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ACTIVIST CHALLENGES TO DELIBERATIVE DEMOCRACY

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Screen and song celebrate social justice movements that protested in the streets when they were convinced that existing institutions and their normal procedures only reinforced the status quo. Many rights have been won in democratic societies by means of courageous activism—the eight-hour day, votes for women, the right to sit at any lunch counter. Yet contemporary democratic theory rarely reflects on the role of demonstration and direct action.¹ Indeed, it might be thought that one of the major strains of contemporary democratic theory, the theory of deliberative democracy, should be critical of typical tactics of activism such as street marches, boycotts, or sit-ins, on the grounds that these activities confront rather than engage in discussion with people the movement's members disagree with.

This essay constructs a dialogue between two “characters” with these differing approaches to political action, a deliberative democrat and an activist. A dialogue between them is useful because their prescriptions for good citizenship clash in some respects. I aim through this exercise to bring out some of the limitations of at least some understandings of deliberatively democratic norms, especially if they are understood as guiding practices in existing democracies where structural inequalities underlie significant injustices or social harms. At the same time, I aim to foreground some of the virtues of nondeliberative political practices for democratic criticism. The “characters” of the deliberative democrat and the activist I construct as ideal types. Many political theorists and citizens doubtless sympathize with both, and the stances often shift and mix in the political world.

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As I construe her character, the deliberative democrat claims that parties to political conflict ought to deliberate with one another and through reasonable argument try to come to an agreement on policy satisfactory to all. The activist is suspicious of exhortations to deliberate because he believes that in the real world of politics, where structural inequalities influence both procedures and outcomes, democratic processes that appear to conform to norms of deliberation are usually biased toward more powerful agents. The activist thus recommends that those who care about promoting greater justice should engage primarily in critical oppositional activity, rather than attempt to come to agreement with those who support or benefit from existing power structures.

In the dialogue I construct, the deliberative democrat's claims that the activist only aims to promote a partial interest does not adopt a stance of reasonableness. After answering these commonly heard charges on behalf of the activist, I consider four challenges the activist brings to the recommendation that responsible citizens should follow norms of deliberative democracy as the best form of political engagement. I find that the early challenges are easier for the deliberative democrat to answer than the latter.

The purpose of the dialectic is not to recommend one side over the other because I think that both approaches are valuable and necessary to democratic practice that aims to promote justice. Bringing the approaches into critical relation with one another in this way, however, helps sound a caution about trying to put ideals of deliberative democracy into practice in societies with structural inequalities. This dialogue also reveals tensions between the two stances that cannot be thoroughly resolved.

1. *THE CHARACTERS*

In the effort to give the characters an embodied feel, I have endowed each with gender pronouns, rather than repeatedly using "he or she" for each. This decision reveals a disturbing dilemma: shall they both be male, both female, or one each male and female? Deciding that one shall be male and the other female only magnifies the dilemma: which should be which? As I try each one out, I discover that my assignment evokes undesirable stereotypes wherever way it goes. If the deliberative democrat is male, then that position appears to carry added weight of rationality and calm, and the corresponding female activist seems to appear flighty and moved by passion primarily. Despite its own stereotyping dangers of making the activist appear aggressive, I have decided to cast the deliberative democrat as female and activist as male because at least this assignment more associates the female with power.

For the purposes of this essay, I understand deliberative democracy as both a normative account of the bases of democratic legitimacy and a prescription for how citizens ought to be politically engaged. The best and most appropriate way to conduct political action, to influence and make public decisions, is through public deliberation. In deliberation, parties to conflict, disagreement, and decision making propose solutions to their collective problems and offer reasons for them; they criticize one another's proposals and reasons and are open to being criticized by others. Deliberative democracy differs from some other attitudes and practices in democratic politics in that it exhorts participants to be concerned not only with their own interests but to listen to and take account of the interests of others insofar as these are compatible with justice. Practices of deliberative democracy also aim to bracket the influence of power differentials in political outcomes because agreement between deliberators should be reached on the basis of argument, rather than as a result of threat or force.

The theory of deliberative democracy thus expresses a set of normative ideals according to which actual political processes are evaluated and usually found wanting. Political decisions ought to be made by processes that bring all the potentially affected parties or their representatives into a public deliberative process. Deliberators should appeal to justice and frame the reasons for their proposals in terms they claim that others ought to accept. Doing so rules out the assertion of simple partisan interest or the attempt to compel assent by means of threats and sanctions.

As I construct the character of the deliberative democrat here, however, she not only finds in the ideals of deliberative democracy means to criticize political processes. She also advocates processes and action to implement deliberative procedures in actually existing democracy, with all its conflict, disagreement, and economic, social, and political inequality. The deliberative democrat thinks that the best way to limit political domination and the naked imposition of partisan interest and to promote greater social justice through public policy is to foster the creation of sites and processes of deliberation among diverse and disagreeing elements of the polity. She thus attributes several dispositions to the good citizen. The politically engaged citizen aiming to promote social justice seeks to criticize and debate with those with whom she disagrees or those with whom her interests initially conflict in public settings where she tries to persuade others that some policies or interests have unjust or harmful aspects or consequences. Through critical argument that is open to the point of view of others, she aims to arrive at policy conclusions freely acceptable by all involved.

Like that of the deliberative democrat, the stance of the activist offers itself as a model of citizen virtue. The activist is committed to social justice and

normative value and the idea that politically responsible persons ought to take positive action to promote these. He also believes that the normal workings of the social economic and political institutions in which he dwells enact or reproduce deep wrongs—some laws or policies have unjust effects, or social and economic structures cause injustice, or nonhuman animals and things are wrongly endangered, and so on. Since the ordinary rules and practices of these institutions tend to perpetuate these wrongs, we cannot redress them within those rules. The activist opposes particular actions or policies of public or private institutions, as well as systems of policies or actions, and wants them changed. Sometimes he also demands positive policies and action to reduce injustice or harm.

Besides being motivated by a passion for justice, the activist is often also propelled by anger or frustration at what he judges is the intransigence of people in power in existing institutions, who behave with arrogance and indifference toward the injustices the activist finds they perpetuate or flatly deny them and rationalize their decisions and the institutions they serve as beneficent. Since many of his fellow citizens are ignorant of these institutional harms or accept them with indifference or resignation, the activist believes it important to express outrage at continued injustice to motivate others to act.

Typically, the activist eschews deliberation, especially deliberation with persons wielding political or economic power and official representatives of institutions he believes perpetuate injustice or harm. He finds laughable the suggestion that he and his comrades should sit down with those whom he criticizes and whose policies he opposes to work out an agreement through reasoned argument they all can accept. The powerful officials have no motive to sit down with him, and even if they did agree to deliberate, they would have the power unfairly to steer the course of the discussion. Thus, the activist takes other action that he finds more effective in conveying his criticism and furthering the objectives he believes right: picketing, leafleting, guerilla theater, large and loud street demonstrations, sit-ins, and other forms of direct action, such as boycotts. Often activists make public noise outside when deliberation is supposedly taking place on the inside.² Sometimes activists invade the houses of deliberation and disrupt their business by unfurling banners, throwing stink bombs, or running and shouting through the aisles. Sometimes they are convinced that an institution produces or perpetuates such wrong that the most morally appropriate thing for them to do is to try to stop its business—by blocking entrances, for example.

Morally acceptable tactics are much disputed by activists. Should they be strictly nonviolent or not, and precisely what does being nonviolent mean? Is being annoying and insulting acceptable, or should the activist be respectful? Is it acceptable to destroy or damage property as long as one does not hurt

people or animals? I do not here wish to enter these debates. For the purposes of this characterization, I will assume that the activist believes that intentional violence directed at others is neither morally nor politically acceptable but that he has the right physically to defend himself if he is physically attacked. I will assume that the activist rejects tactics of intentionally producing serious damage to property—such as bombing or burning. Less damaging forms of defacement or breakage, especially as by-products of protest actions, need not be condemned.

II. *DELIBERATIVE JUDGMENT OF ACTIVISM*

Theories of deliberative democracy rarely mention political activities such as those I have made typical of activism, and thus we cannot derive from them a direct account of the extent to which political virtue as understood by deliberative democrats stands opposed to political virtue as I have characterized it for the activist. Nevertheless, we do know that many responsible political participants routinely condemn activists, claiming they are irrational nihilists who bring a bad name to good causes.

From the point of view of principles of deliberative democracy, what reasons might they have? We can reconstruct two kinds of reasons, I suggest. Some who see themselves guided by norms of deliberative democracy might say that activists engage in interest group politics rather than orienting their commitment to principles all can accept. They might also say that the stance of the activist is flatly unreasonable. Here I review such possible criticisms of activism from the point of view of deliberative democracy and answer them on behalf of the activist.

As I construe her for the purposes of this encounter, the deliberative democrat judges the approach to democracy the activist takes as little different from the pressure group interest-based politics that she thinks should be transcended to achieve workable agreement and legitimate policy outcomes. An interest group approach to politics encourages people to organize groups to promote particular ends through politics and policy by pressuring or cajoling policy makers to serve those interests. By means of lobbying, buying political advertisements, contributing funds to parties and candidates, and mobilizing votes for or against candidates who hold positions on certain issues, interest groups further their goals and defeat their opponents. They feel no obligation to discuss issues with those with whom their interests conflict to come to an agreement they all can accept. They simply aim to win the most for their group and engage in power politics to do so.

To this charge, the activist responds that his stance differs from that of simple interest advocacy because he is committed to a universalist rather than partisan cause. There is a significant difference, he claims, between self-interest or group interest and an interest in redressing harm and injustice. The good citizen activist is not usually motivated by personal gain or by the gain of groups he defends at an unfair expense of others. He sacrifices his time, career advancement, and money for the sake of the causes to which he is committed. He does indeed seek to bring pressure, the power of collective action, disruption, and shame to effect change in the direction of greater justice. The power he and his comrades exert in the streets, however, is usually a mere David to the Goliath of power wielded by the state and corporate actors whose policies he opposes and aims to change. The deliberative democrat who thinks that power can be bracketed by the soft tones of the seminar room is naive.

While he is suspicious of the claim that he ought to engage in deliberation with the powerful agents he believes perpetuate injustice and harm or with those who support them, moreover, the activist does not reject discussion altogether. The promulgation and exchange of information and ideas are a major part of his political work, both within his activist organizations and more broadly among other citizens whom he aims to convince that there are serious harms and injustices that they should protest and resist. When social, economic, and political institutions produce unjust structural inequalities and other serious social and environmental harms, insists the activist, it is important for citizens to try to avoid complicity with the workings of those institutions. Activities of protest, boycott, and disruption are most appropriate for getting citizens to think seriously about what until then they may have found normal and acceptable. Activities of deliberation, on the contrary, tend more to confer legitimacy on existing institutions and effectively silence real dissent.

The deliberative democrat might claim that the stance of the activist is *unreasonable*. Reasonable political engagement, on this account, consists of the willingness to listen to those whom one believes is wrong, to demand reasons from them, and to give arguments aimed at persuading them to change their views. For the most part, the activist declines so to engage persons he disagrees with. Rather than on reason, according to this deliberative democrat, the activist relies on emotional appeal, slogans, irony, and disruptive tactics to protest and make his claims.

It is common in the political life of many democracies thus to label an activist stance unreasonable and even "extremist." One can interpret such blanket labeling itself as a power ploy whose function is to rule out of bounds all claims that question something basic about existing institutions and the

terms in which they put political alternatives. It is important, therefore, to consider the activist answer to the charge of being an irrational extremist: it relies on far too narrow an understanding of what is reasonable.

By "reasonable" here, I mean having a sense of a range of alternatives in belief and action and engaging in considered judgment in deciding among them. The reasonable person thus is also able and willing to justify his or her claims and actions to others. As I have constructed the stance of the activist, he is principled and reasonable in this sense. He reflects on some of the wrongs that come to people and nonhuman things and has an account of some of the social causes of those wrongs that he believes are alterable. He considers alternative means for bringing attention to those wrongs and calling on others to help redress them, and he is usually quite prepared to justify the use of specific means on specific occasions, both to his comrades and to others, such as television reporters. While his principles often lead him to protest outside of or disrupt the meetings of powerful people with whom he disagrees, one of his primary reasons for such protest is to make a wider public aware of institutional wrongs and persuade that public to join him in pressuring for change in the institutions. While not deliberative, then, in the sense of engaging in orderly reason giving, most activist political engagements aim to *communicate* specific ideas to a wide public. They use slogans, humor, and irony to do so because discursive arguments alone are not likely to command attention or inspire action.³

In the real world of politics, some nihilistic and destructive persons demonstrate and protest from blind rage or because they get pleasure from destruction. Such a nihilistic stance describes few activists, however; activists are often more self-conscious than other political actors about having good reasons for what they do and disciplining their fellows to follow rules in their collective actions. The common rhetorical move of official powers to paint all protest action with the tar of "extremism" should be resisted by anyone committed to social justice and reasonable communication.

Now that the activist has answered the deliberative democrat's suspicion that he is not worth talking to, we can hear his criticism of deliberative recommendations for political engagement and citizen virtue. I will present these challenges in four steps, giving the deliberative democrat the opportunity to respond to each.

III. DELIBERATIVE PROCEDURES ARE EXCLUSIVE

Exhorting citizens to engage in respectful argument with others they disagree with is a fine recommendation for the ideal world that the deliberative

democrat theorizes, says the activist, where everyone is included and the political equal of one another. This is not the real world of politics, however, where powerful elites representing structurally dominant social segments have significant influence over political processes and decisions.

Deliberation sometimes occurs in this real world. Officials and dignitaries meet all the time to hammer out agreements. Their meetings are usually well organized with structured procedures, and those who know the rules are often able to further their objectives through them by presenting proposals and giving reasons for them, which are considered and critically evaluated by the others, who give their own reasons. Deliberation, the activist says, is an activity of boardrooms and congressional committees and sometimes even parliaments. Elites exert their power partly through managing deliberative settings. Among themselves they engage in debate about the policies that will sustain their power and further their collective interests. Entrance into such deliberative settings is usually rather tightly controlled, and the interests of many affected by the decisions made in them often receive no voice or representation. The proceedings of these meetings, moreover, are often not open to general observation, and often they leave no public record. Observers and members of the press come only by invitation. Deliberation is primarily an activity of political elites who treat one another with cordial respect and try to work out their differences. Insofar as deliberation is exclusive in this way, and insofar as the decisions reached in such deliberative bodies support and perpetuate structural inequality or otherwise have unjust and harmful consequences, says the activist, then it is wrong to prescribe deliberation for good citizens committed to furthering social justice. Under these circumstances of structural inequality and exclusive power, good citizens should be protesting outside these meetings, calling public attention to the assumptions made in them, the control exercised, and the resulting limitations or wrongs of their outcomes. They should use the power of shame and exposure to pressure deliberators to widen their agenda and include attention to more interests. As long as the proceedings exercise exclusive power for the sake of the interests of elites and against the interests of most citizens, then politically engaged citizens who care about justice and environmental preservation are justified even in taking actions aimed at preventing or disrupting the deliberations.

Many of the thousands who filled the streets of Seattle in December 1999, it seems to me, assumed just this account of the relation between deliberation and protest. Heads of state or other high officials came from all over the world to a meeting of the World Trade Organization (WTO) to deliberate and try to agree on a new round of global trade rules. Protestors criticized the meeting, and many thought it should simply be stopped. They protested the exclusive methods of the WTO, that the proceedings of its commission are closed, and

that the Seattle meeting itself was not public. They claimed that the WTO is a tool of transnational corporate power and that its deliberations give little attention to the effects of the free trade regime on average citizens, especially the world's poorest people. The deliberations of the WTO are not legitimate, and the agenda of the organization is morally wrong. As I write this, some of my fellow citizens prepare to protest similar deliberations on agreement for free trade in the Americas. Not only are the meetings exclusive, but even the document they will discuss is not public. There is no alternative to protest and disruption, the activist thinks, when decisions affecting so many people are made by so few and almost in secret.

The advocate of deliberative democracy as a prescription for political processes and the behavior of good citizens has an easy answer to this criticism of deliberation. She agrees with many things the activist says. Insofar as the proceedings of elite meetings are exclusive and nonpublic, they are not democratic, even if they are deliberative. The norms of deliberative democracy call not only for discussion among parties who use the force of argument alone and treat each other as equals. They also require publicity, accountability, and inclusion.⁴ To be democratically legitimate, policies and actions decided on by means of deliberation ought to include representation of all affected interests and perspectives. The deliberations of such inclusively representative bodies ought to be public in every way. The people who speak and vote in such deliberative settings, finally, ought to be accountable to their fellow citizens for their opinions and decisions. The deliberative democrat will likely join the activist to protest outside exclusive and private deliberations. She exhorts the activist to join her call for deliberations whose proceedings are public, accountable, and inclusive, and she allies with the activist in regarding deliberative processes as illegitimate unless they meet these conditions. She may consider activist protest a healthy means of deepening democracy, of creating open and inclusive settings of deliberative democracy.

IV. *FORMAL INCLUSION IS NOT ENOUGH*

Criticism of political processes of discussion and decision making, which include only powerful insiders and take place behind closed doors, is frequent and often effective in democratic politics. In response to such criticisms, official deliberative bodies have sometimes taken steps to make their processes more public and inclusive. They open their doors to observation by press and citizens, as well as publish their proceedings and evaluations of their operations. Some legislative and other official bodies have discussed

and implemented measures intended to open their seats to a wider diversity of representatives, including campaign finance regulation, electoral process reform, or even quotas in party lists for underrepresented groups. In the United States in the past thirty years, norms of inclusiveness and publicity have been taken more seriously than before. Public agencies and even some powerful private agencies hold hearings to discuss policy proposals at which members of the public are invited to testify. Influenced by some of the ideas of James Fishkin, some local officials or nongovernment organizations have organized "citizen juries" that aim to be broadly representative of the profile of the electorate.⁵ Members of these panels listen to and question political candidates on issues and then deliberate among themselves, often also receiving phone and e-mail contributions from citizens listening to proceedings on the radio. Many students of democracy have commended the broadly participatory process of public deliberation the state of Oregon undertook in the 1990s in its process of restructuring its low-income health care program. Another notable example of a heroic effort to make public deliberation inclusive is the consultative process the government of South Africa ran to discuss the new constitution that became law in 1996. Not only did the constitutional commissioners invite comment on the draft constitution by mail and e-mail, but they also conducted public meetings for those unable to read the draft, explaining to attendees its content and inviting response.

The deliberative democrat endorses measures such as these. She thinks the good citizen should vigorously advocate for creative ways to expand the publicity of deliberations about problems and policy proposals and make them inclusive. If they have the opportunity to participate in such consultative deliberative processes, they should do so, and if they are invited to help design them, they should accept.

The activist is more suspicious even of these deliberative processes that claim to give all affected by projected policies, or at least representatives of everyone, the opportunity to express their opinions in a deliberative process. In a society structured by deep social and economic inequalities, he believes that formally inclusive deliberative processes nevertheless enact structural biases in which more powerful and socially advantaged actors have greater access to the deliberative process and therefore are able to dominate the proceedings with their interests and perspectives.

Under conditions of structural inequality, normal processes of deliberation often in practice restrict access to agents with greater resources, knowledge, or connections to those with greater control over the forum. We are familiar with the many manifestations of this effective exclusion from deliberation. Where radio and television are major fora for further deliberation, for

example, citizens either need the money or connections to get airtime. Even when a series of public hearings are announced for an issue, people who might wish to speak at them need to know about them, be able to arrange their work and child care schedule to be able attend, be able to get to them, and have enough understanding of the hearing process to participate. Each of these abilities is unevenly present among members of a society.

Some have argued that such differential access and participation characterized both of the ostensibly inclusive public deliberative processes I cited above: the Oregon Medicaid process and the deliberations about the South African constitution. In the first case, participants in the consultative process turned out to be largely white, middle-class, able-bodied people, despite the fact that the program specifically was to serve lower income people. Many citizens of South Africa understood too little about the meaning of a constitution, or their lives were too occupied by survival, for them to become involved in that deliberative process.

The activist thus argues that citizens who care about justice should continue to criticize processes of public deliberation from the outside, even when the latter have formal rules aimed at producing wide participation. To the extent that structural inequalities in the society operate effectively to restrict access to these deliberative processes, their deliberations and conclusions are not legitimate. Responsible citizens should remain at least partially outside, protesting the process, agenda, and outcome of these proceedings and demonstrating against the underlying relations of privilege and disadvantage that condition them. They should aim to speak on behalf of those *de facto* excluded and attempt to use tactics such as strikes, boycotts, and disruptive demonstrations to pressure these bodies to act in ways that respond to the needs and interests of those effectively excluded. If we participate in these formally inclusive processes, the activist says, we help confer undeserved legitimacy on them and fail to speak for those who remain outsiders.

The recent WTO meetings offer another example of an attempt at a more inclusive process that most activists there rejected as illegitimate. In response to the advance criticism of the WTO as an exclusive forum dominated by corporate interests in the service of northern hemispheric economies, some of its officials hastily organized a meeting to take place the day before the official WTO meeting, to which representatives of nongovernmental organizations (NGOs) were invited. Many activists considered this gesture an absurd attempt to co-opt and dampen an opposition to the WTO proceedings, which even before they began had been very effective in bringing issues of transparency and global inequality before a world public; they demonstrated outside the NGO meetings. Some of the NGO representatives who decided to attend

the meeting, moreover, were sorely disappointed. They found the agenda already decided and that they were passively listening to the WTO head, the U.S. trade secretary, and other powerful figures, with only minimal time available to question their speeches or make speeches of their own. When the agents of exclusion try to reform political processes to be more publicly inclusive, it seems, they fall far short of providing opportunity for real voice for those less privileged in the social structures. Given these realities, the activist says, the most responsible stance for the citizen who cares about justice is to expose this manipulative power and express the legitimate demands of those suffering under structural injustices, whether or not the powerful will listen to them.

The deliberative democrat agrees with the activist's exposure and critique of the way that structural inequalities effectively limit access of some people to formally inclusive deliberative settings. Unlike the activist, however, she thinks that the responsible citizen should engage and argue with those who design and implement these settings to persuade them that they should devote thought and resources to activities that will make them more inclusive and representative of all the interests and perspectives potentially affected by the outcome of policy discussions. In a polity that claims to be committed to democracy, it should be possible to persuade many members of a formally inclusive deliberative public that special measures may need to be taken to facilitate voice and representation for segments of the society subject to structural disadvantages. Protesting and making demands from the outside may be an effective way to bring attention to injustices that require remedy, says the deliberative democrat, but on their own they do not propel the positive institutional change that would produce greater justice. Those who believe such change is necessary must enter deliberative proceedings with those indifferent or hostile to them in an effort to persuade a democratic public of their rightness.⁶

The activist's first two challenges have focused on the publicity and inclusiveness of the deliberative public, rather than on the terms and content of deliberations. So far, the deliberative democrat and the activist perspectives are rather close on the issues of morally legitimate political processes, inasmuch as both criticize formal and de facto exclusions from deliberations. The difference between them may reduce to how optimistic they are about whether political agents can be persuaded that there are structural injustices, the remedy for which an inclusive deliberative public ought to agree on. Once we turn to analyze issues of the terms and content of deliberations, however, we see more divergence between the deliberative democrat and the activist.

V. *CONSTRAINED ALTERNATIVES*

Let us suppose that by some combination of activist agitation and deliberative persuasion, some deliberative settings emerge that approximately represent all those affected by the outcome of certain policy decisions. Given the world of structural inequality as we know it, the activist believes such a circumstance will be rare at best but is willing to entertain the possibility for the sake of this argument. The activist remains suspicious of the deliberative democrat's exhortation to engage in reasoned and critical discussion with people he disagrees with, even on the supposition that the public where he engages in such discussion really includes the diversity of interests and perspectives potentially affected by policies. That is because he perceives that existing social and economic structures have set unacceptable constraints on the terms of deliberation and its agenda.

Problems and disagreements in the real world of democratic politics appear and are addressed against the background of a given history and sedimentation of unjust structural inequality, says the activist, which helps set agenda priorities and constrains the alternatives that political actors may consider in their deliberations. When this is so, both the deliberative agenda and the institutional constraints it mirrors should themselves be subject to criticism, protest, and resistance.⁷ Going to the table to meet with representatives of those interests typically served by existing institutional relations, to discuss how to deal most justly with issues that presuppose those institutional relations, gives both those institutions and deliberative process too much legitimacy. It co-opts the energy of citizens committed to justice, leaving little time for mobilizing people to bash the institutional constraints and decision-making process from the outside. Thus, the responsible citizen ought to withdraw from implicit acceptance of structural and institutional constraints by refusing to deliberate about policies within them. Let me give some examples.

A local anti-poverty advocacy group engaged in many forms of agitation and protest in the years leading up to passage of the Personal Responsibility and Work Opportunity Reconciliation Act by the U.S. Congress in the spring of 1996. This legislation fundamentally changed the terms of welfare policy in the United States. It abolished entitlements to public assistance for the first time in sixty years, allowing states to deny benefits when funds have run out. It requires recipients of Temporary Assistance to Needy Families to work at jobs after a certain period and allows states to vary significantly in their programs. Since passage of the legislation, the anti-poverty advocacy group has organized recipients and others who care about welfare justice to protest and lobby the state house to increase welfare funding and to count serving as a welfare rights advocate in local welfare offices as a "work activity."

In its desire to do its best by welfare clients, the county welfare department proposes to establish an advisory council with significant influence over the implementation and administration of welfare programs in the county. They have been persuaded by advocates of deliberative democracy that proceedings of this council should be publicly accountable and organized so as to facilitate serious discussion and criticism of alternative proposals. They believe that democratic justice calls for making this council broadly inclusive of county citizens, and they think legitimate deliberations will be served particularly if they include recipients and their advocates on the council. So they invite the anti-poverty advocacy group to send representatives to the council and ask them to name recipient representatives from among the welfare rights organization with which they work.

After deliberating among themselves for some weeks, the welfare activists decline to join the council. The constraints that federal and state law have put on welfare policy, they assert, make it impossible to administer a humane welfare policy. Such a council will deliberate about whether it would be more just to place local welfare offices here or there but will have no power to expand the number of offices. They will decide how best to administer child care assistance, but they will have no power to decide who is eligible for that assistance or the total funds to support the program. The deliberations of a county welfare implementation council face numerous other constraints that will make its outcomes inevitably unjust, according to the activist group. All citizens of the county who agree that the policy framework is unjust have a responsibility to stay outside such deliberations and instead pressure the state legislature to expand welfare options, by, for example, staging sit-ins at the state department of social services.

The deliberative democrat finds such refusal and protest action uncooperative and counterproductive. Surely it is better to work out the most just form of implementation of legislation than to distract lawmakers and obstruct the routines of overworked case workers. The activist replies that it is wrong to cooperate with policies and processes that presume unjust institutional constraints. The problem is not that policy makers and citizen deliberations fail to make arguments but that their starting premises are unacceptable.

It seems to me that advocates of deliberative democracy who believe that deliberative processes are the best way to conduct policies even under the conditions of structural inequality that characterize democracies today have no satisfactory response to this criticism. Many advocates of deliberative procedures seem to find no problem with structures and institutional constraints that limit policy alternatives in actual democracies, advocating reflective political reasoning within them to counter irrational tendencies to reduce issues to sound bites and decisions to aggregate preferences. In their detailed

discussion of the terms of welfare reform in *Democracy and Disagreement*, for example, Amy Gutmann and Dennis Thompson appear to accept as given that policy action to respond to the needs of poor people must come in the form of poor support rather than changes in tax policy, the relation of private and public investment, public works employment, and other more structural ways of undermining deprivation and income inequality.⁸ James Fishkin's innovative citizens' forum deliberating national issues in connection with the 1996 political campaign, to take another example, seemed to presume as given all the fiscal, power, and institutional constraints on policy alternatives that the U.S. Congress and mainstream press assumed. To the extent that such constraints assume existing patterns of class inequality, residential segregation, and gender division of labor as given, the activist's claim is plausible that there is little difference among the alternatives debated, and he suggests that the responsible citizen should not consent to these assumptions but instead agitate for deeper criticism and change.

The ongoing business of legislation and policy implementation will assume existing institutions and their priorities as given unless massive concerted action works to shift priorities and goals. Most of the time, then, politics will operate under the constrained alternatives that are produced by and support structural inequalities. If the deliberative democrat tries to insert practices of deliberation into existing public policy discussions, she is forced to accept the range of alternatives that existing structural constraints allow. While two decades ago in the United States, there were few opportunities for theorists of deliberative democracy to try to influence the design and process of public discussion, today things have changed. Some public officials and private foundations have become persuaded that inclusive, reasoned extensive deliberation is good for democracy and wish to implement these ideals in the policy formation process. To the extent that such implementation must presuppose constrained alternatives that cannot question existing institutional priorities and social structures, deliberation is as likely to reinforce injustice as to undermine it.

I think that the deliberative democrat has no adequate response to this challenge other than to accept the activist's suspicion of implementing deliberative processes within institutions that seriously constrain policy alternatives in ways that, for example, make it nearly impossible for the structurally disadvantaged to propose solutions to social problems that might alter the structural positions in which they stand. Only if the theory and practice of deliberative democracy are willing to withdraw from the immediacy of the already given policy trajectory can they respond to this activist challenge. The deliberative democracy should help create inclusive deliberative settings in which basic social and economic structures can be examined; such settings

for the most part must be outside of and opposed to ongoing settings of official policy discussion.

VI. HEGEMONIC DISCOURSE

The deliberative democrat responds to this activist challenge, then, by proposing to create deliberative fora removed from the immediacy of the given economic imperatives and power structures, where representatives of diverse social sectors might critically discuss those imperatives and structures, with an eye to reforming the institutional context. Even at this point, however, the activist remains suspicious of deliberative practices, for still another reason traceable to structural inequality. He worries that the majority of participants in such a reflective deliberative setting will be influenced by a common discourse that itself is a complex product of structural inequality. By a "discourse," I mean a system of stories and expert knowledge diffused through the society, which convey the widely accepted generalizations about how society operates that are theorized in these terms, as well as the social norms and cultural values to which most of the people appeal when discussing their social and political problems and proposed solutions. In a society with longstanding and multiple structural inequalities, some such discourses are, in the terms derived from Gramsci, "hegemonic": most of the people in the society think about their social relations in these terms, whatever their location in the structural inequalities. When such discursive systems frame a deliberative process, people may come to an agreement that is nevertheless at least partly conditioned by unjust power relations and for that reason should not be considered a genuinely free consent. In some of his earlier work, Habermas theorized such false consensus as "systematically distorted communication."⁹ When such hegemonic discourse operates, parties to deliberation may agree on premises, they may accept a theory of their situation and give reasons for proposals that the others accept, but yet the premises and terms of the account mask the reproduction of power and injustice.

Deliberative democrats focus on the need for agreement to give policies legitimacy, and they theorize the conditions for achieving such agreement, but the idea of false or distorted agreement seems outside the theory. In opening the possibility that some consensus is false and some communication systematically distorted by power, I am not referring to consensus arrived at by excluding some affected people or that is extorted by means of threat and coercion. The phenomenon of hegemony or systematically distorted communication is more subtle than this. It refers to how the conceptual and normative framework of the members of a society is deeply influenced by premises

and terms of discourse that make it difficult to think critically about aspects of their social relations or alternative possibilities of institutionalization and action. The theory and practice of deliberative democracy have no tools for raising the possibility that deliberations may be closed and distorted in this way. It lacks a theory of, shall we call it, ideology, as well as an account of the genealogy of discourses and their manner of helping to constitute the way individuals see themselves and their social world. For most deliberative democrats, discourse seems to be more "innocent."

James Bohman's deliberative theory is an important exception to this claim. Central to Bohman's account of the norms of public deliberation is a concern to identify ways that structural inequalities operate effectively to block the political influence of some while magnifying that of others, even when formal guarantees of political equality hold. Without distinguishing them in the way I have above, Bohman analyzes how the forms of exclusion and agenda domination I have discussed so far inhibit public deliberation in which all interests and perspectives are properly considered. An important test of the deliberative legitimacy of a political process, he argues, is the degree to which groups may not only gain a hearing for their opinions about issues and proposals already under discussion but are also able to *initiate* discussion of problems and proposals.

In analyzing how actual public discussions may fall short of the normative requirements of legitimate democratic discussion, Bohman invokes a notion of distorted communication or ideology. This level of the influence of structural inequality over public discussion is the most insidious because it is the least apparent to all participants. It concerns the conceptual and imagistic frame for discussion, which often contains falsifications, biases, misunderstandings, and even contradictions that go unnoticed and uncriticized largely because they coincide with hegemonic interests or reflect existing social realities as though they are unalterable. For example, a discourse may distort communication, for example, by means of a rhetoric that presents as universal a perspective on experience or society derived from a specific social position.¹⁰

Let me offer a couple of examples of hegemonic discourses that may produce false consensus. The first comes from discourses about poverty and ways of addressing poverty through policy. Despite wide and vigorous debates about the causes and cures of poverty, both in the United States and increasingly in other parts of the world, there is a significant new consensus on many terms of the debate. There seems to be wide agreement that poverty should be conceptualized as a function of the failure of individuals to develop various skills and capacities necessary for inclusion in modern labor markets. Disagreement rages about the degree to which responsibility for such failure

should be laid on those individuals and their families or instead should be located in social institutions of education, social service, or economic development. That anti-poverty policy must ultimately transform individuals to fit better into the contemporary structures of wage employment, however, almost goes without saying. There is almost no other way to think about poverty policy than as a labor market policy.

International debates about greenhouse gas emissions, to take another example, contain fierce disagreement about whether and how such emissions should be reduced and how the burdens of reductions should be distributed across the globe. Should richer, more advanced industrial states be required to reduce emissions in greater proportion to less developed countries? Are markets in pollution rights useful policy tools? Should governments subsidize development of “green” technologies for industrial production and private transportation? These debates take place within terms of discussion that only marginalized environmentalists question. The discussions assume that the economies of any developed society must rely heavily on the burning of fossil fuels and that a high standard of living involves air-conditioned buildings and lots of consumer goods, including a private automobile for every household. The social imaginations of both “developed” and “less developed” countries have few ideas for alternative forms of living that would not produce large carbon emissions.

Certain activists concerned with specific areas of social life claim to identify such ideologies and hegemonic discourses. Their doing so is necessarily partial with respect to social problems and policy issues because ideology critique of this nature requires considerable thought and study, even for one set of issues. Democratic theory that emphasizes discussion as a criterion of legitimacy requires a more developed theory of the kinds and mechanisms of ideology and methods for performing critique of specific political discussion. Such ideology critique needs not only to be able to analyze specific exchanges and speech but also theorize how media contribute to naturalizing assumptions and making it difficult for participants in a discussion to speak outside of a certain set of concepts and images.¹¹ Because he suspects some agreements of masking unjust power relations, the activist believes it is important to continue to challenge these discourses and the deliberative processes that rely on them, and often he must do so by nondiscursive means—pictures, song, poetic imagery, and expressions of mockery and longing performed in rowdy and even playful ways aimed not at commanding assent but disturbing complacency. One of the activist’s goal is to make us *wonder* about what we are doing, to rupture a stream of thought, rather than to weave an argument.

I have presented the deliberative democrat and the activist as two distinct characters with different recommendations for the best forms of political engagement. Such exclusive opposition between the stances is artificial, of course. Many people and organizations move between the stances in their political lives, depending on the issues at stake, who they are interacting with or confronting, and what they see as possibilities for action and achievement. I have put the stances in dialogue with one another precisely because I think they both are important for democratic theory and practice.

I have separated the stances into two opposing characters, however, to highlight the activist stance more than most recent democratic theory has done and to cast a critical eye on some tendencies in deliberative democratic theory and practice. The activist's charges are serious, and they raise some issues not thematized in recent deliberative theory. From this dialogue, I draw two conclusions about where democratic theory should go.

First, democratic theory should keep a distance from democratic practices in existing structural circumstances. While theorists ought to learn from ongoing processes of discussion and decision making, and as citizens should participate in them in whatever ways seem most just and effective, we should resist the temptation to consider that ideals of deliberative democracy are put into practice when public officials or foundations construct procedures influenced by these ideas. Democratic theory, including the theory of deliberative democracy, should understand itself primarily as a *critical* theory, which exposes the exclusions and constraints in supposed fair processes of actual decision making, which make the legitimacy of their conclusions suspect.

Second, we can deny that deliberative democracy recommends that citizens be willing always to engage discursively with all interests and social segments, reasonably expressing opinions and criticizing others. We can conceive the exchange of ideas and processes of communication taking place in a vibrant democracy as far more rowdy, disorderly, and decentered, to use Habermas's term.¹² In this alternative conceptualization, processes of engaged and responsible democratic communication include street demonstrations and sit-ins, musical works, and cartoons, as much as parliamentary speeches and letters to the editor. Normatively emblematic democratic communication here shifts from simply a willingness to give reasons for one's claims and listen to others to a broader understanding of the generation and influence of public opinion. In this broader understanding, participants articulate reasonable appeals to justice and also expose the sources and consequences of structural inequalities in law, the hegemonic terms of discourse, and the environment of everyday practice.

Even if we follow these recommendations, however, the dissonance between the stance of the deliberative democrat and the activist does not dissolve. Individuals and organizations seeking to undermine injustice and promote justice need *both* to engage in discussion with others to persuade them that there are injustices that ought to be remedied and to protest and engage in direct action. The two kinds of activities cannot usually occur together, however, and for this reason one of them is liable to eclipse the other. The best democratic theory and practice will affirm them both while recognizing the tension between them.

NOTES

1. There are some exceptions. Andrew Arato and Jean Cohen theorize the place of social movements and civil disobedience in the context of civil society; see *Civil Society and Political Theory* (Cambridge, MA: MIT Press, 1992). John Dryzek's arguments about the importance of oppositional movements of civil society that stand outside the state also refer to demonstration and protest activity. See *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford, UK: Oxford University Press, 2000), esp. chap. 4; see also *Democracy in Capitalist Times: Ideals, Limits and Struggles* (Oxford, UK: Oxford University Press, 1996). The distinction between the norms of deliberation and the norms of activism that this essay explores, however, should not be mapped onto a distinction between state and civil society. Civil society is certainly a site for deliberative politics, as many by now have pointed out, including Dryzek, although it is also usually the site for activism as well.

2. Michael Walzer offers a useful list of political activities in addition to deliberation, some of which characterize the activist. See "Deliberation, and What Else?" in *Deliberative Politics: Essays on Democracy and Disagreement*, ed. Stephen Macedo (Oxford, UK: Oxford University Press, 1999).

3. See I. M. Young, *Inclusion and Democracy* (Oxford, UK: Oxford University Press, 2000), chap. 2.

4. Amy Gutmann and Dennis Thompson insist on criteria of publicity and accountability in their book, *Democracy and Disagreement* (Cambridge, MA: Harvard University Press, 1996). Although they certainly agree that inclusion is a criterion, they do not make this a separate principle. For reasons to do so, see I. M. Young, "Justice, Inclusion and Deliberative Democracy," in *Deliberative Politics: Essays on Democracy and Disagreement*, ed. Stephen Macedo (Oxford, UK: Oxford University Press, 1999).

5. James Fishkin, *The Voice of the People* (New Haven, CT: Yale University Press, 1995).

6. This is the position I argue for in early chapters of *Inclusion and Democracy*.

7. This is one of Ian Shapiro's main responses to ideas of deliberative democracy in his essay, "Enough of Deliberation: Politics Is about Interests and Power," in *Deliberative Politics*, ed. Stephen Macedo (Oxford, UK: Oxford University Press, 1999), 28-38.

8. Gutmann and Thompson, *Democracy and Disagreement*, chap. 8; they are representative here of policy discussion on these issues in the United States, as well as of American public opinion.

9. See Jürgen Habermas, "On Systematically Distorted Communication," *Inquiry* 13 (1970): 205-18. In light of the fact that Habermas has had much to contribute to contemporary theories of ideology or distorted communication, it is surprising and disappointing that his own theory of deliberative democracy as expressed in *Between Facts and Norms* (Cambridge, MA: MIT Press, 1996) gives almost no space to theorizing distorted communication and its effects on the legitimacy of political outcomes.

10. See James Bohman, *Public Deliberation* (Cambridge, MA: MIT Press, 1996), esp. chap. 3. See also Bohman, "Distorted Communication: Formal Pragmatics as a Critical Theory," in *Perspectives on Habermas*, ed. L. Hahn (Indianapolis: Open Court, 2000).

11. John Thompson offers a contemporary theory of ideology that includes consideration of media. See *Ideology and Modern Culture* (Stanford, CA: Stanford University Press, 1990). John Dryzek has a useful discussion of ideology in *Democracy in Capitalist Times*, chap. 6.

12. Habermas, *Between Facts and Norms*, chap. 7.

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