Review

Democracy without shortcuts: A participatory conception of deliberative democracy

Cristina Lafont

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In *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy*, Cristina Lafont takes up three vital questions: (1) how can a democratic public will be formed in a way that is truly participatory, taking seriously the basic premise of democracy that ‘one should not be subject to laws that one cannot see oneself as an author of’; (2) how can that public will have a meaningful and real impact on law and public policy?; and (3) how can these first two questions be answered without taking shortcuts that undermine deliberation’s participatory value? In other words, how can public deliberation be influential and still be robustly participatory?

Too many well-meaning theories fall short of the deeply democratic ideal of full participation in collective self-governance. Finding full participation to be an elusive and perhaps unwise goal, they offer shortcuts that stand in for democracy. Lafont focuses on three of these theories. First is the theory that citizens in large, modern, and pluralist societies have differences that can never be reconciled. No amount of public deliberation will lead them to have largely shared orientations. This ‘deep pluralist’ view takes disagreement as a fact that can be dealt with democratically by ensuring that all are treated equally and fairly. Its favored procedure is a vote and the options with the most votes winning. I think it is safe to say that what Lafont calls the deep pluralist approach is the reigning one today, motivating interest group politics, social choice theory, as well as the radical democracy of Chantal Mouffe and other neo-Schmittians. While differing in significant ways, there is basic agreement that people are motivated primarily by self-interest, unlikely to be wooed by another’s argument. There is even suspicion of attempts to come to consensus.

Second, Lafont focuses on the epistocratic shortcut offered by those who worry that people are too ill-informed and distracted to make wise decisions. A fully democratic approach to this problem would be to focus on helping the public

become better informed, but this also seems too elusive. So the epistocratic shortcut is for people to defer to experts. An alternative epistocratic view holds that the people as a whole have a collective epistemic capacity. This view is more sanguine about participation, but even this alternative approach focuses less on full participation than on the happy coincidence of the public's broad epistemic capacities.

The third shortcut that Lafont takes up is what she calls alottocratic conception of democracy as exemplified in James Fishkin's deliberative polls as well as citizen juries. Here, instead of hoping and working toward full participation, proponents argue that it is possible to glean what the full body of citizens would want by consulting a representative sample. These 'minipublics' could then stand in for the whole polity to show what a deliberative public might come to think. This allottedocratic view addresses the other views' deficits: *contra* the deep proceduralist approach, it seems to offer a possibility for deliberatively working toward a shared view; and *contra* the epistocratic view, it provides means for members of the minipublic to become well-informed. Hence people in the minipublic enjoy the virtues of true self-governance: an opportunity to try to come to a shared public judgment with fellow citizens and the requisite information to judge wisely. As one proponent of this view even says, albeit rather condescendingly, a deliberative minipublic would tell you what the public thinks *if* it thought.

Despite the allottedocratic view's seeming virtues, Lafont finds it deeply problematic because it calls for the general public to defer to the judgment of the minipublic. There are times when this works. We generally are happy with a trial by jury because a 'minipublic' jury has weighed all the evidence—and no one is clamoring to sit on every jury. But when it comes to laws and policies that affect us all, people are less inclined to defer.

I was able to spend a few years working with Fishkin on his deliberative polling project and saw how it worked. We ran a series of deliberative polls that served the public hearing process in Texas for deciding new electric utility projects. Those minipublics made some tremendously important and wise judgments, leading in part to increased investment in renewable energy. That was a great use of a minipublic. But the notion that this minipublic could stand in for the whole public struck me as odd. Most people trust their own judgment before they trust others—and the very ideal of self-determination is motivated by this suspicion. So why would a larger public defer to a minipublic? If it is because the minipublic is supposedly better informed, then we are back to the shortcomings of the epistocratic view, where 'experts' rather than the public decide. But as Lafont argues, what is of paramount value in a democracy is not the epistemic dimension of public deliberation but full participation. She is, therefore, calling for a fully inclusive participatory politics, where citizens have pride of place.

Lafont zeroes in on what is wrong with the minipublic approach: while it can be recommended on both representative and epistemic grounds, it is a technocratic

shortcut that sidelines the democratic imperative that all those subject to public policies should have a role in shaping those policies. Even if a minipublic can come up with sound policy recommendations, these recommendations fall short, as Lafont shows in chapter five, because they would call for the larger public to uncritically defer to what a sample has decided—and there is simply no compelling reason that this larger public would or should do so. The major fault with shortcuts like this one, Lafont finds, is that they ask the broader public to defer to a will formed by others, whether experts or minipublics. And no matter how expert the experts or how representative the minipublic, deferring to them would violate the larger public's political task of authoring laws themselves.

Lafont dedicates the book to her teacher, Jürgen Habermas. But her views are not a replication of his. The ideal behind her participatory model is illustrated well in an anecdote about deliberating with her son who had been insisting that it was okay to text while driving. Lafont describes her various efforts in trying to woo him to see things as she does, offering him reason after reason, waiting for the unforced force of the better argument to prevail. But this was not just an exercise in reason giving. She notes that it would be 'quite strange indeed to assume that my main aim in participating in this conversation is to reach the most considered judgment on the policy in question' (pp. 165–166). What motivates her engagement is concern for her son and that he come to answer the question well himself. 'I want him to endorse the policy as reasonable upon reflection', she writes, 'so that he can *identify it as his own and comply with it on its own accord*' (p. 167, emphasis in original). Central to their deliberation, it seems to me, was respect for her son's autonomy.

This helps explain what is wrong with deferring to a minipublic: power usurps political freedom. For a macropublic to defer to what a minipublic has decided would be like Lafont's son agreeing to forgo texting while driving only because 'mom said so'. Neither respects the democratic imperative that all should be subject to only those laws that they would give to themselves. For public will to have a true democratic quality, Lafont argues, deliberation needs to be fully participatory. 'The *only road* to better political outcomes', she writes, 'is the long, participatory road that is taken when citizens forge a collective political will by changing one another's hearts and minds' (p. 4).

This of course will not happen in one sitting. As Lafont points out, democratic public will formation is a long process best seen in 'the deliberative systems *as a whole* and not simply [in] the synchronic occurrences of face-to-face deliberation in small groups that take place within it' (p. 28). The process of opinion- and will-formation takes time and is rarely unidirectional (p. 171); there is an ongoing feedback loop of transformations and reinterpretations. Lafont follows Habermas's dynamic model of the public sphere in which citizens actively participate in 'processes of political opinion and will-formation' that can 'influence and shape the laws and policies to which they are subject' (p. 24). This kind of democratic control is possible thanks to 'an ongoing feedback loop between processes of opinion- and

will-formation in the public sphere and political decisions taken by the political system' (p. 24).

Lafont invokes conceptions of the public sphere as decentered and of politics as a deliberative system. The advantage to situating deliberations within a larger system would be that the everyday conversations that people have together on matters of public concern could be seen as so many nodes in a vast and diachronic process of public-will formation. These spaces and activities might seem inconsequential, but they are vital to a larger democratic ecology. From this perspective, all members of the political community can and often do contribute to public will formation. This rebuts the claim that deliberative polls are more representative than other public fora, for a deliberative system allows for energy and will to emerge from marginalized communities, as they often do.

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