

Deliberative Democracy and Justice

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In Iris Young's staging of an imaginary dialogue between an activist and a deliberative democrat, we are presented with two familiar figures from the self-help section of our local bookstores: the woman "who loves too much" and the man who rejects her. The two characters share a commitment to social justice, but they understand this commitment quite differently. As a result, they have different understandings of what it means to be a good citizen in "actually existing democracy, with all its existing conflict, disagreement, economic, social, and political inequality." The deliberative democrat regards reasoned argument in settings that are inclusive and representative as the key to developing just and fair social policies. The activist contends that all of this is little more than a form of political window dressing designed to deflect the ways in which structural inequalities in our society constrain both the process and the substance of deliberation. The deliberative democrat counters that it is possible to structure the process of deliberation in ways that minimize the effects of social inequalities on the capacities of individuals to participate as equals in deliberative contexts. The activist is even more troubled by this attempt to minimize the very phenomenon that he contends ought be made more rather than less visible.

As the dialogue progresses, it becomes apparent that if the two characters in Young's essay are to share their passion for social justice, one of them will have to change. The deliberative democrat will have to acknowledge the degree to which structural inequalities in our society undermine the otherwise laudable goals of deliberative democracy. Unable to defend her position in the face of the activist's challenges, the deliberative democrat is advised to reconsider her faith in the capacity of deliberative democracy to ameliorate social inequalities. Apparently the activist has less to learn. Unlike the deliberative democrat, he has always kept his distance from "mainstream political settings." He refuses to engage deliberatively with those whose position of political and economic power shields them from the need to give a public accounting of their actions. Rather than waste his energy trying to engage such people directly, the activist mobilizes his comrades to undertake actions that put moral and political pressure on the powerful to revise unjust policies. The activist considers the deliberative democrat wrong to devote energy to attempting to overcome deliberative inequalities that are the inevitable outcome of structural inequalities.

The trouble with Young's characterization of the two antagonists is their righteous insistence on the moral sanctity — and the political incompatibility — of their respective positions. While the deliberative democrat is weary of the sorts of disruptions that are likely to undercut an already tenuous undertaking, the activist is afraid of losing the critical edge that comes from living on the margins of the political mainstream. These fears sustain the dramatic tension of Young's dialogue,

but they do not do justice to the complex and dynamic relationship between public deliberation widely construed and the narrower matter of public policy formation that seems to be synonymous with the activities of Young's deliberative democrat. An example will illustrate my point. A few weeks ago, an article in the *New York Times* described a protest against the pharmaceutical industry organized by the Philadelphia chapter of Act-Up, the Aids Coalition to Unleash Power.¹ Act-Up has been instrumental in raising public awareness about the need to lower the cost of patented AIDS medications for the 25 million Africans who are HIV positive and loosen U.S. foreign policies that make economic assistance and trade with developing nations contingent upon limiting access to generic AIDS drugs. The *Times* article offers a telling counterpoint to the dichotomy Young draws between the personae of the activist and the deliberative democrat. At the end of the article, Sheryl Stolberg describes the unusual sight of two protesters, "veterans of the heady days in the late 1980s when Act-Up members disrupted trading on the New York Stock Exchange," sporting jackets and ties. Explaining the unusually formal attire, she writes: "They had an important meeting to attend after the die-in, at the United States trade representative's office." This example reminds us that activism and deliberation are not incompatible. There are times when one tries to reason with those who are in a position to represent one's views in the formation of public policies, and there are times when it is clear that one's views will not be adequately represented. In such moments, public demonstrations, "die-ins" and other sorts of political disruptions are the key to putting public pressure on organizations and institutions.

But there is more to my concern with Young's argument than the straightforward point that activism and deliberation are potentially mutually reinforcing. As I understand it, the core of Young's activist's concern is not simply the matter of whether deliberation is possible in actually existing democracies, but whether deliberative engagements enable or undermine the pursuit of social justice. As Young points out in her ruminations on the relationship between democracy and justice in her most recent book, *Inclusion and Democracy*, under the ideal conditions hypothesized by most models of deliberative democracy, it is clear that deliberative democracy can promote justice. But as she quickly goes on to say, it is rare indeed that deliberations meet these ideal conditions.² What is needed then is a theory of deliberative democracy for unjust conditions. Such a theory would not follow the circular logic in which "ideal processes of deliberative democracy lead to substantively just outcomes because the deliberation begins from the starting point of justice."³

One attempt to break this circular logic is put forward by James Bohman in his book *Public Deliberation*. Bohman focuses on the problems of deliberative inequality that grow out of structural inequalities but ought not be conflated with them. There are three dimensions to deliberative inequalities:

power asymmetries (which affect access to the public sphere), communicative inequalities (which affect the ability to participate and to make effective use of available opportunities to deliberate in the public sphere), and "political poverty," or the lack of developed public capacities (which makes it less likely that politically impoverished citizens can participate in the public sphere at all).⁴

Bohman maintains that rather than simply delineating the ideal conditions under which deliberation might lay the groundwork for the pursuit of more just social policies, theories of deliberative democracy must focus directly on deliberative inequalities. Coming to grips with the ways in which deliberative inequalities work to restrict access to the public sphere is an important avenue to fostering the skills needed to participate effectively in deliberative contexts. The skills Bohman describes are not those valued by Young's deliberative democrat: reasoned arguments that are publicly articulated with the explicit purpose of establishing common ground in a spirit of mutual respect. Rather than talking about the need to foster the sorts of civic virtues to which we typically appeal when we want to constrain political interactions in some way, Bohman talks about the need to foster political efficacy on the part of those who are deliberatively disenfranchised. Participation in deliberative democracy is effective only to the degree that those who are usually politically marginal have the political capacity to initiate public deliberation, foster the kinds of co-operation necessary to keep their issue under discussion, and effect both the shape of the conversation and the outcome of deliberations. Whereas Young's activist sees deliberative democracy as a ruse of power, Bohman regards it as a route to political empowerment, especially for those who bear the brunt of deliberative inequalities.

Bohman would not agree with the activist that structural inequalities must be addressed before deliberative democracy can be meaningfully transformative. Indeed, such an assertion smacks of the same sort of idealization for which the deliberative democrat was reproached. Just as the norms of deliberation have to take into account the messiness of "real-world" deliberations in which arguments are often less than well reasoned (although they may nonetheless take place in a spirit of reasonableness), so we will need to think about ways of engaging deliberatively with one another in the midst of intractable structural inequalities. Young makes a similar case in *Inclusion and Democracy*:

In a society where there are social group differences and significant injustice, democratic politics ought to be a process of struggle.... Because disadvantaged and excluded sectors cannot wait for the process to become fair, because there are often so many contending interests and issues, oppressed and disadvantaged groups have no alternative but to struggle for greater justice under conditions of inequality.⁵

The norms and assumptions of political deliberation are among the many sites open to contestation. Few have done more than Iris Young to push the boundaries of what counts as reasoned, respectful dialogue in deliberative contexts. Given the tremendous work she has done in this regard, I am curious about the degree to which "Activist Challenges to Deliberative Democracy" heralds a move away from her earlier efforts to expand our understanding of what counts as reasoned debate in conditions of economic, political and cultural inequality.

I suspect that this essay is less a repudiation of deliberative democracy than a reminder of the conditions that make democratic deliberation an avenue for social justice. Young concludes her essay by gesturing to a possible reconciliation of the activist stance with that of the deliberative democrat. She suggests that the range of activities that fall under the rubric of activism are compatible with deliberative

democracy. Like the deliberative democrat, the activist is looking for a way to shift the focus from the interests of the powerful to the interests of the broader polity. Unlike the deliberative democrat, however, the activist does not think that the interests of the politically impoverished are likely to make their way into deliberative fora unless the disempowered use activist strategies to disrupt the way particular debates are framed. In short, the work of activists lays the groundwork for genuinely democratic deliberation. Far from derailing deliberative democracy, activism keeps it in on track. But while political disruptions are indispensable in drawing public attention to the problems of political and social inequality, the post-demonstration deliberative activities undertaken by members of Act-Up remind us that an alliance between the activist and the deliberative democrat is possible if it springs from a shared understanding that countering deliberative inequalities cannot wait for the creation of the right conditions.

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1. Sheryl Gay Stolberg "AIDS Groups Revive a Fight, and Themselves," *The New York Times*, Sunday, 18 March 2001, sec. 4.
 2. Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), 29-33.
 3. *Ibid.*, 34.
 4. James Bohman, *Public Deliberation: Pluralism, Complexity, and Democracy* (Cambridge: The MIT Press, 1996), 110.
 5. Young, *Inclusion and Democracy*, 50.