augmentation of a kind. Norms as empirical facts and the power agents can fashion in relation to them cannot be studied apart from evaluation of the moral choices we inevitably make in constructing norms as social facts. Also, the conditions conducive to realizing the democratic autonomy of individuals must be studied; the setting of a normative guidepost is not enough.

Are these approaches complementary and can they be combined for purposes of improved explanation and understanding? Both see that not only change, but progress, is possible in world politics and that knowledge about the world can be achieved, despite recognition of its social construction. However, constructivists aim to *explain* and cosmopolitans aim to *evaluate*. The methods of constructivists range more widely, from positivist to interpretative, depending on the extent to which one adheres to a distinction between fact and value and where one stands on ontological disagreements about the significance of structural as opposed to agent-centered analysis. Cosmopolitan democrats are normative international relations theorists or political philosophers, who are unfailingly interpretative and begin from the same moral assumption: that the individual should be at the center of moral concern in world politics.

If the task was one of bringing a normative theory approach together with a kind of constructivism singularly interested in generating testable hypotheses with the potential for explanatory significance at the systems level, there would be no basis for entering into an exchange on mutually comprehensible and acceptable terms. However, few constructivists are of this kind (that is, who deny the significance of agent-centred analysis), and even among the constructivists who are inclined to study international norms in ways more appropriate to positivist social science, explicit calls have been issued for a turn to political philosophy and normative international relations theory for further insight into the study of norms.[4] The question is how?

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[4] Finnemore (1996, p. 5); Wendt (1999, p. 377). As the earlier note of wide-ranging methods within constructivism suggests, there are constructivists who are already incorporating insights drawn from moral philosophy and normative international relations theory. See for example, Doty (1996), Fierke (1996), C. Lynch (1999), Neumann and Welsh (1991), Reus-Smit (1999), and Weldes (1996, 1999).

12.3   Pragmatic Constructivism

If these approaches are not incompatible, how might they work in tandem? Ernst Haas and Peter Haas propose *pragmatic constructivism*, a blend of constructivist IR and pragmatism in the philosophy of science, as a means to facilitate inter-paradigmatic dialogue and improved understanding of international institutions as agents. They describe pragmatic constructivism as an approach "capable of generating useful mid-level truths without falling prey to the unresolvable philosophical, ontological and epistemological debates" (2002, p. 574). The added benefit of this particular constructivist approach is its consensus theory of truth.

> [W]e argue that it is possible for followers of any and all approaches involved in developing knowledge about a particular puzzle to agree if and when they can also agree that they accept a given solution to be 'true', if only temporarily and for a restricted purpose. We also argue that the means for ascertaining such a 'truth' – truth tests – can also be consensual by means of a sustained dialogue among theorists and practitioners. (2002, p. 574)

If your aim is to explain agent-led change, positivist social science comes up short. According to Haas and Haas, better explanation in this area requires that the social construction of reality be taken seriously and the correspondence theory of truth that undergirds positivism is not equipped for this purpose. In their view, what is particularly valuable in pragmatism is its intellectual pluralism, afforded by its idea of truth, its alternative notion of causality, and evolutionary epistemology. As they describe it, pragmatic constructivism parcels knowledge into three domains: brute facts (the realm of natural science); social facts (the realm of social science); and hybrid facts (the application of brute facts to social situations) (2002, p. 590). The evolutionary epistemology they attribute to pragmatism conducts inquiry as professional research communities around particular problems working to cumulate knowledge about hybrid facts with a view to improving political practice. Thus, any consensual knowledge produced by these research communities not only improves theory building among academics, but solves social problems, serving the betterment of humankind.

Haas and Haas are right to focus our attention on the matter of paradigm incommensurability and to use pragmatism – an American philosophy which broke down many dualisms within philosophy – to help us rethink the idea that impasses in inter-paradigm debates are themselves problems. However, Haas and Haas fail to take seriously in a way that Deweyan pragmatism does, the notion that facts cannot be examined independently of human desires and purposes. Inquiry, if it is to lead to progress, is integrally bound with the ends of individuals and associated groups.

An important figure within American pragmatism, John Dewey, wrote that positivist social science misinterprets what natural science does, equating natural science with the collection of facts. Natural science aims at more than fact collection. Instead, it employs scientific method in order to determine the relationships between the objects being studied. For Dewey, the objects of knowledge in social inquiry have both subjective and objective elements that must be studied as a unity in the context of a particular problem or indeterminate situation. Consensual knowledge makes advances through directed activity which seeks to measure and explain

changes in our environment and by being open to different kinds of inquiry along the way – or as Haas and Haas would put it, looking both within paradigms and between paradigms to best resolve dilemmas. However, Dewey is not just interested in change for the sake of explaining change. Knowledge-building is a process of identifying problems that require resolution and intervening to determine the relationships of their occurrence in an effort to regulate them in ways fitting with the purposes of a community (Caspary 2000, pp. 83–84).

Haas and Haas are compelled by the idea that knowledge is for a purpose – human betterment – but they are not interested in thinking more deeply about the human community they imply, what its values and best interests might be, or the conflicts that may exist among values in such a diverse community or whether it can be conceived as one community at all (Haas and Haas 2002, p. 595). Pragmatism's focus on mid-level theorizing and its assumptions of fallibility, providing for a more modest formulation of truth claims, takes the edges off inter-paradigm rivalry. However, deep commitments, or values, will have to be evaluated and may be challenged in the process of problem-solving. Values are at the core of what we identify as a problem that needs investigation and are what we draw from in determining a consensus-based solution of the problem. Indeed, theirs is a tendency evident in recent constructivist theorizing generally and one that goes back to Max Weber, who is seen by a number of constructivists as offering an interesting alternative to positivist notions of IR as a social science.

Weber's main methodological concern was to show that while interpretation must play an important role in social scientific analysis, an 'objective' method of concept formation is still available: the ideal type. As within pragmatism, Weber's starting point for the construction of an ideal type is a problematic situation or a practical question. These practical questions express "general cultural values"[5], and the knowledge generated in relation to a problematic situation is purposive and evaluative. Dewey and Weber both work with two sets of presuppositions in the process of social analysis: (1) those of the social actors, when one begins to identify the broad category of facts to which social actors have bestowed meaning; and (2) those of the investigators, when one selects from that broad category of the subjective meaning of social actors an object of study, with that choice being guided by the values shared among a community of inquirers.[6] However, Weber stopped shy of evaluating the ends of social actors and examining their internal consistency. Weber could not go this far because of his enduring commitment (albeit qualified) to the positivist distinction between fact and value.

Perhaps Haas and Haas feel residual positivist proclivities in relation to the fact value distinction too. If not, and this is a dichotomy they can let go of, perhaps they are simply unprepared to engage in an inquiry into ends, neither those of the social actors nor those of the investigators or research communities. In either case, the end

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[5] On the idea of 'general cultural values' in Weber's work see especially Burger (1976).

[6] For a fuller picture of IR as a post-positivist social science fashioned after Dewey and compared with alternatives drawn from Weber and Habermas, see Cochran (2002a).

result is that the idea of inquiry conducted in the research communities of their pragmatic constructivist approach resembles more closely that of C.S. Pierce, the founder of pragmatism, than Dewey's.

As Matthew Festenstein (2004) writes, pragmatism entails two ideas of inquiry.[7] The *first idea* of inquiry, coming out of the work of Peirce, finds that the conditions under which we are able to arrive at true belief, or consensus among a community of inquirers, is not tied to an idea of human betterment. Instead, all that is assumed is that we value truth and as truth seekers we have views about epistemic virtues that fall in line with views about inquiry held generally within pragmatism.[8] The *second idea* of inquiry within pragmatism is Dewey's and it is tied to our broad idea of human betterment and progress. Growth, for Dewey, requires careful consideration of the needs and interests of others which entails that we as individuals, as inquirers, not only adopt the epistemic virtues suggested by pragmatism, but also recognize that we cannot escape our interdependence with others. Therefore, both good problem-solving and the maximization of individual self-fulfilment comes from taking on board the ends and interests of members of our wider communities and an openness to revise our own ends when cooperative social inquiry suggests such a need.

I argue that the pragmatist line of inquiry best suited to conceptualizing agent-driven change in world politics is a Deweyan one. Dewey's pragmatism is particularly valuable in that it offers an alternative idea of social science from positivism which not only conducts a less polarizing form of mid-level theorizing, but also works to maintain a kind of objectivity in social inquiry that can exercise ethical judgement. Within one approach that I will label throughout as 'pragmatism', rather than 'pragmatic constructivism', analyses of the kind both constructivists and cosmopolitan democrats undertake are possible as long as each is open to methods that serve the broad purpose of fulfilling what is required for progress or growth in the process of consensual problem-solving. A key concept around which open exchange between diverse perspectives can be conducted is also adapted from Dewey: the concept of IPSs.

12.4   Conceptualizing Agent-Driven Change Pragmatically

How might conceptual analysis generate inter-paradigmatic discussion and improved knowledge construction in relation to INGOs and social movements? For Dewey, concepts are heuristic devices, "intellectual instrumentalities by which

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[7] While his account is offered in a treatment of democratic deliberation, I believe it can be broadened for our purposes here.

[8] According to Festenstein (2004), these epistemic virtues include: an experimental attitude which holds that we should test our propositions against as many approaches and ranges of experience as possible; an obligation to act upon the best solutions to problems we can reach at the end of the experimental process or wherever the process concludes should it be interrupted by force of circumstance; and responsiveness to new arguments and an openness to revising one's own, since any truths reached only have warranted assertibility.

all sorts of things with no qualitative similarity with one another can be compared and brought into the same system" (Dewey 1984, pp. 100–101). I think Dewey would accept W.B. Gallie's, perhaps more familiar, essential contestability thesis of concepts. Gallie holds that a number of approaches may compete over the proper use of the concept, but they each draw from and seek to optimise the 'original exemplar', the common core acknowledged by all as giving unity to a concept. Critical engagement between different groups within a community of inquirers of this kind, furthermore, improves the overall quality of arguments offered for the concept.

As Dewey formulates it, we test the validity or explanatory power of concepts by whether they are in fact "dependable signs", meaning that we can expect the same consequences to result whenever the concept is employed (Dewey 1984, p. 104). However, what counts as a dependable sign is not fixed. It changes as meaning bestowal on the part of human actors changes. Concepts are continually being revised. Nonetheless, concepts have objective validity to the extent that they can explain a *particular* set of relationships to which they correspond and hold a framework of consensus among a community of inquirers with regard to that particular set of relationships, reflecting a shared set of cultural values.

The concept of a *regime* for the study of international institutions and its adoption by realists, neo-liberals, and a broad spectrum of constructivists alike, demonstrates what is possible in the sense sketched above.[9] The regime concept is an 'intellectual instrumentality' that allows approaches which begin from rather different starting points to recognize in common this core understanding: that international institutions exist in world politics and stabilize mutual expectations, facilitating international cooperation. While agreement between these groups of inquirers on the optimum or what makes this sign dependable will not be decided in any final sense, consensus may be found in particular circumstances for a limited duration. Most important, a limited form of inter-paradigmatic exchange and knowledge cumulation has occurred around the concept of an *international regime*. The literature on regimes is positivist for the most part, but more reflexive constructivists engage in the discussion of regimes as well, forcing other groups of inquirers within the community as a whole to hone and refine their arguments. As a result, a rich exchange among rival groups bound together in a contest around a core concept is taking place.

However, while the concept of a regime demonstrates what is possible, it cannot serve inquiry into transnational agent-led change of the kind suggested here. First, and foremost, the exemplar of a regime is state-centric and does not understand the institutions at the heart of the concept to be agents. Regimes are fora for stabilizing mutual expectations, not agents themselves. Second, the community of inquirers interested in regimes are focused on 'is' rather than 'ought' questions. Their shared interest as a community of inquirers centres upon explaining

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[9] For an account of the diverse approaches contributing to the literature on regimes, see Hasenclever et al. (1997).

how regimes stabilize mutual expectations and make cooperation possible, not upon illuminating how regimes might work to produce outcomes that can be viewed as normatively desirable by a certain community. Finally, regimes accommodate an interest in system-level analysis that would not be possible among a community of inquirers who want to theorize opportunities for progress. What concept will accommodate such a group and what values will it reinforce among this community of inquirers?

While constructivists and cosmopolitan democrats are separated by the types of questions they ask about INGOs and social movements and the methodologies they use to study them, I argue that there is a shared set of values among these investigators that could link them as a community of inquirers: their understanding of transnational actors as principled agents. They share a belief that progress is possible in the study of international relations and they believe that progress is possible in international relations itself. Also, the subjects for whom and by whom progress in world politics is to be measured is an idea of humankind at large. Constructivists and cosmopolitan democrats express a cosmopolitan intent.[10]

By adopting pragmatic epistemic virtues and engaging a wider community of inquirers, one that includes normative theorists too, constructivists could follow through on their cosmopolitan intent. What normative theorists who focus too singularly on this intent and meta-theoretical debates on ends associated with this intent, often forget is that ethical debate must remain tied to the facts of problematic situations experienced in our lived environments. Their involvement in a wider community of inquirers and adoption of pragmatic epistemic virtues could have positive effects (no pun intended) for their theorizing too. So there are shared values between these groups of inquirers and opportunities for improving knowledge should they engage as a community of inquirers around a concept, but which one, TANs, epistemic communities, or something else? I want to turn now to a concept of the international public sphere that revises and builds upon Dewey's concept, offering both a description of actually-existing intersocietal actors in world politics as well as an analytical tool for understanding the impact of these actors and their normative value.

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[10] While the cosmopolitan intent of cosmopolitan democrats is not an issue, it is often forgotten or not fully appreciated that epistemic communities form around shared causal ideas *for a purpose*. The fourth distinguishing characteristic of epistemic communities is that they are engaged in "a set of common practices associated with a set of problems to which their professional competence is directed, presumably out of the conviction that human welfare will be enhanced as a consequence", (Haas 1992, p. 3). Cosmopolitan intent can also be found in the TANs literature. Keck and Sikkink (1998, p. 213), blame idealism for the fact that we have few theorists of international relations to whom we can turn to give voice to a vision of the global potential and limitations of a cosmopolitan community of individuals. However, this topic is at the heart of both normative IR theory and international society theory. To my mind, this is a case of methodological differences getting in the way of a recognition of shared values among two sets of inquirers that an alternative idea of IR as a social science could ameliorate.

12.5   International Public Spheres

I am not alone in my interest in offering a conceptual revision of the idea of the public sphere that is useful to the study and practice of world politics. James Bohman, John Dryzek, Marc Lynch, and Jennifer Mitzen have all invoked the concept of international or global public spheres in recent publications.[11] However, unlike these writers, for whom Jürgen Habermas informs their particular understandings of the concept, I draw from John Dewey in formulating mine.[12] Dewey's starting point in conceptualizing public spheres is human acts and their consequences upon others. Private acts are ones that affect individuals directly engaged in them. Acts that are public are those which affect individuals who are not directly engaged in them. A public sphere is constituted when "indirect consequences are recognized and there is an effort to regulate them, *something having the traits of a state come into existence*" (Dewey 1927, p. 12; emphasis original). In order to further illuminate Dewey's meaning here, it may be helpful to think of statehood as a continuum made up of publics. On this continuum are states as we typically understand them, which Dewey also refers to as publics:

> [T]his public is organized and made effective by means of representatives who as guardians of custom, as legislators, as executives, judges, etc., care for its especial interests by methods intended to regulate the conjoint actions of individuals and groups. Then and in so far, association adds to itself political organization, and something which may be government comes into being: the public is a political state. (Dewey 1927, p. 35)

This continuum, however, also includes publics which may be only informally organized – say a neighbourhood – and more formally organized publics. The scope of their shared concern may be limited to a single issue area, like women's health. In both cases, these are associations defined by the accumulation of shared interests in regulating the impact of a range of behaviours that reach beyond authors, so they too are publics. This is what Dewey means by the expression, "having the traits of a state". Such associations, or publics, qualify for placement on this continuum, because they are distinguished in the same way that states are: by a shared interest in controlling indirect consequences that affect those associated.

What distinguishes publics on this statehood continuum is the extent to which they can make their shared views authoritative. States, or publics with a capital 'P' for Dewey, have special political agencies invested with public authority that are capable of issuing binding decisions for a societal group. Publics with a lower case 'p' – which for the remainder of this paper will be referred to as public spheres and will be distinguished as 'institutions' (meaning that they have traits of a state) – do not have such

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[11] For example, see Bohman (1998, 2007), and his chapter in this volume; Dryzek (1990, 1999, 2006); M. Lynch (1999); and Mitzen (2005).

[12] For an argument as to the merits of a Deweyan-inspired conception of IPSs over Habermasian ones, see Cochran (2002b).

agencies, but they are not without public authority. Available to them are many ways of influencing decision-making such that public spheres can become 'strong publics', working to regulate behaviours and effect democratic change.[13]

As I understand them, IPSs seek to influence decision-making in relation to the transnational issues or consequences which concern them, and this is why they should be conceived as institutions. Such efforts are directed at making the views of an international public sphere *authoritative* in the decision-making that goes on where international public authority exists in world politics: international law, regimes, the United Nations, and in the bilateral and multilateral relations between states. These international decision-making institutions are empowered to the extent that sovereign states participate in and authorize their activity. However, institutions whose members are individuals – IPSs in other words – try, sometimes successfully, to exercise a form of rule or decision-making in these fora; that is, when they seek 'traits of a state', in particular, the power to control social processes. Some IPSs work with more formal organizational structures, like INGOs. Others have less formal organizational structures like social movements and advocacy groups. They may not be international public authorities invested by states with the power of international decision-making capacities, but they use strategies of publicity, advocacy and networking to make these authorities accountable to those affected by both their policy choices and their inaction in areas where regulation should exist.

While Dewey did not write of international publics spheres as such, I am extrapolating from his conception in suggesting that IPSs are institutions that evolve when associated groups find themselves as individuals similarly affected by transnational consequences, and work collectively to solve the problem presented by those consequences.[14] Just as some publics may be too narrow in scope ever to emerge as states, some publics are too isolated either by the nature of the issues which bind them together or by physical, financial, intellectual, or technological constraints such that they remain domestic in their orientation, rather than transnational. However, such conditions are not static. The indirect consequences which bind publics, whether local, national, or transnational, can take on different contours, or those that once seemed local may come to be understood as having wider effects, or vice versa. The key is that any public, no matter its scope, is a tool which serves the specialized function of helping individuals, through cooperative social inquiry, work towards more effective control of the indeterminate situations in which they share common interests.

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[13] Here I am drawing upon Nancy Fraser's distinction between 'strong' and 'weak' publics (1992). I talk about this at more length in Cochran (1999).

[14] In this volume, Bohman credits Dewey with providing the best "alternative strategy" for transnational democracy to date, but argues that his concept of the public sphere falls short because it does not allow for the possibility of publics arising "beyond the control of even a disaggregated authority". I too find this to be an important feature of an IPS concept, but do not see that Dewey's definition of the public precludes this possibility. The principle advantage in working with Dewey's concept is the idea of a shared problem at its center. Only a problem-centered public can provide sufficient focus to motivate and sustain transnational communication given the diverse and dispersed nature of global politics.

However, IPSs are not simply institutional actors operating in world politics. They have additional features, normative and methodological, which set them apart as unique intersocietal actors. Problem-solving is not just technical and functional. It requires thinking about how our world might be, or as Alexander Wendt has put it, whether we choose to make Hobbesian, Lockean or Kantian futures (Wendt 1999, pp. 246–312). Moral reasoning is essential to problem-solving. The shared effects of problematic situations create social responsibilities as individuals recognize their interdependence and come to see a need for social cooperation. This invests an IPS with the status of a community. The normative ideal of the public sphere rests in its quality as a space in which individual autonomy is enhanced by action on the part of individuals, action that has regard for social interests. Because members of IPSs take on board the ends and interests of others in their deliberations, IPSs facilitate growth. Participants are understood to be diverse and to be equals whose interaction is composed of discourse, inquiry, and deed. A public sphere is a valued achievement to the extent that common areas of concern or connection between persons can be identified and critical inquiry into those shared interests takes place. Individual autonomy is realized in the context of community and social responsibilities that lie therein. The substance of social integration achieved, of agreement reached between persons in a public sphere, is often seen as being definitive of democratic politics.

This notion of social cooperation is not only at the core of Dewey's idea of democracy and publicness, but it is at the core of his idea of social science as well. Resolutions to the problems which concern either democratic communities or scientific communities can only be discovered experimentally in cooperation with others in a reflexive process of critical inquiry. The participants in either of these communities are interdependent, operating in a realm of conscious and deliberate coordinated activity that is valued by the participants (as are its norms), and in a realm in which common purposes are established through discourse about practice (Caspary 2000, p. 65).

How do these attributes of the international public sphere concept potentially advance our understanding of change in world politics led by INGOs and social movements? The empirical, normative, and epistemological dimensions of the IPS concept give us potent mechanisms for illuminating the unconventional type of power available to these actors. The concept has clear empirical reference points to the past and present that can be studied without having to speculate about necessary conditions for global civil society and distinctive forms of communication in the future as those working with a Habermasean understanding of the public sphere must do. One can examine the historical development of actually existing IPSs around issues such as the prohibition of the slave trade, the women's international peace movement, or the campaigns to ban landmines with a view towards learning what has made these publics more or less successful in their endeavors. Within the parameters of the IPS concept this requires that we determine: (1) the processes whereby recognition of problematic situations, which lead to the formation of international publics, are either enhanced or frustrated; (2) how cooperative decision-making in regard to shared social problems takes place within IPSs; (3) when IPSs should seek to exercise power as strong publics and how; and (4) by what normative criteria are IPSs being evaluated both internally and externally and found or not found credible as principled actors. I will address these lines of

inquiry, comparing and contrasting them with related lines of inquiry taking place around concepts used in the existing literature on principled, transnational agents.

12.6 Transnational Advocacy Networks, Epistemic Communities and International Public Spheres: A Comparison

How does the understanding of INGOs and social movements provided by IPSs compare to that offered by the concepts of TANs and epistemic communities? To begin, TANs are "networks of activists, distinguishable largely by the centrality of principled ideas or values in motivating their formation". (Keck and Sikkink 1998, p. 1) Both TANs and IPSs are principled actors capable of changing world politics. While scholars employing these concepts understand the emergence of TANs and IPSs to take place around shared values, each frames their emergence somewhat differently. IPSs emerge around recognition of a problematic situation that requires cooperative problem solving among those affected. TANs emerge around a principled idea.

In IPSs a community's shared understandings and values play an important role in problem-recognition and selection. A focus on problems provides an empirical ground in the lived experience of our environments. Problems are the social facts from which knowledge cumulation begins, but values cannot be ignored or bracketed along the way. Inquiry into problem-solving means going back and forth between one's initial beliefs or values and proposed solutions and perhaps changing one's beliefs along the way. TANs, on the other hand, treat the values, not the problems motivating appeals to principled ideas, as the empirical ground upon which actors converge. That is, they take values to be social facts which can be studied in isolation from their normative content, treating their normative content as a constant for the most part. This, I argue, can lead to gaps in understanding how principled actors generate change in world politics. The TANs literature fails to explore the possibility that the moral-philosophical persuasiveness of a value at the core of a campaign may be an important component of its effectiveness. Keck and Sikkink acknowledge such a possibility when they write that the values of bodily harm and legal equality of opportunity are at the core of the more successful campaigns. But why? The TANs concept, as formulated by Keck and Sikkink, is not equipped to ask the fourth question that animates IPS driven inquiry: by what normative criteria are IPSs being evaluated both internally and externally and found or not found credible as principled actors.

Epistemic communities are not equipped to ask such a question either. ECs are non-state actors of a particular kind. They are knowledge communities whose members have expertise that is of social value and in demand by state decision-makers. (Haas 1992, p. 3) IPSs are knowledge communities of a kind too. While the knowledge they possess may take the form of an expertise, what is particularly distinctive about IPSs is that the knowledge they hold is derived experimentally through practical, critical inquiry that is oriented to serving the ends or values shared by its members. Both IPSs and ECs emerge in contexts of uncertainty, when indeterminate

situations come to be recognized. However, IPSs are the product of this recognition among persons and groups, not by state actors in a condition of codependence as in the case of ECs. IPSs and ECs may be national or international and may be formally and informally organized, often surviving only for the life of the problem which concerns them (Haas 1992, p. 17; Adler and Haas 1992, p. 371). IPSs and ECs are effective when they are able to frame the policy-choice issues, provide information, interpret for decision-makers the most vital interests that they have at stake, and set standards. As for how they work as knowledge communities, IPSs, like ECs, have a shared set of causal beliefs about problematic situations of concern to them, and both concepts share intersubjective notions of validity (a consensus theory of truth).

Although both are normatively grounded knowledge communities, only IPSs find that the conditions under which we are able to arrive at true belief are tied to the ends and interests held by a community. Also, there are differences in regard to access to the consensual problem-solving that goes on within these communities. While Haas writes that ECs do not have to be composed of natural scientists and that methodologies other than those used in the natural sciences can be shared within epistemic communities, it remains that membership of epistemic communities is rather circumscribed. They must be experts with professional pedigrees and possess socially valued knowledge. IPSs, on the other hand, see all persons as potential social scientific inquirers, making wider access to membership possible.

While the membership of ECs may be smaller (thereby facilitating the consensus-building process) and more elite (thereby potentially commanding more attention from states, it is not necessarily the case that the knowledge confirmed by them is any better than that generated by communities with wider access. It may be plausible that the wider the participation and the more that the ends and interests of those affected are taken on board, the more workable the solutions generated. The openness of IPSs could in fact compensate for what is perhaps lost in the way of leverage available to ECs, or at least, this needs to be empirically investigated. As the TANs literature has shown, there is more to the power of principled actors than having a particular expertise at a time in which it is in demand by states' decision-makers. However, what neither the TAN nor EC concepts illuminates is whether the power of these actors is perhaps derived from both the practical workability of the kind of knowledge produced and the normative persuasiveness of principled solutions found.

12.7 Power and International Public Spheres

So how exactly can IPSs take our understanding of the power of principled agents such as INGOs and social movements further? I find Michael Barnett and Raymond Duvall's definition of power and their taxonomy of four types of power (compulsory, institutional, structural and productive)[15] particularly useful. They define

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[15] Barnett and Duvall (2005a, p. 42). These authors believe, as do I, that conceptual analysis can facilitate inter-paradigmatic discussion and improved knowledge construction.

power as "the production, in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate" (2005a, p. 42).[16] Perhaps less helpful is that they assert, but do not follow through on the idea that each of the four types of power spawns its own form of resistance such that one can speak of a taxonomy of resistance (2005b, pp. 22–23). INGOs and social movements are assigned by Barnett and Duvall to this alternate typology, but neither resistance nor INGOs are a central concern of their edited volume on power and global governance. If it were to have a more sustained treatment, I would say that 'resistance' is not a particularly helpful alternate typology, since categorizing types of resistance does not do much to advance explanation unless it says something about the types of power used by those doing the resisting. More helpful I think to characterizing the power of principled, non-state actors and thinking about power and global governance generally would be to create an alternate typology composed of the same four cells, but one would detail the types of power exercised by those agents shaping global governance from the top-down (states and international organizations) (Table 12.1) and those working to influence global governance from the bottom-up (Table 12.2) (moral entrepreneurs, epistemic communities, INGOs, social movements, and civil society actors).

Table 12.1 Power of top-down actors: Four types

		Relational specificity	
		Direct	Diffuse
Power of top-down actors works through	*Interactions of specific actors*	Compulsory	Institutional
	Social relations of construction	Structural	Productive

Table 12.2 Power of bottom-up actors: Two types

		Relational specificity	
		Direct	Diffuse
Power of bottom-up actors works through	*Interactions of specific actors*	Compulsory	N/A
	Social relations of construction	N/A	Productive

[16] For Barnett and Duvall (2005a), compulsory power is the direct control of others (p. 49); institutional power is the indirect control of others (p. 51); structural power is the "co-constitutive, internal relations of structural positions that define what kind of social beings actors are" (p. 52); and productive power is the "constitution of all social subjects with various social powers through systems of knowledge and discursive practices of broad and general scope" (p. 55).

In an alternate typology of power exercised by agents for change in world politics working from the bottom-up, two types of power are not available (N/A): institutional and structural.[17]

However, both compulsory and productive power are effectively wielded by these agents. Indeed, TANs and ECs have focused primarily on demonstrating the ways in which principled actors have had a decided effect on the behaviours of states; that is, in meeting compulsory power with compulsory power (say through the tactic of 'shaming' states). However, in order to gain a more complete picture of these two types of power used for transnational agent-led change, values can not be bracketed; they must come to the center of our inquiry. IPSs are particularly well suited to illuminating the productive power leveraged by principled transnational actors. Productive power is diffuse and is socially constructed. It is constituted, according to Barnett and Duvall, through "systems of signification and meaning" and "networks of social forces perpetually shaping one another" (2005a, pp. 55–57). I argue that the conditions of meaningful action cannot be understood apart from the values to which both social actors and communities of inquirers (international relations theorists included) attach themselves, and that the networks of social forces that impact one another can be helpfully traced by the parameters of shared problems that define IPSs.

Let's begin by addressing the second element of productive power: *networks of social forces* that impact one another. While IPSs are agents and institutions with a small 'i', they do not exert "institutional power" (Barnett and Duvall 2005a, p. 51). They cannot create for themselves a hegemonic system of international institutions or directly participate as members in international institutions. However, they are institutions in this sense: they seek access to decision-making, building and sustaining social networks through which problem-solving can be successfully coordinated.

One transnational democracy theorist, John Dryzek, contributing to the cosmopolitan democracy literature, uses the concept of the network to convey the "dispersed capacity to engage in deliberation that ultimately shapes the terms of discourse in world politics" (1999, p. 48). The network, rather than the public sphere, is the institutional form, albeit loosely configured and continually in-process, that makes "deliberative democratic control over the terms of political discourse and so the operation of governance in the international system" possible (1999, p. 48). For Keck and Sikkink too, "networks are communicative structures" and they prefer the term network, since it conveys "the structured and structuring dimension in the actions of these complex agents" and because it is the language the actors themselves use (1998, pp. 3–4).

What is evoked by these authors in their use of the term network can be found in IPSs too. However, what sets IPSs apart from these ideas of networks is that *problems* define their connections rather than values or a shared discourse. Where

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[17] The first table adapts, but closely follows Barnett and Duvall's table of types of power (2005b, p. 12).

community may not have once existed, it can be created among individuals and associated groups through the lived experience of a shared interdeterminate situation or crisis. Where it does exist, the values at the base of the community are open and responsive to the needs of all concerned and to what is required for good problem-solving (i.e. the epistemic virtues). Whereas, when values are at the center of what we understand by a network, they come, as theorized by Keck and Sikkink, pre-constituted, open only to those who can subscribe to the original principle. Understanding networks as configurations centred around problems helps us see them as they in fact operate: open to all who feel their effects, in-process and subject to change and re-configuration, and available for interpretation. When networks are equated with discourse, what is lost is our purchase on material conditions, our ability to critique (so important to resistance movements) and make claims against inequality, oppression, and suffering if interpretation goes all the way down and clear reference points to the institutional conditions of such domination are not available. IPS as networks draw from both discursive and material resources, interrogating the regulative use of language, particularly in the use of dichotomous thinking, and continually come back to "ordinary life experiences and their predicaments" (Dewey 1929, p. 7) in their efforts at finding solutions to problems that are practically workable.

IPSs are also particularly adept in helping us think about another of the key elements of productive power: *systems of signification and meaning*. Here, drawing a comparison with Michael Barnett and Martha Finnemore's account of international organizations as agents that construct social relations in world politics is particularly illustrative. Borrowing from Weber, Barnett and Finnemore write that the capacity to shape meaning in world politics on the part of international organization emanates from the legitimacy of the rational-legal authority they possess and the control they exert over technical expertise and information (1999, pp. 699–700, 707–708). Most important,

> they make bureaucracies powerful precisely by creating the appearance of depoliticization. The power of IOs and bureaucracies generally, is that they present themselves as impersonal, technocratic and neutral – as not exercising power, but serving others; the presentation and acceptance of these claims is critical to their legitimacy and authority. (Barnett and Finnemore 1999, p. 708)

Rather than being brokers of impartiality and neutrality, IPSs are decidedly partial and political and their legitimacy is bound up in fulfilling this role: assisting individuals and associated groups in having some say over the indirect consequences of international politics which affect them. That is, the legitimacy and authority they bring to the construction of meaning in intersocietal relations is bound up with a notion of the democratic autonomy of individuals.

IPSs are partial to all those others caught-up in the shared experience of a crisis situation or indeterminacy of some kind powerful enough to generate an IPS in the first place and they are certainly political, working to gain access to international decision-making to fill governance gaps that states and international institutions fail to address or meliorate. They are architects of global governance from below.

Systems of signification and meaning are created through their efforts to politicize the problems, and thus, their productive power depends upon the extent to which deficits in the 'goodness of bureaucracy' and the legitimacy of modern authority have registered with individuals and associated groups. Also critical to their politicization efforts is their work as producers and conduits of reliable information and technical expertise.

Because they are expressly political, their task is more complicated than that of international organizations. IPSs work to ensure that the information and expertise that emanate from their activity is perceived to be as objective as possible or their capacity to construct productive power is undermined. This is where the epistemic virtues connected with IPSs take on added significance.

The productive power of IPSs to shape the meaning of intersocietal action and the structures or networks in which it takes place is tied, in the main, to the intrinsic quality of the value(s) invoked as an integrative principle that guides inquiry and problem-solving among social actors and those studying social actors.[18] To begin, there is the broader goal of progress towards human betterment that the IPS concept shares with cosmopolitans and constructivists and the concepts they employ. However, more precisely, the ethical principle that defines a pragmatist understanding of this broad cosmopolitan intent is the idea of growth. Individuals actively and responsibly engage their capacities for self-development through cooperative problem-solving with interdependent others.[19]

In cultures shaped by the Western tradition, the idea of growth may take shape as a democratic goal. The epistemic virtues that make for good problem-solving are more actionable in open, democratic societies. However, growth need not necessarily be read as a democratic assertion, and instead, could be read as one that could work with ideas of both individual and communal autonomy that are perhaps more expansionable. This is the broader integrative principle animating inquiry, but often within the context of a problem there are values articulated which are specific to that problem and its content. I argue that an important measure of the productive power of IPSs, is tied to the extent that not only the broader goal is universalizable, but that the integrative values articulated within an IPS around certain problems can win the sympathy of those who are not directly impacted by the problem around which a public emerged; that is, outsiders can recognize the merit of the political/ethical claims of an IPS. One measure of this potential for productive power could be the receptivity of the 'international community'. This is not to say that a community of humankind exists or could exist. To draw upon the international community as a measure of IPS capacities for productive power is simply to say that we – those of us academics, journalists, statesmen, bureaucrats of international

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[18] The idea that the degree to which socialization takes effect can depend upon the intrinsic quality of a value or norm is not new in International Relations, but the how of this process, as has been argued, is undertheorized. For other examples, see Ikenberry and Kupchan (1990, p. 293) and Risse (2000).

[19] For more on the understanding of growth that animates my approach to pragmatist inquiry, see Cochran (1999, Chaps. 7 and 8).

organizations, and individuals alike – already think and write naturally or intuitively as if the idea of the 'international community' is a resource for understanding the universalizability of a claim or the 'publicness' of a goal.

This is, of course, a tall order on all counts. To find an integrative principle of this kind *within* an IPS means finding across a diverse and complex network of relationships a purpose in which people and associated groups are united, taking the ends and interests of others on board and sharing in work towards its achievement. Also, its success in problem-solving will depend on an experimental attitude. Participants and outsiders looking-in and weighing-up their receptivity to the claims of an IPS all have to be willing to re-examine their ends and make adjustments when problems require it.[20] Perceptions of crisis can mitigate these difficulties as can the issue or problem-based focus on difficult moral and epistemological questions. However, more often than not we see IPSs fail to become strong publics in the sense I have described. Yet, where they are successful in fashioning productive power for themselves, as Barnett and Duvall note, this can be translated as a base for compulsory power (2005a, pp. 46–47; 2005b, pp. 10–11).

12.8 Conclusion

The literature on TANs and ECs have done much to highlight and explain the role that non-state actors play in world politics, focused as they are on the question of how principled actors influence *state* behaviors; that is, the compulsory power they are able to use. Cosmopolitan democrats are not engaged in such inquiry. Neither literature is equipped to facilitate understanding of another important aspect of non-state activity in the international realm: the emergence of non-state actors that are primary focused on helping individuals and groups have some say over international processes that affect them, usually when state decision-makers and the bureaucrats of international organizations are failing them.

A turn to the concept of the IPS and a pragmatist orientation to international relations as a social science can facilitate inter-paradigm exchange and assist in building a more complete picture of power principled actors can draw upon. The comparative advantage of the IPS concept to TANs and ECs in charting the effectiveness of principled actors seeking change in world politics rests in their engagement with the interests and ends of communities and their recognition as inquirers that the fabric of social life is composed not only of social facts, but moral choices in the social construction of that fabric and in the selection of which social facts are worthy of our interest and intention as investigators.

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[20] This process is not unlike the receptivity that is required when constructivists talk about 'learning' in world politics. Although, above I am talking explicitly about values rather than interests (as if they were separate from values). For example, see Haas (1990, pp. 21–26).

References

Adler, E. and Haas, P. (1992). Conclusion: Epistemic Communities, World Order, and the Creation of a Reflective Research Program. *International Organization*, 46(1), 367–390.

Archibugi, D. and Held, D. (Eds.) (1995). *Cosmopolitan Democracy: An Agenda for a New World Order*. Cambridge, MA: Polity Press.

Barnett, M. and Duvall, R. (2005a). Power in International Politics. *International Organization*, 59(1), 39–75.

Barnett, M. and Duvall, R. (2005b). *Power in Global Governance*. Cambridge: Cambridge University Press.

Barnett, M. and Finnemore, M. (1999). The Politics, Power, and Pathologies of International Organizations. *International Organization*, 53(4), 699–732.

Bohman, J. (1998). The Globalization of the Public Sphere. *Philosophy and Social Criticism*, 24(3), 199–216.

Bohman, J. (1999). International Regimes and Democratic Governance: Political Equality and Influence in Global Institutions. *International Affairs*, 75(3), 499–513.

Bohman, J. (2007). *Democracy Across Borders: From Demos to Demoi*. Cambridge, MA: MIT Press.

Burger, T. (1976). *Max Weber's Theory of Concept Formation: History, Laws, and Ideal Types*. Durham, NC: Duke University Press.

Caspary, W. (2000). *Dewey on Democracy*. Ithaca, NY: Cornell University Press.

Cochran, M. (1999). *Normative Theory and International Relations: A Pragmatist Approach*. Cambridge: Cambridge University Press.

Cochran, M. (2002a). Deweyan Pragmatism and Post-Positivist Social Science in IR. *Millennium: Journal of International Affairs*, 30(3), 525–548.

Cochran, M. (2002b). Democratic Critique of Cosmopolitan Democracy. *European Journal of International Relations*, 8(4), 517–548.

Dewey, J. (1927). *The Public and Its Problems*. Athens, OH: Swallow Press.

Dewey, J. (1929). *Experience and Nature*. London: George Allen & Unwin.

Dewey, J. (1984). The Quest for Certainty. In J. A. Boydston (Ed.), *John Dewey: The Later Works, 1925–1953, Vol. 4*. Carbondale, IL: Southern Illinois Press.

Dryzek, J. (1990). *Discursive Democracy*. Cambridge: Cambridge University Press.

Dryzek, J. (1999). Transnational Democracy. *Journal of Political Philosophy*, 7(1), 30–51.

Dryzek, J. (2006). *Deliberative Global Politics*. Cambridge, MA: Polity Press.

Doty, R. (1996). *Imperial Encounters: The Politics of Representation in North-South Relations*. Minneapolis, MN: University of Minnesota Press.

Erskine, T. (Ed.) (2003). *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations*. New York/Basingstoke: Palgrave Macmillan.

Erskine, T. (Ed.) (2004). Assigning Duties to Institutions: Debating Hard Cases. *Global Society*, 18(1).

Festenstein, M. (2004). Deliberative Democracy and Two Models of Pragmatism. *European Journal of Social Theory*, 7(3), 291–306.

Fierke, K. (1996). Multiple Identities, Interfacing Games: The Social Construction of Western Action in Bosnia. *European Journal of International Relations*, 2(4), 467–497.

Finnemore, M. (1996). *National Interests in International Society*. Ithaca, NY: Cornell University Press.

Fraser, N. (1992). Rethinking the Public Sphere, In C. Calhoun (Ed.), *Habermas and the Public Sphere* (pp. 109–142). Cambridge, MA: MIT Press.

Haas, E. (1990). *When Knowledge Is Power*. Berkeley, CA: University of California Press.

Haas, E. and Haas, P. (2002). Pragmatic Constructivism and the Study of International Institutions. *Millennium: Journal of International Studies*, 31(3), 573–601.

Haas, P. (1992). Introduction: Epistemic Communities and International Policy Coordination. *International Organization*, 46(1), 1–35.

Haas, P. and Haas, E. (2002). Pragmatic Constructivism and the Study of International Institutions. *Millennium: Journal of International Studies*, 31(3), 573–601.

Hasenclever, A., Mayer, P. and Rittberger, V. (1997). *Theories of International Regimes*. Cambridge: Cambridge University Press.

Held, D. (1995). *Democracy and the Global Order: From Modern State to Cosmopolitan Governance*. Cambridge, MA: Polity Press.

Hurd, I. (2005). The Strategic Use of Liberal Internationalism: Libya and the UN Sanctions, 1992–2003. *International Organization*, 59(3), 495–526.

Ikenberry, G.J. and Kupchan, C.A. (1990). Socialization and Hegemonic Power. *International Organization*, 44(3), 283–315.

Keck, M. and Sikkink, K. (1998). *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.

Lynch, C. (1999). *Beyond Appeasement: Interpreting Interwar Peace Movements in World Politics*. Ithaca, NY: Cornell University Press.

Lynch, M. (1999). *State Interests and Public Spheres*. New York: Columbia University Press.

Mitzen, J. (2005). Reading Habermas in Anarchy: Multilateral Diplomacy and Global Public Spheres. *American Political Science Review*, 99(3), 401–417.

Neumann, I. B. and Welsh, J. M. (1991). The Other in European Self-definition: An Addendum to the Literature on International Society. *Review of International Studies*, 17(4), 327–348.

Reus-Smit, C. (1999). *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations*. Princeton, NJ: Princeton University Press.

Risse, T. (2000). Let's Argue!: Communicative Action in World Politics, *International Organization*, 54(1), 1–39.

Weldes, J. (1996). Constructing National Identities. *European Journal of International Relations*, 2(3), 275–318.

Weldes, J. (1999). *Constructing National Interests: The United States and the Cuban Missile Crisis*. Minneapolis, MN: University of Minnesota Press.

Wendt, A. (1999). *The Social Theory of International Politics*. Cambridge: Cambridge University Press.

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