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**Denise Vitale**

# Between deliberative and participatory democracy

## A contribution on Habermas

**Abstract** Deliberative democracy has assumed a central role in the debate about deepening democratic practices in complex contemporary societies. By acknowledging the citizens as the main actors in the political process, political deliberation entails a strong ideal of participation that has not, however, been properly clarified. The main purpose of this article is to discuss, through Jürgen Habermas' analysis of modernity, reason and democracy, whether and to what extent deliberative democracy and participatory democracy are compatible and how they can, either separately or together, enhance democratic practices. Further exploration of this relationship will permit a better understanding of the possibilities and limits of institutionalizing both discourses, as well as of developing democracy in a more substantive dimension.

**Key words** deliberation · democracy · discourse theory · modernity · participation

This article contributes to the debate about deliberative democracy by exploring the relation between the conceptions of deliberative and participatory democracy. Taking Jürgen Habermas' analysis of deliberative democracy as my starting point, I begin by identifying the role democracy plays in contemporary societies and examine how democracy can be implemented under the procedural and deliberative approaches. I then discuss the idea of participatory democracy in order to clarify the relation between the participatory and deliberative perspectives and to highlight the main characteristics necessary for contemporary democratic practice.

I have chosen this topic because of the importance of the debate about these two democratic discourses at the turn of the 21st century.

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**PSC**

The notion of participatory democracy, discussed in the 1960s and 1970s, preceded the debate touched off by the conception of deliberative democracy in the 1980s, which continues today. However, the relation between these two concepts remains unclear. The main purpose of this article is to clarify whether and to what extent they are compatible and how they can, either separately or together, enhance contemporary democratic practice.

### Democracy and the problem of modernity

The question of democracy is central to Jürgen Habermas' thought, whose point of departure is the idea of modernity as an unfinished project. Arguing against the thesis that modernity is over – and has been replaced by so-called postmodernity – Habermas identifies serious limits to the concept of reason developed in previous centuries, limits that have blocked implementation of the Enlightenment project of emancipation.

He traces the crisis of reason to an erroneous understanding of the concept of reason itself, which has been construed in an overly narrow and restricted way. The foundation of modernity ruptured the ethical unity present in a sacred world, and caused the fragmentation of the various spheres of value that started to differentiate out from one another based on the criteria of specific rationalities. Max Weber first identified this process as the *disenchantment of the world*. For Weber, the advancing process of rationalization meant that the cognitive, aesthetic-expressive and moral-evaluative elements of the religious tradition<sup>1</sup> detached themselves, and were then free to follow their inner logics. As a result, economy, politics, art, eroticism, science and religion itself constituted independent spheres governed by distinctive and incompatible principles. In this new context, the now fragmented and differentiated spheres increasingly coexist in tension, since nothing could embrace all of them as religion once had.<sup>2</sup>

Habermas systematizes the Weberian analysis and isolates the three forms of occidental rationalism that emerge with modernity. The first occurs as part of the process of cultural rationalization, when the cultural spheres of value (science and technology; art and literature; law and morality) differentiated out from the traditional religious-metaphysical worldviews proper to the Graeco-Roman and Judaeo-Christian traditions. Once it was independent, each cultural sphere of value was free to follow its own inner operational logic. Thus, science and technology reproduce themselves according to a cognitive-instrumental rationality, while art and literature follow an aesthetic-expressive reason, and law and morality obey a moral-practical orientation. Societal rationalization follows as a second process in which each cultural sphere of value assumes institutionalized form. The values of science and technology

crystallize into the scientific enterprise (universities and academies), whereas art and literature constitute the artistic enterprise (the production and distribution of art as well as the mediation of art criticism). Likewise, the sphere of law and morality splits in two different institutionalized forms, the modern legal system and organized religion. In addition to these cultural action systems, societal rationalization also relies on the core action systems that structure society itself: the capitalist economy, the modern state and the nuclear family. The third and final process comprehends aspects of individual personality, the behavioral trends and value orientations associated with both mainstream and counter-cultural lifestyles.<sup>3</sup>

Weber drew a doubly pessimistic conclusion from his analysis: modernity resulted in both the loss of meaning and the loss of liberty. Habermas disagreed with both aspects of this conclusion. In Weber's view, this loss of meaning was connected to the fact that, although the process of disenchantment meant that each cultural sphere of value followed its own and inner logic, rationalized according to its particular orientation, the lack of a unifying element resulted in increasing tension. The incompatible spheres of value could not be reconciled or the resulting instability overcome, and the lack of any point of convergence meant that modernity reverted into meaninglessness.

Habermas, however, disagrees that loss of meaning is a necessary consequence of occidental rationalism. Although he agrees with the diagnosis regarding the increasing tension among the various spheres, he identifies some instruments of mediation that link up the fragmented spheres, and restore a modicum of the unity that was once lost and made life and society comprehensible. In fact, one of the main problems associated with the process of fragmentation is the gap between the elitist concepts developed by specialists in the different cultural spheres of value (scientists, artists, jurists) and everyday concepts. Nonetheless, Habermas argues that instruments able to link the two worlds can significantly reduce this gap. Art and literary criticism, the media and the academy are some of the instruments that can secure a certain unity in the lifeworld.<sup>4</sup>

The very existence of a lifeworld (*Lebenswelt*) – background convictions common to all subjects acting communicatively<sup>5</sup> – in itself contributes to a minimum content that ensures all actors share a certain horizon of meaning, despite the enormous complexity and fragmentation of modernity. Yet this is not all the concept implies. The idea of lifeworld developed by Habermas is limited to a cultural conception, in which

... the cultural patterns of interpretation, evaluation and expression serve as resources for the achievement of mutual understanding by participants who want to negotiate a common definition of a situation and within that framework, to arrive at a consensus regarding something in the world.<sup>6</sup>

The lifeworld means that there is always a possibility of dialogue and the potential for consensus-based solutions to the many problematic situations that exist in the fragmented universe of modernity. This communicative perspective also helps to explain how vastly complex contemporary societies are coordinated.

Weber's second conclusion concerned what he noticed as the loss of liberty during the process of the disenchantment of the world. The loss of liberty was the cumulative effect of the emancipation of the different spheres, combined with the rationalization of society and the increasing bureaucratization. When discussing the economic and social consequences of bureaucracy, he identifies that although they 'depend upon the directions which the powers using the apparatus give to it . . . very frequently a crypto-plutocratic distribution of power has been the result'.<sup>7</sup> He traces this problem to the historical alliance between bureaucratic structures and capitalist interests, which together enhance the range of possible compromises at the expense of freedom.<sup>8</sup>

Habermas does not deny that increasing bureaucratization and its related problems are considerable. But this problem is part of a broader dilemma: the fact that there is no natural equilibrium between the various spheres once the process of fragmentation has taken place. The institutions formed in the process of societal rationalization, the capitalist system and the modern state, dominate the other spheres of value, and have put them at a disadvantage. Habermas sees the capitalist system, on the one hand, and the modern state, on the other, as the two subsystems of a systemic universe that are in tension with the lifeworld. In Habermas' theory both lifeworld and system have essential and equal roles in contemporary societies. The problem, therefore, is not that the systemic universe now exists and develops, but that its logic and structure are overdeveloped at the expense of the lifeworld, which becomes blurred. The instrumental rationality typical of the systemic universe advances as if it were the only possible form of reason, limiting the emancipation of the reason as a whole and undermining the project of modernity.

This analysis leads Habermas to challenge the underlying causes of the tensions between the spheres:

We must at least regard it . . . whether the tensions among the ever more rationalized spheres of life go back in fact to an incompatibility of abstract standards of value and aspects of validity, or rather, to a partial and therefore *imbalanced rationalization* – for example, to the fact that the capitalist economy and modern administration expand at the expense of other domains of life that are structurally disposed to moral-practical and expressive forms of rationality and squeeze them into forms of economic or administrative rationality.<sup>9</sup>

Although this diagnosis, which perceives the lifeworld as colonized by the instrumental reason typical of the system, suggests a loss of liberty, Habermas again sees a way out.<sup>10</sup> In his view, reason can be emancipated and liberty re-established if the lifeworld structures are regenerated – a process that calls for the strengthening of communicative rationality. Only the strengthening of communicative rationality and communicative action can enable the lifeworld to resist systemic colonization by governmental and market forces.

The difficulty of conceptualizing and implementing an enhanced communicative rationality is directly related to the existence of another dilemma, the continuing dominance of the philosophy of the subject. Habermas identifies the need to overcome the idea of a subject-centered rationality by introducing an intersubjective paradigm. Clearly the philosophy of the subject and the concept of subjectivity introduced at the inception of modernity caused a profound revolution in western thought and produced the principles that still continue to structure western ideas and lifestyles. Descartes, Kant, Hegel and Marx are central authors of this paradigm. Their monumental contributions notwithstanding, their philosophies could not ground an intersubjective model.

Hannah Arendt and Habermas developed a new paradigm that could complete the emancipation of the modern rational project. In their view, modern society must be viewed from the perspective of the common space that exists between individuals, that is, from an intersubjective, rather than the individual, perspective. Action and communication are the cornerstones of this paradigm, which in the political sphere requires the democratization of regimes. At this point of our analysis, the relation between communicative action and democracy seems to be quite clear. To the extent that communicative reason is strengthened, democracy is improved. In other words, a free lifeworld whose autonomous spheres of value (art, science, religion) can develop naturally, in a balanced way, requires the support of democratic practices. Democracy is the only instrument that can ensure the establishment of a free process of mutual understanding towards consensus. In the last analysis, the completion of the project of modernity and the emancipation of reason require the improvement of democracy.

Indeed, the foregoing discussion of the loss of meaning and liberty that follows in the wake of modernity requires a discussion of democracy. First of all, if we accept Habermas' argument concerning the persistence of some instruments of mediation between expertise and everyday life, such as the media, art criticism and philosophy, democracy could be considered one of these instruments, perhaps the most important one. This calls for a two-pronged approach. On the one hand, democratic practices in those disciplines: a free and democratic press,

freely produced, distributed and received art criticism, and a free philosophical exchange. On the other, the use of democratic institutions themselves as instruments of mediation. I am particularly concerned with this second aspect. Therefore, to the degree that a society allows for the effective discussion and deliberation of public issues – issues of common concern – the channels of communication and interfaces between individuals who act in an everyday context, and professionals who act politically, will be improved. And as these channels are strengthened and public issues better understood, politics will become more meaningful in the dimension of lifeworld.

Democracy is also decisive in the second scenario, which contemplates the loss of liberty that accompanies modernity. Weber's argument that increased bureaucratization results in a loss of liberty puts democracy center stage. Only democratic controls can check bureaucratic expansion. And following Habermas's argument that the problem of a loss of liberty can be traced to partial rationalization due to overdevelopment of system as opposed to lifeworld logic, democracy again becomes the focal point, because it is a resource for the improvement of communicative action as explained above.<sup>11</sup>

In short, the purpose of the above discussion was to demonstrate that the completion of modern ideals can be achieved by replacing the philosophy of the subject with the paradigm of intersubjectivity, which requires expanding the concept of reason from the stunted conception of instrumental rationality into communicative rationality. As such, in Habermas' theory of society, this communicative rationality appears as a common reference for all the spheres that comprise the lifeworld, establishing a criterion of interrelationship that creates sluices of mediation and diminishes the tensions between the various spheres. Communicative rationality arises, therefore, not as an incompatible rationality in relation to the other rationalities that guide each sphere of the lifeworld, but as the paradigmatic rationality of the lifeworld as a whole, whose only adversary is the instrumental rationality of the systemic universe. As the paradigmatic rationality of the lifeworld, communicative rationality can concentrate its energies on the action necessary to defend itself from colonization by the system.

In this context, it is essential to analyze the current role and potential of democracy. If the modern project has to alter its paradigm in order to develop, what kind of democracy should be built? What are the limits and possibilities of political participation and public deliberation? To what extent are the ideas of participatory democracy and deliberative democracy an alternative? My next goal is to answer these questions.

## Conceptualizing two discourses: deliberation and participation

### Habermas' deliberative conception of democracy

Habermas constructs the concept of democracy from a procedural dimension that is grounded in discourse theory and political deliberation. Democratic legitimacy requires that the process of political decision-making occur in a framework of broad public discussion, in which all participants can debate the various issues in a careful and reasonable fashion. Decisions can be made only after this process of discussion has taken place. In this sense, the deliberative aspect corresponds to a collective process of reflection and analysis, permeated by the discourse that precedes the decision.<sup>12</sup> Habermas is convinced of the decisive role played by both democracy and law in the process of overcoming the philosophy of the subject and, consequently, in the completion of the modern project. Discourse, law and democracy are intimately linked. The understanding of the democratic idea concerns the analysis of the various relations that are established between these three elements.

According to his vision, discourse and democracy are two sides of the same coin, mediated by the law. Once legally institutionalized, the discourse principle is transformed into the principle of democracy. Both, however, share a common source, since all political power has to be extracted from the communicative power of the citizens.<sup>13</sup> If, according to the discourse principle, the rules that claim validity must command the potential assent of all individuals, the principle of democracy guarantees the reasonable process of political opinion- and will-formation through the institutionalization of a system of rights that assures equal participation to each individual in a process of legislation.<sup>14</sup> The crucial importance of law lies in its potential to institutionalize procedures that guarantee the formative principles of discourse theory. The result, therefore, is a procedural theory that measures the legitimacy of juridical norms in terms of the rationality of the democratic process of political legislation.<sup>15</sup> The legitimacy of the results is grounded in the correct use of the procedure, which is discursive and deliberative and, therefore, democratic.<sup>16</sup>

When it mediates the relation between discourse and democracy, law takes on an essential role in linking the lifeworld, which is governed by communicative action, and the system, comprised of the subsystems of the economy and public administration, which are governed by instrumental reason. In this sense, it is also through law, and through a normative perspective, that, as poses Habermas:



The socially integrating force of solidarity, which can no longer be drawn solely from sources of communicative action, must develop through widely diversified and more or less autonomous public spheres, as well as through procedures of democratic opinion- and will-formation institutionalized within a constitutional framework. In addition it should be able to hold its own against the two other mechanisms of social integration, money and administrative power.<sup>17</sup>

Habermas' concept of deliberative democracy can be clarified in terms of the distinction he draws between the republican and liberal visions of citizenship. He sees deliberative politics as theoretically situated in an intermediate position between these two perspectives, and constructed with elements of both. Like the republican vision, the procedural alternative based on discourse theory understands democracy as an essentially communicative process, giving pride of place to the process of political opinion- and will-formation. The democratic paradigm replaces the competition between interests typical of the market paradigm with dialogue. Since debate about laws and policies concerns questions of the common good and the justice of political society, the deliberative perspective stands in direct contrast to the elitist and pluralist conceptions, which are based on competition between group interests.<sup>18</sup> Moreover, it retains the instrumental component, given the need to reach political compromises, which represents the pragmatic dimension of politics, although this dimension is also subject to procedures justified by criteria of justice.<sup>19</sup> The reduction of excessive ethical charge and the careful introduction of procedures governing compromise between interests renders the democratic conception less idealistic than the republican view and less utilitarian than the liberal perspective.

The establishment of an ideal procedure for deliberation and decision-making processes, which is drawn from the interaction of these two perspectives, depends on the adequate institutionalization of corresponding communicative forms. In this sense, 'the success of deliberative politics depends not on a collectively acting citizenry but on the institutionalization of the corresponding procedures and conditions of communication, as well as on the interplay of institutionalized deliberative processes with informally developed public opinions'.<sup>20</sup> When these two elements are synthesized, the processes and communicative presuppositions of deliberative politics become the focal point of the discursive alternative, legislated within a constitutional framework. As such, the processes and conditions for the process of democratic opinion- and will-formation are institutionalized through the *medium* of law, crystallizing in a group of fundamental rights in the institutionalized deliberations of the parliaments and in the informal flow of communication from the public sphere.

From this perspective, which is grounded in the intersubjective nature of the processes oriented to understanding, the philosophy of the consciousness can be overcome and the modern project completed.<sup>21</sup> Only an intersubjective solution that can break the paradigm of the philosophy of the subject is consistent with Habermas' theory. In contrast to the republican view, which understands citizenship as a collective, totalizing institution, and the liberal perspective, which marginalizes communication as a source of political power in that it sees individual actors as dependent on system processes, the procedural alternative, whose point of departure is a complex non-centered society, conceives popular sovereignty as anonymous, diluted by the informal communicative flow of civil society, but guaranteed by its institutionalized communicative presuppositions.<sup>22</sup>

We can also understand the synthesis represented by the discourse alternative in terms of the idea of a democratic government under law, whose source is the core relationship between what Habermas considers the twin pillars that sustain and legitimize modern law: popular sovereignty and human rights.<sup>23</sup> The reconciliation between human rights and popular sovereignty can be represented in terms of an internal nexus between law and political power, elements that mutually presuppose one another, in a continuous feedback loop. For just as law cannot be legitimate unless all the members of a legal community could rationally assent to it, which is the function of democratic practice, legitimate political power depends on the legitimately established law that organizes it.<sup>24</sup> Similarly, human rights and popular sovereignty also mutually presuppose one another. If on the one hand human rights, especially the rights of communication and participation, institutionalize the communicative conditions for rational will-formation, permitting the exercise of popular sovereignty, on the other hand they cannot be imposed as something external to this exercise, but must be discussed and defined through the discursive process of collective will-formation, that is, democratic process.<sup>25</sup>

As such, in the discursive conception, the double foundation of modern law breaks with liberal and republican perception that there is a tension between human rights and popular sovereignty. Human rights and popular sovereignty, as well as private and public autonomy, are co-originary, complementary, interdependent and equally crucial for a procedural conception of democracy.<sup>26</sup> Interlaced through the discursive procedure,

... the sought-for internal connection between popular sovereignty and human rights lies in the normative content of the very mode of exercising political autonomy, a mode that is not secured simply through the grammatical form of general laws but only through the communicative form of discursive processes of opinion- and will-formation.<sup>27</sup>

And this mode can only be established if 'the system of rights states precisely the conditions under which the forms of communication necessary for the genesis of legitimate law can be legally institutionalized'.<sup>28</sup>

Habermas' mediating conception has been criticized from both sides, however. I will focus on the criticism that his conception of human rights is too limited, and too close to the liberal view because it prioritizes civil and political rights over social and economic rights. In Habermas' account, the rights of participation and communication – included in the civil and political rights of T. H. Marshall's famous taxonomy – play key roles in the building of democracy, and have, on a theoretical level, priority over other rights, such as the economic and social ones. Although the clash between popular sovereignty and human rights has been presented as a dispute between two opposing visions, the republican and the liberal, the conception of human rights is broader and more complex than it appears in the liberal interpretation.

Concern about human rights calls for a global perspective that comprehends not only civil and political rights, particularly rights of participation and communication, but also social, economic, cultural, environmental and development rights, among others. These rights are indivisible and complementary; since they are equally important, they must be implemented simultaneously. When Amartya Sen relates development and freedom, he argues for this global understanding, claiming that the substantive liberties refer to a spectrum of basic capabilities. These substantive human rights include the right to be free from starvation, undernourishment and premature mortality, as well as the right to be literate and enjoy political participation and uncensored speech. The different types of liberty are interconnected and the development of one type is directly linked to the development of the other.<sup>29</sup>

Nonetheless, when Habermas refers to the need to guarantee human rights, he stresses primarily civil and political rights. Although he certainly recognizes the need to implement social and economic rights, as well as cultural and environmental rights, he does it only to the extent that they are essential to the enjoyment of the rights of communication and participation, and they do not constitute a central aspect of his theory.<sup>30</sup> Moreover, while civil and political rights are always justified, regardless of context, social and economic rights are conditionally justified: they are a priori defensible only if they jeopardize the rationality and autonomy of the citizens.<sup>31</sup> A second problem in his democratic conception, related to the first criticism, is the lack of a deeper discussion about how to institutionalize the discourse ethic. I will return to these questions in the final part of the article.

Having established the main features of the concept of deliberative democracy, I shall now analyze how and to what extent this concept is related to the model of participatory democracy. Since both share a

common Marxist ancestry, there is a significant affinity between the participatory proposal and the deliberative alternative. Furthermore, Habermas' theory of legitimation crisis influenced the New Left, which fostered the idea of participatory democracy.<sup>32</sup> In what follows I will try to demonstrate that despite the differences between the two perspectives, they share considerable common ground, which is essential to the improvement of the democratic process.

First, however, it is worth noting that the concept of deliberative democracy constructed by Habermas forms part of a complex and wider theory, discourse theory and the theory of communicative action, which presuppose the highly differentiated condition of modernity. The same cannot be said of the notion of participatory democracy, which was not conceived in the context of a broader theory, and appears considerably limited in that it does not presuppose the levels of differentiation that constitute the modern universe.<sup>33</sup> The term 'participatory democracy' has been used to designate rather different processes and contexts, and has often been criticized for inaccuracy or excessive vagueness.<sup>34</sup> Nonetheless, despite these obvious theoretical differences, I shall attempt to establish the positive basis of their relationship by reconstructing the core elements of the model of participatory democracy.

### The idea of participatory democracy

The roots of the model of participatory democracy can be found in the political debates of the late 1960s and 1970s, exemplified by the works of Carole Pateman (1970) and C. B. Macpherson (1977).<sup>35</sup> Although my proposed definition includes elements drawn from other contexts where the idea was also developed, it was refined as a model during the debates of that period, when the concept of a more participatory democracy was presented as counter-argument to the democratic-elitist thesis (Schumpeter, 1942), and neo-liberal ideas (Nozick, 1974 and Hayek, 1960, 1976, 1982).<sup>36</sup>

In contrast to the elitist and neo-liberal conceptions, which consign the participation of all citizens in public life to a peripheral and restricted role, the conception of participatory democracy, as the term suggests, considers participation to be the central aspect of political practice. If the elitists perceive political activity from the standpoint of the market logic, as a competition among elites whose aim is to select the most competent candidate, the neo-liberal project reduces the role of politics to mere protection, through a legal system maintained by a minimal state, of the free-market interests and the individual liberties that justify its existence. In both visions, the political sphere is ruled by strategic rationality proper to the market, and cannot establish legitimacy from a democratic normative principle.<sup>37</sup>

Participatory democracy represented a counter-proposal to this restricted notion of citizenship and democracy. It is justified on three grounds. The first is the normative argument that democracy will improve as citizenship is reconstructed and political practice enlarged beyond the representative system.<sup>38</sup> The second is that increased participation is directly related to the reduction of social and economic inequalities. In other words, increased participation is connected to the achievement of a more substantive, rather than a formal, democracy.<sup>39</sup> The third is that political participation has an educative function, in that it develops the social and political capacities of each individual.<sup>40</sup> Although distinct, the three justifications are complementary and converge to a common point that strengthens both public space and the process of collective decision-making.

At stake is the expansion of spheres of political practice in order to democratize decision-making processes. The objective is to transform the model of thin democracy (in Barber's expression) whose practice is restricted to representatives, who are always *experts* or professional politicians, into a strong democracy, to be exercised and enjoyed by active citizens who can participate in arenas other than the voting booth.<sup>41</sup> In this perspective, the idea of participatory democracy does not constitute an end in itself, but is instrumental – participation is one way to diminish social inequalities and achieve a *de facto*, rather than a simply formal, democracy.<sup>42</sup> Far from being an end in itself, politics, and political participation in general, is a necessary activity if goals are to be met and concrete problems solved. Even the pedagogic justification, which sees democratic practice as a way of fostering political consciousness and the developing participants' individual, social and political capacities, is not an end in itself. The formation of active, conscious citizens is essential to the consolidation of the participatory model, the strengthening of public life and the improvement of decision-making processes.<sup>43</sup>

From the pragmatic and organizational point of view, participatory democracy emphasizes the need to construct forms of direct democracy that can function alongside the representative system. The idea is not to substitute the indirect system with a direct one, but to create new spheres of discussion and political deliberation that eliminate or at least reduce the serious problems of legitimacy raised by representative institutions, such as the distance between representatives and represented and the lack of transparency, publicity and accountability at higher levels.<sup>44</sup>

Macpherson proposes two different ways of implementing participatory democracy. The first is utopian, based on a pyramid system comprising direct democracy at the base and a delegated democracy at each higher level. The second scenario, which is more realistic, combines the pyramid structure with a party system.<sup>45</sup> In both models, however,

some measure of direct democracy, which in a national governmental structure is possible only through a pyramid system, is essential.<sup>46</sup> Thus, while the more realistic proposal is more plausible and desirable, the key feature of the participatory dimension is the pyramid structure comprising direct and delegated democratic forms whose source is deliberative, rather than merely consultative, power. The directness of participation and deliberation has the potential not only to change people's political consciousness, but to disrupt social and economic inequalities. It must be carefully combined with representative institutions, elected representatives must be made more accountable to the represented and the internal structures of the parties must be democratized to make them more inclusive.<sup>47</sup>

Beyond direct deliberation, the idea of participation also demands dialogue and communication because participation, in contrast to politics reduced to mere voting, constitutes 'a dynamic act of imagination, that requires participants to change how they see the world', which is possible only through the exchange of arguments and experiences.<sup>48</sup> Here, the ideal of participation is not a Rousseauian one, with each citizen individually forming his or her own political will and expressing it without discussing it with other members of the political community.<sup>49</sup> From the Habermasian standpoint, it requires an intersubjective dimension, which is exercised through public deliberation.

Indeed, Macpherson's proposal for the implementation of participatory democracy depends on a communicative process. His pyramid structure is based on deliberation exercised in its purest form, that is, all the members of a community equitably discussing and deciding the most ordinary, everyday issues, electing the delegates of the other levels, who in turn, will have to debate and decide the issues at stake. Macpherson's rejection of proposals for direct electronic democracy raises the issue of democratic formulation of the questions and the fact that many subjects cannot be treated in yes or no terms. Their complexity means that the model of direct democracy requires more interaction, since the decision-making process is a collective one, which results from wide-ranging prior discussion.<sup>50</sup>

Pateman's argument also confirms the claim that participation is an intersubjective relation. For if, in her account, 'the theory of participatory democracy is built around the central assertion that individuals and their institutions cannot be considered in isolation from one another',<sup>51</sup> there must be interaction and dialogue among individuals as well as among institutions. The educational function, which constitutes processes of political learning, depends on public debate preceding the decision-making moment.

The foregoing contributions understand participatory democracy as an ongoing political process whose main goal is to improve and broaden

democratic practice, a goal that can be attained only if all members of a political community are effectively included in the decision-making process. Inclusion means that every citizen can actually exercise the right to speak and vote, and this means, on the one hand, that the political process has to change, and, on the other, that social and economic inequalities must be reduced. Inclusion also implies democratizing social structures such as workplaces and universities, expanding the spaces *where* democracy can be thought through and practised.

Since democracy is exercise, practice and process, its success depends on how it is exercised and practised and whether its goals can be achieved. To sum up, according to the participatory model, democratic practice is directly and indirectly exercised through broad-based discussion and dialogue that results in decisive rather than merely consultative solutions. The logic of decision-making is the specific logic of the political sphere – not of the market sphere. It is guided by collective political will-formation – not by competition and aggregation of interests. It consists in an integrated democratic system, which combines spaces of direct participation and deliberation with mechanisms of representative democracy (the system of political parties, the parliament and the executive power), construing them not as opposing systems, but as compatible and complementary ones. Yet their harmonic coexistence also depends on reforming the traditional mechanisms of political representation, making the elected representatives more accountable to the represented and the internal structures of the political parties more participatory and democratic. Finally, such an integrated system should also be extended to other structures of power, like the workplace and grass-roots associations.

There is no one, or right, way to combine the two systems. The pyramid model Macpherson suggests can be applied in a variety of different contexts, a good example of which is the Brazilian participatory experiences of formulating budgets at the local level.<sup>52</sup> Thus, the relative freedom that the proposal permits concerning the possibilities of implementing participatory democracy, far from revealing the fragility of the concept, constitutes one of its essential characteristics.

### **Participation, deliberation and democracy: toward an intersection**

Since the vote has been extended to every adult citizen, without class, gender, or racial discrimination, etc., the contemporary challenge of strengthening democratic regimes is not mainly about who participates, but how, when and where citizens should participate.<sup>53</sup> Legitimacy depends directly on the verification of these variables. The idea of a



democracy grounded in the discursive procedure of the collective will-formation, as well as the idea of participatory democracy exercised through a combination of direct and indirect mechanisms, and through the democratization of non-governmental spheres, such as industry and the workplace, point to a crisis of legitimacy in the decision-making process and direct attention to the conditions of democratic exercise.<sup>54</sup> The relation between the two conceptions, therefore, can be seen in terms of the different answers each vision proposes to this question.

The point of departure of both ideas is the recognition that there is a crisis of political legitimacy that must be overcome. In both models, the restoration of legitimacy lies in the need for a more participatory politics, and points to a course that is broadly defended in contemporary democratic theory:<sup>55</sup> the enhancement of democracy occurs through a continuous and dynamic process of *democratization of democracy*, which transforms democracy into an increasingly inclusive system that permits the constitution of societies and emancipated forms of life.<sup>56</sup> The most important challenge for both perspectives is to reverse the process of systematization of the economy and the state, which pushes citizens into the peripheral role of mere members of an organization, generating a 'syndrome of civic privatism and the selective use of citizenship from the standpoint of client interests'.<sup>57</sup> And the solution, also common to both, is to re-absorb citizens into public debate and political processes by means of participation and public deliberation.

Their commonalities notwithstanding, each conception has a different focal point. As we have already seen, the participatory debate of the late 1960s and early 1970s focused on the need to implement forms of direct democracy, on the importance of extending these forms to include non-state structures such as the workplace, and in the need to foster substantial democracy in order to reduce social and economic inequalities and guarantee the effective enjoyment of political rights to all the citizens. The focus of discourse theory, on the other hand, is the exercise of sovereignty in the discursive processes of collective will-formation, which must be legally institutionalized. The crucial aspect, therefore, is the existence of an intersubjective political practice, which allows for the achievement of a consensus about collective objectives through dialogue and communication.<sup>58</sup>

Yet while they have different focuses, there is a broad area of intersection between the two perspectives whose common elements are mutually complementary and together provide a richer alternative for the improvement of democracy in search of political legitimacy. In Pateman, Macpherson and Barber's formulations direct participation, which requires an intersubjective structure, suggests how the premises of the philosophy of consciousness might be overcome. The justifications of political consciousness and the learning processes attendant on



participation make sense only in a context of public discussion wherein each individual can think, ponder and have the opportunity to change, either totally or in part, his or her original position as a result of the exchanges. Here again, the ideal is not Rousseau's deliberative citizen, who decides exclusively on the basis of his own individual judgement, but the active and communicative citizen envisioned by Habermas and Hannah Arendt.<sup>59</sup> The participatory conception does not share some democrats' enthusiasm for technological innovations that could solve the time and space problems of contemporary societies by providing a direct electronic democracy, because these exclude the essential element of direct deliberations with face-to-face interactions, that is, with dialogue, discussion, exchange of arguments, doubts, wills and worries.

Habermas takes this vocation for communication from the republican paradigm. If politics is to be developed through structures of public communication oriented to reaching mutual understanding, the paradigm is not the market, but dialogue. Just as republicanism 'preserves the radical democratic meaning of a society that organizes itself through the communicatively united citizens and does not trace collective goals back to "deals" made between competing private interests', so do participatory theorists.<sup>60</sup> To this extent, although the participatory democrats neglect the broader context of a highly complex modernity in their analyses, their proposals point in the same direction as the deliberative solution, in that they place communication and public debate at the forefront of the project. The defendants of participatory democracy fail, however, to take the next step of guaranteeing these processes through legal institutionalization. Maybe here the lack of clarity with regard to the context of modernity has blocked a wider perception that only law, with its immense potential for abstraction and universalization, can ensure the complexity of the processes and procedures required by and exercised in modernity.

On the other hand, deliberative democracy supports the implementation of forms of direct democracy that are defended by the theorists of participatory democracy. Habermas clearly states that direct democracy can be very useful, in spite of all the technical difficulties that accompany its implementation in modern societies.<sup>61</sup> His main objection, however, consists in the fact that the choice between direct and indirect forms is an organizational problem that cannot be solved normatively *a priori*.<sup>62</sup>

Depending on the specific context, either form can be legitimate.<sup>63</sup> From the discursive perspective, the main condition is that public deliberation be grounded on communicative reason. How this condition is fulfilled will vary according to the particular context. For Habermas, the *a priori* defense of forms of direct participation is problematic because the level of justification of domination is in tension with the

means of organizing domination. He tries to argue that pre-given democratic forms must not bind the introduction of a principle of democratic legitimation grounded on a democratic procedure of opinion- and will-formation.<sup>64</sup> In this sense, he sees that the legitimacy of political choice flows from both deliberation about ends and also deliberation about means. So the process of political deliberation itself determines how deliberation will actually be organized.<sup>65</sup>

The proposals of participatory democrats run afoul of this requirement. The demand for more participation in politics is associated with the need to create more spaces for direct participation, and to include the workplace as one of those spaces. Nevertheless, the expansion of forms of direct democracy is not an isolated and single solution, once it qualifies and complements the representative forms that already exist. Pateman acknowledges the importance and the need for representative democracy in contemporary societies, but focuses her attention, above all, on active participation in the workplace. Macpherson considers the need for 'some portion of direct democracy' in a democratic participatory model, and realistically combines this portion with representative party structures. To this extent, the stakes of the proposals of participatory democrats meet the qualifications of legitimacy demanded by discursive ethics.<sup>66</sup>

Given these authors' consciousness of the immense difficulties of implementing a direct and intersubjective political system at higher levels, the alternatives they present are less pretentious, and emphasize the possibilities presented by the workplace and local power. Moreover, although the proposals draw their legitimacy from models that are constructed *a priori*, therefore falling into the error Habermas identifies, the models they suggest are sufficiently vague and broad, and permit adjustments in the organization of democratic forms appropriate to each particular context.

On the other hand, although Habermas' criticism is correct, he lays himself open to the opposite criticism. Since it is impossible to define organizational forms *a priori*, and this question must be left to the process of deliberation itself, his argument does not address institutional questions. In other words, although he remarks on the extreme importance of institutions, his claim remains very abstract, avoiding a deeper discussion of more concrete questions concerning the structure and functioning of the institutions he visualizes.<sup>67</sup> By contrast, when participationists try to visualize the organizations that can channel participation, although they mix organizational and normative levels to a certain extent, they put the problem of institutionalization center stage, trying to avoid the illusion 'that we can speak about democratic legitimacy without insisting on the presence of institutions having some internal relationship (even if not that of a simple derivation of one from

the other) to the procedures of discursive validation and justification'.<sup>68</sup> The participatory ideal traces the legitimacy deficit to the distance between the latent potential for participation and the lack of institutional sluices that can serve as a stage for broader public deliberations.

Following Habermas' argument, Joshua Cohen claims that public deliberation and direct democracy are two independent dimensions. Because his analysis centers on the political legitimacy created by deliberative democracy, the direct or indirect character of organizations is a secondary, context-dependent question contingent on psychology and political behavior.<sup>69</sup> Cohen's important analysis clarifies the fact that direct democracy would not necessarily resolve political questions deliberatively:

In the absence of a realistic account of the functioning of citizens' assemblies, we cannot simply assume that large gatherings with open-ended agendas will yield any deliberation at all, or that they will encourage participants to regard one another as equals in a free deliberative procedure.<sup>70</sup>

Clearly, deliberation will not be fostered by the institutionalization of mechanical, non-interactive direct decision-making procedures that are inadequately organized and subject to manipulation. And only the rational principle of deliberation can guarantee the legitimacy of the decisions. The debate about deliberative democracy seems to focus primarily on the parliamentary sphere, that is, on the representative system. It is worth noting, however, that representative democracy shares some of the same shortcomings as direct democracy, since under certain conditions it too lacks the prerequisites of the deliberative process. Lobbying, corruption, private campaign financing, manipulation of the media, lack of publicity and transparency in political parties as well as in the government; hierarchical and bureaucratized party structures and low levels of voter turn-out are problems of representative democracies that seriously challenge the legitimacy of any deliberative aspiration.<sup>71</sup>

Despite the inevitable problems and distortions that exist in any democratic institution, the great virtue of deliberative theory is that it illuminates the exact dimensions of the aspiration to legitimacy: the deliberative process of opinion- and will-formation among free and equal citizens, the presumptions and pre-conditions of which must be legally institutionalized. This dimension certainly qualified the debates on participation during the late 1960s and 1970s, and raised the discussion to levels of abstraction more appropriate to modern complexity.

Nevertheless, the opposite is also true. It is necessary to retrieve the debate on participation in order to ascertain the real potential of deliberative politics. The focus on substantive democracy, grounded on a

more equal distribution of social and economic resources – and at least the attempt to propose some concrete participatory institutions – is fundamental for the actual exercise of political rights. For a society to be effectively democratic all citizens must have the capability to enjoy and exercise the formally guaranteed rights and freedoms. Although problems of distribution are complex, the virtue of participatory theory is that it focuses attention on this key question, and includes it as a central concern of the theory.

My claim is that the contemporary discussion would benefit from a retrieval of this concern. Clearly, proponents of deliberative democracy are also aware of the relation between social and economic rights and political equality, and have not ignored the subject. For instance, Cohen's discussion of organizational questions recognizes 'that material inequalities are an important source of political inequalities'.<sup>72</sup> Similarly, Habermas affirms the need to bring back solidarity as a source of social integration linked to law. Furthermore, he acknowledges the need to implement social, economic and environmental rights insofar as they are essential for the enjoyment of the rights of communication and participation. However, to the extent that he predicates the exercise of democracy on the guarantee of the rights of communication and participation, these rights take priority over social and economic rights, with the result that the conception of human rights is a limited one.<sup>73</sup>

The idea of human rights refers to a broader and more complex set of rights. What I am challenging is not the need to define ethical contents *a priori*, since deliberative theory is mainly procedural. The outcomes of the deliberations, the public policies that particular communities choose to adopt, will be defined during the deliberative process and not before it. My claim is that other human rights – such as social, economic, cultural, environmental, development rights – which are just as essential as the rights of participation and communication, etc., must be also considered central to the democratic project and be candidates for legal institutionalization in the same manner as civil and political rights. Moreover, unless these other fundamental rights are legally protected, enjoying a minimum of juridical efficacy, the rights of communication and association themselves will fail crucial empirical tests.

Following the principles of discourse ethic, Cohen and Arato distinguish three groups of rights, only two of which – rights of communication and association, on the one hand, and rights of privacy, personality and autonomy, on the other – form the essential pillars and prerequisites of the democratic legitimacy rational discourse aspires to, as well as for the complete development of civil society. The third group, comprising social and economic rights, does not enjoy the same priority. While important, these rights represent contents and, as such, do not

constitute the formative principles of discourse.<sup>74</sup> However, unless actual discursive contexts are supported by minimal social and economic contents – since as Cohen and Arato point out, discourse is always a real and empirical event<sup>75</sup> – autonomy, free argumentation and communicative rationality will be impossible.

This 'minimal social and economic content' has to ensure what Nancy Fraser considers to be 'the sort of rough equality that is inconsistent with systemically generated relations of dominance and subordination'. Only the elimination, and not the bracketing, of social and economic inequalities can provide the conditions for political parity.<sup>76</sup> Despite the fact that the specificity and choice of public policies represent issues of content and objects of discourse, the guarantee of a minimum of social and economic content to all potential participants, does not constitute an object of discussion; on the contrary, next to the rights of communication and autonomy, this guarantee comprises an essential condition for the very existence of political equality, democratic legitimacy and a fully developed civil society.

On the other hand, it is important to note that despite the fact that the three groups of rights constitute a prerequisite for the *de facto* existence of discursive reason, the democratic process is not paralyzed or atrophied if these conditions are not present or ascertainable. The search for these conditions and the enhancement of the democratic process should occur simultaneously, with the advances of the former driving the latter and vice versa. If the conditions of the project and the project itself are separated – given the empirical situation in the majority of the countries – even minimal progress towards democratization would be impossible.

How can countries and communities immersed in contexts of enormous social and economic inequality manage to reduce those inequalities if they do not improve democratic practices? How could democracy be expected only after the establishment of an ideal material equilibrium in a certain community? This paradox indicates that these two questions should go together, hence the importance of the principles of indivisibility and complementarity that guide the concept of human rights.<sup>77</sup> This argument identifies the existence of a lacuna in the theory of deliberative democracy, which neither challenges nor engages an in-depth discussion of either the problem of social and economic rights, or issues of redistributive justice. When these problems are relegated to second place, deliberative theory is exposed to the criticism of being too idealistic. Whether deliberative democracy can manage political conflicts related to class struggle is still an open question, one that demands that more attention be paid to the issue of substantial democracy.

The above-mentioned questions notwithstanding, the interface between the participatory and deliberative proposals depends upon the

horizontal expansion of democracy. Deliberative theory, recognizing the informal space of public opinion as essential to the political process of discursive development, defends the expansion of spaces in which will-formation constitutes itself. The same is true for the participatory conception, which sees the democratization of the workplace and the intensification of social movements such as grass-roots associations as necessary for the improvement of democracy. Certainly, the enhancement of participation in these and other spheres contributes to the inclusion of informal flows that are formed in public opinion and in the debate about collective questions.

Finally, the two theories' perception of democracy represents a common nucleus comprising complementary elements that, in combination, present a strong case for a joint enterprise. I have argued that, although deliberation and participation are distinct and independent elements, the radical democratization of democracy, which is crucial to reduce the legitimacy deficit of contemporary politics, can succeed only if participation and deliberation are regarded as two key elements in the process of collective decision-making.

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**PSC**

## Notes

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- 1 Jürgen Habermas, *The Theory of Communicative Action*, vol. I, trans. T. McCarthy (Boston, MA: Beacon Press, 1984[1981]), p. 163.
- 2 Max Weber, 'Religious Rejections of the World and their Directions', in H. Gerth and C. W. Mills (eds) *From Max Weber: Essays on Sociology* (New York: Oxford University Press, 1946), pp. 323–59.
- 3 Habermas, *Theory of Communicative Action*, vol. I, pp. 165–7, 237–40.
- 4 Instruments of mediation are needed if the imbalance among the spheres of knowledge that comprise the lifeworld is to be avoided. Jürgen Habermas, *The Philosophical Discourse of Modernity* (Cambridge, MA: MIT Press, 1987[1985]), pp. 208, 340.
- 5 Habermas, *Theory of Communicative Action*, vol. I, p. 70.
- 6 Jürgen Habermas, *The Theory of Communicative Action*, vol. II, trans. T. McCarthy (Boston, MA: Beacon Press, 1987), p. 134.
- 7 Weber, 'Bureaucracy', in *From Max Weber: Essays on Sociology*, p. 230.
- 8 *ibid.*, pp. 230–2.
- 9 Habermas, *Theory of Communicative Action*, vol. I, p. 183.

- 10 Habermas identifies this problem of internal colonization of the lifeworld by system imperatives as a sociopathology. As the lifeworld is increasingly rationalized, it not only is uncoupled from but also is dependent upon the system domains of action. Habermas, *Theory of Communicative Action*, vol. II, p. 305.
- 11 As Habermas points out: 'At one time, democracy was something to be asserted against the despotism palpably embodied in the king, members of the aristocracy, and higher-ranking clerics. Since then, political authority has been depersonalized. Democratization now works to overcome not genuinely political forms of resistance but rather the systemic imperatives of differentiated economic and administrative systems.' Jürgen Habermas, 'Popular Sovereignty as Procedure', in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, MA: MIT Press, 1999[1997]), p. 41.
- 12 Bernard Manin distinguishes the two meanings of deliberation. In the first, deliberation means the process of discussion that precedes the decision. In the second, deliberation means the decision itself. Manin argues that the decision is formed during the process of discussion, with the clash between different viewpoints, the exchange of information and the clarification of doubts and possible contradictions. 'On Legitimacy and Political Deliberation', *Political Theory* 15 (1987): 341–52.
- 13 In this context, the concept of institutionalization refers to behavior expected from a normative standpoint, and to the institutionalization of procedures that guarantee the equality of the possible compromises. Jürgen Habermas, *Between Facts and Norms* (Cambridge, MA: MIT Press, 1996[1992]), p. 177.
- 14 *ibid.*, p. 110.
- 15 As Joshua Cohen claims: 'In particular, outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals.' Joshua Cohen, 'Deliberation and Democratic Legitimacy', in *Deliberative Democracy*, ed. Bohman and Rehg, p. 73.
- 16 The defense of legitimacy through legality starts from modern societies' need to find a substitute for sacred law and for empty customary law. Habermas believes this can only be achieved by means of a procedural rationality, which can anchor positive law without contingent interventions. Jürgen Habermas, 'Direito e Moral (Tanner Lectures 1986)', in *Direito e Democracia: entre Facticidade e Validade*, trans. F. Siebeneichler (Rio de Janeiro: Tempo Brasileiro, 1997), pp. 237–46.
- 17 Habermas, *Between Facts and Norms*, p. 299.
- 18 Thomas Christiano, 'The Significance of Public Deliberation', in *Deliberative Democracy*, ed. Bohman and Rehg, p. 243.
- 19 Jürgen Habermas, 'Three Normative Models of Democracy', in *The Inclusion of the Other* (Cambridge, MA: MIT Press, 2001[1996]), p. 245.
- 20 Habermas, *Between Facts and Norms*, p. 298.
- 21 *ibid.*, p. 299.
- 22 Habermas, 'Three Normative Models of Democracy', pp. 250–1.
- 23 He claims that 'The legal system as a whole needs to be anchored in basic principles of legitimation. In the bourgeois constitutional state these are,



- in the first place, basic rights and the principle of popular sovereignty.' *Theory of Communicative Action*, vol. II, p. 178. See also Habermas, 'Popular Sovereignty as Procedure', p. 37 and *Between Facts and Norms*, p. 99.
- 24 Habermas, *Between Facts and Norms*, pp. 134, 143.
  - 25 Jürgen Habermas, 'Remarks on Legitimation through Human Rights', in *The Postnational Constellation* (Cambridge, MA: MIT Press, 2001), p. 117.
  - 26 Habermas claims that the idea of a tension between human rights and popular sovereignty, also expressed as a tension between liberty and equality, or private and public autonomy, has prevailed since the French Revolution, with the debate between liberals and republicans. 'Popular Sovereignty as Procedure', pp. 44–5 and *Between Facts and Norms*, p. 99.
  - 27 Habermas, *Between Facts and Norms*, pp. 103–4.
  - 28 *ibid.*
  - 29 Amartya Sen, *Development as Freedom* (New York: Anchor Books, 2000), pp. 36–7.
  - 30 Habermas, *Between Facts and Norms*, p. 123. Challenging the priority of civil and political over economic and social rights, Sen argues that for this claim to be plausible, in contexts of intense poverty, the term 'liberty' must be extensively qualified. Sen, *Development as Freedom*, p. 64.
  - 31 Kevin Olson, 'Democratic Inequalities: the Problem of Equal Citizenship in Habermas's Democratic Theory', *Constellations* 5 (1998): 218–21.
  - 32 David Held, *Models of Democracy*, 2nd edn (Stanford, CA: Stanford University Press, 1996), p. 236.
  - 33 Jean Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge, MA: MIT Press, 1999[1992]), p. 19.
  - 34 The main criticism is of the vagueness of the term 'participation' and the conditions of its implementation. These two criticisms will be addressed below. See Giovanni Sartori, *Theory of Revisited Democracy* (Chatham, NJ: Chatham House Publishers, 1987).
  - 35 I refer specifically to Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970) and C. B. Macpherson, *The Life and Times of Liberal Democracy* (Oxford: Oxford University Press, 1977). Held systematically combines the common elements of these authors in the 8th model in *Models of Democracy*, pp. 263–73.
  - 36 Held, *Models of Democracy*, p. 264. Held's 7th democratic model, which he calls 'legal democracy', is based on New Right (or neo-liberal) ideas. In this model, the constitutional state and the law guarantee the existence of a minimal state and a free market (*ibid.*, pp. 253–63). Pateman and Macpherson explicitly challenge the elitist authors (Schumpeter and descendants), but their criticisms can be equally applied to neo-liberal thinkers. See Macpherson, *Life and Times of Liberal Democracy*, ch. 2, and Pateman, *Participation and Democratic Theory*, p. 13. Benjamin Barber also develops this criticism in *Strong Democracy* (Berkeley: University of California Press, 1984), part one. See also Schumpeter, *Capitalism, Socialism and Democracy* (New York: Harper Perennial, 1976); Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974); and Hayek, *The Constitution of Liberty* (Chicago: Chicago University Press, 1960).



- 37 Joshua Cohen points out a second problem of the elitist and pluralist scheme. For Cohen, the democratic political debate has to be organized in terms of conceptions of the common good rather than in terms of inter-group bargaining, where each one tries to satisfy its own particular interests. See 'Deliberation and Democratic Legitimacy', in *Deliberative Democracy*, ed. Bohman and Rehg, p. 68.
- 38 Barber, *Strong Democracy*, pp. 136, 154. Barber characterizes participatory politics as a continuous and self-legislative process, marked by the creation of a political community able to *transform* dependent and private individuals into free citizens, and partial and private interests into public goods (p. 132). The argument for the enlargement of citizenship justifies participation once the desires and arguments of each individual in the building of the collective space are given higher value. Each citizen has much more to contribute to the process of collective will-formation, and to win from it, than the representative system permits. In the participatory conception, the distance between the latent potential of participation and the lack of institutional sluices able to bridge wider public deliberations constitutes the main source of the legitimacy deficit identified in the elitist and pluralist model.
- 39 Macpherson, *Life and Times of Liberal Democracy*, p. 94. Macpherson's participatory theory is based on two conditions: the people's changed political consciousness, 'from seeing themselves as essentially consumers to seeing themselves as exerters and enjoyers of the exertion and development of their own capacities'; and a substantial reduction in current conditions of social and economic inequality, for an unequal society requires a non-participatory party system in order to remain united. However, it is necessary to look for loopholes so that small changes can cumulatively promote bigger changes, as the maintenance of these two conditions implies a vicious circle, since they can only be achieved in a more democratic system. *ibid.*, pp. 98–102. The relation between participation and substantial democracy is also stressed by C. Pateman, in *The Problem of Political Obligation: A Critique of Liberal Theory* (New York: John Wiley & Sons, 1979), pp. 168, 171.
- 40 Pateman, *Participation and Democratic Theory*, pp. 42–4. In Pateman's participatory theory, democratic education takes place through participatory processes in non-governmental authority structures, primarily industry. This is what she means by a 'participatory society'. Indeed, the primary focus of Pateman's idea of participatory democracy is not the macro-political sphere, but social structures such as the workplace. Thus, instead of improving the democratic structures proper to the political sphere, her work attempts to clarify the possibilities of democratizing social spheres' frontiers to the specific political sphere. This perspective is also adopted by Peter Bachrach and Aryeh Botwinick in *Power and Empowerment: A Radical Theory of Participatory Democracy* (Philadelphia, PA: Temple University Press, 1992). According to Pateman, it is important to focus on the workplace, especially in industry, because that is where most people spend most of their time, and in that it contains the relations of superiority and subordination, it is the most 'political' of all areas. Furthermore,

- reduction of economic inequalities could be attained by reducing the gap in salaries. Pateman, *Participation and Democratic Theory*, pp. 43, 117.
- 41 Pateman, *The Problem of Political Obligation*, p. 173.
- 42 This is Jon Elster's interpretation. Although his reading of the meaning of politics in John Stuart Mill and Hannah Arendt is correct, in that it considers the educative effects of political participation as its main objective, and not a by-product, the model of participatory democracy at stake suggests a distinct reading: the main reason for participation is to establish more legitimate decisions in the process of resolving concrete problems. Jon Elster, 'The Market and the Forum', in *Deliberative Democracy*, ed. Bohman and Rehg, pp. 23–6.
- 43 This is why Macpherson makes political consciousness a condition (see note 39). Although Jane Mansbridge construes Pateman's argument as something ultimate, in which democracy would be an end in itself, she later emphasizes the fact that there is a strong connection between engagement in political life and public responsibility. Thus, although education constitutes the main goal of participation in order to enhance democracy, as Pateman alleges, it is by no means an end in itself. A more enhanced democracy will bring, at the very least, a greater sense of public responsibility and a more careful and conscious decision-making process. See Jane Mansbridge, 'On the Idea that Participation Makes Better Citizens', in *Citizen Competence and Democratic Institutions*, ed. Stephen Elkin and Karol Soltan (University Park, PA: Pennsylvania State University Press, 1999), pp. 313, 319. In this regard, Manin emphasizes the fact that the purpose of some Athenian practices, such as rotation of public offices, was not only to foster human excellence, but to constitute a good form of government. The Greeks saw participation (above all, the alternate experience of command and obedience) not as an end in itself, but as a means for the good government. Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997), p. 29.
- 44 Macpherson and Pateman propose this, adopting a more realistic approach that recognizes the complexity of modern societies and the immense practical difficulty of withdrawing representative mechanisms. This position is also endorsed by Bachrach and Botwinick, in *Power and Empowerment*, and by Held, in *Models of Democracy*, p. 269. Barber's argument challenges this notion. He claims that as representation is typical of a *thin democracy* it is incompatible with participatory systems. Considering the centrality of Pateman and Macpherson's thought in our model, Cohen and Arato's criticism of the idea of participatory democracy is mistaken, since participatory democracy does not imply the utopia of the substitution of representation by direct democracy, but the introduction of direct practices as a complement that is just as important as the indirect means. Cohen and Arato, *Civil Society and Political Theory*, p. 7.
- 45 Macpherson, *Life and Times of Liberal Democracy*, pp. 108–14.
- 46 *ibid.*, p. 112.
- 47 *ibid.*, pp. 97, 113. Again, making representatives more accountable depends on reducing class conflicts, since these require more bargaining power to reconcile opposing interests. See Held, *Models of Democracy*, p. 171.

- 48 Barber, *Strong Democracy*, p. 136. This idea is totally in accordance with his conception of citizenship: 'The citizen is by definition a we-thinker, and to think of the we is always to transform how interests are perceived and goods defined.' *ibid.*, p. 153.
- 49 Jean-Jacques Rousseau, *Du Contract Social*, Oeuvres Politiques (Paris: Bordas, 1989), p. 268.
- 50 Macpherson, *Life and Times of Liberal Democracy*, pp. 97–8.
- 51 Pateman, *Participation and Democratic Theory*, p. 42.
- 52 The Brazilian experiences of the 'Participatory Budgeting', best exemplified by the experience of Porto Alegre, is a process of popular discussion and definition of the municipal budget. The distribution of resources is determined by the political decisions of the residents and also by criteria of social justice that permit a redistributive policy. For an English bibliography see, for instance, Rebecca Abers, *Inventing Local Democracy: Grassroots Politics in Brazil* (Boulder, CO: Lynne Rienner, 2000) and Boaventura de Sousa Santos, 'Participatory Budgeting in Porto Alegre: Toward a Redistributive Democracy', *Politics and Society* 26 (1998): 461–510. See also Vitale, *Democracia semidireta no Brasil pós-1988: a experiência do Orçamento Participativo* [*Semi-direct Democracy in Brazil after 1988: the experience of the Participatory Budgeting*]. PhD Dissertation. Department of Philosophy and General Theory of Law of Universidade de São Paulo, 2004.
- 53 Norberto Bobbio, *Il Futuro della Democrazia* (Turin: Giulio Einaudi editore, 1984), pp. 44–6. It is worth noting that the extension of the concept of the citizen and political rights has not yet been exhausted, although historically speaking it has become more inclusive. If in ancient Greece, women, slaves and foreigners were excluded from citizenship, foreigners still lack political rights in nation-states.
- 54 Jürgen Habermas, 'Legitimation Problems in the Modern State', in *Communication and Evolution of Society* (Boston, MA: Beacon Press, 1979), pp. 186–7.
- 55 Habermas, Held and Anthony Giddens are representative thinkers in this regard. See the idea of political inclusion in Habermas, *Between Facts and Norms*, p. 182; Held's arguments about democratic autonomy, in *Models of Democracy*, p. 324; and Giddens's suggestions for dialogic democracy in *Beyond Left and Right: The Future of Radical Politics* (Stanford, CA: Stanford University Press, 1994), pp. 15–17.
- 56 This is the phrase Habermas uses in his preface to *Between Facts and Norms*. Since, however, the content of these forms of life cannot be given a priori, and must be the result of a process of reaching understanding, by the participants, 'the democratic self-organization of a legal community constitutes the normative core of this project as well'. *ibid.*, p. xli.
- 57 Habermas, *Between Facts and Norms*, p. 78.
- 58 Although the ultimate ideal of the deliberative proposal is consensus and unanimity, these are not conditions of its existence. It is essential that there be maximum participation in decision-making, and that a majority assents to the decisions. If consensus and unanimity are achieved, so much the better. Indeed, Habermas suggests that majority rule is an example of

- institutionalized procedure of public deliberation. See *Between Facts and Norms*, p. 179. See also Manin, 'On Legitimacy and Political Deliberation', p. 362.
- 59 Hannah Arendt's analysis of discourse and action illuminates this idea from another angle. Each individual reveals his or her singular identity, a risk we all run, through discourse, action and, above all, in living together with other people. See her *The Human Condition* (Chicago, IL: University of Chicago Press, 1958), pp. 179–80.
  - 60 Habermas, 'Three Normative Models of Democracy', p. 244.
  - 61 As Habermas says: 'Justified and binding decisions about policies and laws demand, on the one hand, that deliberation and decision making take place face-to-face. On the other hand, at the level of direct and simple interactions, not all the citizens can join in the shared exercise of such a practice. A solution to this problem is provided by the parliamentary principle of establishing representative bodies for deliberation and decision making.' Habermas, *Between Facts and Norms*, p. 170. Or: 'In principle, the taking of yes/no position cannot be delegated to others . . . these discourses . . . for technical reasons must be conducted by representatives. . . .' *ibid.*, p. 182.
  - 62 Jürgen Habermas, 'Legitimation Problems in the Modern State', in *Communication and the Evolution of Society* (Boston, MA: Beacon Press, 1979), pp. 185–7. This argument is also supported by Cohen and Arato, *Civil Society and Political Theory*, pp. 348, 390.
  - 63 The relative acceptance of both forms accords with the middle course Habermas steers between the republican and liberal models. In the former, representation cannot in principle be admitted, since popular sovereignty cannot be delegated. In the latter, though, representation is justifiable, since it is the only realistic way of implementing democracy. Habermas, 'Three Normative Models of Democracy', p. 250.
  - 64 Habermas attributes the origins of the confusion between the two levels to Rousseau, who first related questions of legitimacy to questions of procedure; see 'Legitimation Problems in the Modern State', pp. 185–7. In the context of modernity, Niklas Luhmann also recognizes the need for more abstract and less restricted justifications of participation, although the source of his theoretical construction is a totally different conception. For him, the ideas of participation and legitimacy have to be understood in terms of more abstract concepts such as communication or action in order to satisfy the expectations of social contexts in which they are applied. This movement to more abstract levels is essential to avoid disillusionment. Niklas Luhmann, 'Participación y Legitimación: Ideas y Experiencias', *La Participación*, Anuari de la Facultat de Dret, Biblioteca de la Universitat de Barcelona, Estudi General de Lleida (1985): 14.
  - 65 J. Elster, 'Introduction'. In *Deliberative Democracy*, ed. (New York: Cambridge University Press, 1998), p. 5.
  - 66 Cohen and Arato argue that the conditions of democratic legitimacy should be fulfilled, 'in principle, at least, by a direct democracy of councils pyramidally organized, as well as by a representative type of democracy whose delegated authorities are controlled by viable public spheres': *Civil Society and Political Theory*, p. 411.

- 67 According to Cohen and Arato, 'Habermas has omitted to give the minimum conditions necessary for organizing democratic institutions'. 'The idea of institutionalizing discourse is hardly absent from Habermas's overall conception': *Civil Society and Political Theory*, pp. 391–2.
- 68 *ibid.*, p. 392.
- 69 Cohen, 'Deliberation and Democratic Legitimacy', in *Deliberative Democracy*, ed. Bohman and Rehg, pp. 84–6.
- 70 *ibid.*, p. 85.
- 71 In this regard, Giddens identifies some conditions for the functioning of deliberative democracy in representative systems. The most important would guarantee visibility of the acts taken by the representatives through the recall process, and ensure publicity in many areas of the government, especially in the distribution of resources. Giddens, *Beyond Left and Right*, pp. 114–5.
- 72 Cohen, 'Deliberation and Democratic Legitimacy', in *Deliberative Democracy*, ed. Bohman and Rehg, p. 85.
- 73 This limitation of the concept is clear when by 'human rights', in the liberal perspective as well as in the republican view, Habermas refers exclusively to civil and political rights. 'Popular Sovereignty as Procedure', p. 44.
- 74 Cohen and Arato, *Civil Society and Political Theory*, pp. 397–405.
- 75 *ibid.*, p. 392.
- 76 Nancy Fraser advocates a broader conception of public sphere than the one adopted by Habermas. Fraser argues that Habermas' idea of the public sphere is limited to a bourgeois conception that does not consider material equality to be a condition to political equality. 'Rethinking the Public Sphere', in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge, MA: MIT Press, 1999[1992]), p. 121.
- 77 These principles are guaranteed by article 5 of the *Vienna Declaration of Plan of Action*, adopted by the World Conference of Human Rights, 14–25 June 1993.