

# **Cultivating Autonomy: A Case For Deliberative And Associational Democracy**

**Stephen L Elstub**

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**Department of Politics  
University of Sheffield**

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## **CHAPTER FOUR: ASSOCIATIONS AND INTERNAL DEMOCRACY**

**'For the most part, it is in face-to-face discussions that ordinary people actually confront the problems of democracy. Here, more democracy means greater fairness and participation *in the decision-making mechanism of an actual group*' (Blaug, 1999, p. 135, italics in original).**

### **4.0 Introduction**

The central premise of this chapter is that associations should have an internal democratic structure, whereby all the members of the association participate in the decisions made in that association: 'The democratic associational model of voluntary organisations assumes that members should not only be expected, but actively encouraged to participate in the running of the organisations' (Lansley in Powell and Guerin, 1997, p. 166). Following the avocation of deliberative democracy, I make a stronger claim that associations should be internally deliberatively democratic. Young agrees, arguing that:

**'All persons should have the right and opportunity to participate in the deliberation and decision-making of the institutions to which their actions contribute or which directly affect their actions. Such democratic structures should regulate decision-making not only in government institutions, but in all institutions of collective life, including, for example, production and service enterprises, universities, and voluntary organisations' (Young, 1990, p. 91).**

She goes on to argue that if all institutions were to be structured democratically then people will have power and influence in each institution through rights of participation as 'democracy in one institution reinforces democracy in another' (Young, 1990, p. 94). Such a suggestion is consistent with the two strands of deliberative democracy, outlined in chapter two, which stipulate that 'all those affected' should be able to participate equally in deliberatively democratic decision-making.

In the last chapter I tried to establish that if associations are to fulfil their potential democratic functions and enhance autonomy, then the internal structure of the associations must be democratic and based upon the norms of deliberative democracy. Firstly, if associations are to be venues for subsidiarity and offer scope for more small-scale participation, then they must allow participation and therefore democratise the structure. The potential of secondary associations to enable their members to participate in deliberatively democratic decisions, was discussed in detail as the first function. If the principle of subsidiarity is to be introduced then those associations that will be devolved powers must be accountable to those it serves, which suggests the need for an internal democratic structure. This is complicated to achieve in voluntary associations as



Rochester notes, especially in comparison to state agencies and the market. He suggests that state agencies have clear guidelines and laws, and are organised hierarchically, internally and externally. Market organisations are accountable to their shareholders and are regulated by the market. Voluntary associations in contrast have variable forms of regulation to achieve accountability and are accountable to a number of different agents e.g. members, staff, government and taxpayers (Rochester in Powell and Guerin, 1997, p. 163). I suggest that these lines of accountability must be clearly defined. Associations must be made accountable to their members, which should include staff, and that all should have a chance to participate equally in the decision making structure, which must be based upon the norms of democratic deliberation.

Secondly, if associations are to provide information and representation, and if this is to be authentic, it must be formed through the participation of all those who are said to be represented as Mansbridge notes:

'I would argue that elite deliberation must be supplemented with deliberation among the rank and file. Only citizens (or group members) themselves can know what outcomes they want, and better versions of this knowledge usually require deliberation. Elites can easily develop distorted understandings of the interests, including the public-regarding interests, of those they represent' (Mansbridge, 1995, p. 143).

This means the participation needs to be deliberative. As previously argued preferences are not set, but must be formed through debate.

Thirdly, if associations are to be schools of democracy and develop citizens' capacities to participate deliberatively then this can only be achieved if members get to participate in deliberative democracy. As Putnam has told us, it will be more likely that associations will produce civic virtue and social trust, if they are horizontally organised (Putnam, 1993, pp. 173-175).

Finally, if associations are to be locations for direct governance and be devolved powers directly, like the power to distribute social policy, based on the principle of subsidiarity, then the internal structure of the associations must also be based upon norms of deliberative democracy and allow participation (Putnam, 1993, p. 147; Warren, 2001, p. 36). Hadley and Hatch point out that an associative system would mean those who receive welfare would be able to play a significant role in deciding what that welfare should be and how it should be delivered:



'The underlying function of the bureaucratic social service organisation is to carry out the delivery of a predetermined service to a well-defined client group. In contrast, the participatory organisation operates with much wider terms of reference, which encourage a co-operative and entrepreneurial approach. Aims are defined in collaboration with staff and users...' (Hadley and Hatch, 1981, p. 147).

However, this is only the case if associations are internally democratic.

Roßteutscher raises the point that in countries or areas where there is little interest in political participation, these associations might become a 'bigger brother' (Roßteutscher, 2000, p. 178). There is certainly a danger that if there is low participation in an associational democracy, it will lead to the few ruling the many, much like present liberal democratic institutions. Nevertheless, associational democracy (as outlined here) is based upon the principle that people have a desire to be autonomous, which can only be met through participation in collective decisions. If people are given real opportunities to participate in decision-making that affects them, and that participation can actually affect those decisions then they will participate. Yet I do accept this is a serious challenge that must be met and will be considered further in the following chapter.

While he acknowledges that the number of secondary associations have increased in number and power, Francis Fukuyama, in Trust: The Social Virtues and the Creation of Prosperity (1995), argues that opportunities for genuine participation in these associations has not increased. Powell and Guerin's investigation on the voluntary sector in Ireland in the mid-1990's involved some quantitative research, which revealed that two thirds of respondents did not think that their organisation was more democratic in 1995 compared to 1975 (Powell and Guerin, 1997, p. 167). Other empirical evidence is also not encouraging. Throughout European liberal democracies, active membership in associations is very low, even in Scandinavian democracies where membership is quite extensive. Furthermore, those who do participate are not representative of their populations: 'Clearly, the evidence suggests that associative democracy is a theoretical construct, having little in common with empirical reality' (Roßteutscher, 2000, p. 178). However, this still does not refute my claim that if associations could influence public policy, then I think participation would



be vastly increased, but this is also dependent upon the association having an internal structure that enables this participation.

There are also many exceptions to this norm. There are some associations that constantly strive for a participatory, internally democratic structure such as Sikkuy<sup>1</sup> in Israel, GAM in France, The Massachusetts Climate Action Network (MCAN)<sup>2</sup> and Brighton and Hove Community Sector Forum.<sup>3</sup> However, it is certainly the case that these are the exceptions and not the norm, but it does demonstrate the possibility of democratising associations.

The argument is then that if autonomy of citizens is to be cultivated to its maximum, associations must have an internal democratic structure based upon the norms of deliberative democracy. Moreover if associations want to be recognised and included in policy formation and devolved powers to distribute services they must meet these internal standards of democracy. However, there are four key arguments against this claim, which must be considered. The first two challenge the normative claim of this statement. In section 4.1, I examine Warren's argument that in an association with high opportunities for exit internal democracy is not necessary for autonomy. Section 4.2 considers the legitimacy of legislating associations in this manner from two differing perspectives: 4.2.1- It goes against autonomy to enforce legislation on associations regulating their internal structure and 4.2.2- Allowing associations complete control over their membership and proposals can infringe upon the autonomy of other citizens. The second two arguments challenge the possibility of this statement on empirical grounds. In section 4.3, I consider Michels' famous 'iron law of oligarchy' argument, where it is claimed democratising any organisation is impossible because representatives cannot be effectively held accountable to the membership. Finally, section 4.4 considers how the

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<sup>1</sup> Sikkuy is located in the Western Galilee Misgav region and is based on the grass roots participation of local Jewish citizens who aim to advance two goals: (1) The articulation and dissemination of the concept of "civic equality" in their community (2) promotion of an agenda of equality with their neighbouring Palestinian citizens 3) To improve Arab municipalities in light of a perceived failure by the state ([www.sikkuy.org.il/cag.htm](http://www.sikkuy.org.il/cag.htm), 22/03/2003).

<sup>2</sup> This association is dedicated to halting the threat of global climate change, through reducing emissions of greenhouse gases, in our communities and the state and seeks active grass roots participation ([www.massclimateaction.org](http://www.massclimateaction.org), 22/03/2003).

<sup>3</sup> This is an umbrella association that holds forums for all voluntary associations in the Brighton and Hove area to participate in.



empirical restrictions of size, time, and disparity will restrict the possibility of internal democracy.

#### **4.1 Exit and Voice**

Following Hirschman's distinction between exit and voice, in Exit, Voice and Loyalty (1970), Warren argues that a democratic structure for association does not necessarily contribute to overall democracy and can even detract from it, because of the relationship between ease of exit in an association and opportunities for voice. Simply stated, 'the greater the chances for exit from an association, the lesser the chances that voice will have an impact within the association' (Warren, 2001, p. 96). This means that if an association has high costs of exit then it is more important for it to have a democratic structure. Those associations that have low exit costs will therefore not have the incentive to incorporate the voice of dissenters, however those with high exit costs will be encouraged to have an internal democratic structure. Opportunities for voice therefore increase as the opportunities for exit decrease (Hirschman, 1970, p. 34). Because associations are voluntary to a significant degree in the sense they involve choice in entry, Warren suggests that the membership will be homogenous in terms of the associations' purposes. This, he argues, will lead to a general consensus over goals and means of the association. Due to this phenomenon, voice will not be encouraged, and in fact dissenters seen as challengers to the consensus will be encouraged to remain silent or leave rather than threaten 'the solidarity, mission or purpose of the group' (Warren, 2001, p. 104). It is certainly true that the greater the diversity and proliferation of associations the more choice there will be and so the less costly exit will be, as there will be similar alternatives to choose from. In this sense there is undoubtedly a connection between ease of exit and opportunities for voice in an association. In an associational democracy there is likely to be a proliferation and diversity of associations as they will become a key avenue for political participation and governance and will increase in number and variety if public finances are provided for their formation and running and if new types of association are sought. Both of which I will argue, in the following chapter, are necessary for the effective functioning of an associative democracy.

Nevertheless, there are two mitigating factors, which both Hirschman and Warren acknowledge; firstly, associations can reduce exit, even if costs are low, by instigating



loyalty in the membership. This can be cultivated through an internal democratic structure, which will 'match the goals of the association to those of its members.' However, Warren maintains that exit will still be high because of the 'costs and uncertainties of the internal political process.' Secondly, associations with high exit may have a 'purer' message to represent and can have greater legitimacy in claiming accurate representation of their member's beliefs and preferences. In this sense associational democracy externalises conflict and creates 'silence within an association' (Warren, 2001, p. 97). He uses the example of advocacy groups to highlight this point. He argues that an advocacy group may encourage high exit for members who disagree with the messages of association, rather than deal with the dissent in a democratic way. This is to ensure their public voice is not weakened by uncertainty, but is clear and unanimous (Warren; 2001; p36). For example there are groups that are conservative in outlook and demands, but democratic in structure i.e. Operation Rescue (US anti-abortion group), and those that are very hierarchical, yet; 'contribute to the democratic interplay of oppositional civil society' such as Greenpeace (Dryzek, 2000, p. 100; see also Barry, 2001, p. 165).

The conclusion of this argument is then, that it is not necessary for all associations to have an internal democratic structure, but only associations that are not homogenous and do not have a high level of opportunities for exit. In fact by forcing them to have an internal democratic structure we are limiting the association's capability to efficiently fulfil the second democratic function of associations, of providing representation and information.

I think there are several problems with this argument. Firstly, I think Warren is overstating the homogeneity that will exist in associations. It is true to say that there will be a shared interest, belief, preference, occupation or identity that will motivate people to join or form an association, so there is certainly going to be a degree of homogeneity, but this may be as general as being a single mother, wanting to help protect the environment or being a train driver. There is nothing to suggest that because one shares these factors in common, that there will be exact agreement on what the purposes or methods of the association should be. They must be formed and decided upon through democratic debate that includes all members (Young, 1990, p. 48). Without this the association will not be drawing upon all the information at its disposal,



and so the autonomy of the members will be affected. Warren has made the mistake of assuming that interests and preferences of associations are 'set' and pre-determined. Hopefully, I have already provided enough reasons to demonstrate that this is not the case. Secondly, how are the members of an association to know if a consensus exists or not, without having a democratic debate where they discuss the issue and realise that they do in fact agree on purposes? Even then it would not be proof that there was a prior consensus, as the agreement could have been generated by the debate. Thirdly, one of the great strengths of associations is their proximity to the 'lifeworlds' of citizens, making them useful arenas for the identification of new problems and enabling the representation of new perspectives and information. However, if associations presume a consensus already exists amongst its members then they will not be sensitive to new problems and information and so will be unable to fulfil an essential and perhaps unique democratic function. This is not to say that associations and their members do not assume there is an already existing consensus amongst the majority of members and therefore do suppress dissent, only that both these people and Warren are mistaken about the degree of a pre-existing homogeneity. I therefore maintain that democratic deliberation in associations is important if the intention is to deepen democracy and cultivate greater degrees of autonomy amongst the citizenry. Fourthly, as Hirschman noted, low exit cost is not necessarily a good thing for the association as those who leave may well be the most 'quality sensitive' and an association can lose members who would be a valuable resource (Hirschman, 1970, p. 33). The presence of an internal democratic structure may prevent their exit, if they feel they can voice their concerns.

Fifthly, Warren fails to acknowledge that the representation of a 'message' that is not agreed to by its members is not democratic. In what sense is Greenpeace improving representation of their members and the supply of their information, if the information being represented is not what the members have agreed to and participated in forming? In this sense the autonomy of those members is not going to be increased in any way, and it is the cultivation of autonomy that Warren sets as the criteria of evidence of democracy. If the 'message' to be represented is decided on by elites, then only the autonomy of the elites will be cultivated. Warren could easily defend this assertion by arguing that just because there are dissenters in an association, does not mean that the majority of the members are not in agreement with the represented public message, and therefore it is not just agreed upon by elites. However, to know this, an association



would at least have to have a minimally democratic structure, where a majority could be established through aggregation. Either that or Warren would be forced to accept their remaining in the association as tacit consent, but as he has recognised himself there are always costs of exit. Democratic structure is then essential if associations are to perform their potential democratic functions.

This is not to say that it is not important to the representation of members of an association, that the association does have a clear public voice. Warren argues that associations with high costs of exit, and therefore high incentives to ensure voice and conflict are internalised within the association, will be less inclined to participate in public debate within the public sphere. Warren suggests this is because it is difficult for such an association to establish a clear and coherent message, but also because if a clear message was to be represented without a consensus from the membership conflict within the association could escalate (Warren, 2001, p. 165). The point is simply, that this 'voice' must be decided democratically, if autonomy is to be cultivated. Those in the minority will still have had the opportunity to influence that message if it has been formed through deliberatively democratic debate, and will have varying opportunities for exit if they find this insufficient, and they feel another association would represent their interests/ beliefs/ preferences more accurately. In this sense exit can be invoked to achieve legitimacy of representation in associations, but this does not remove the need for internal democracy, it should be the last resort. Warren argues that associations must have representatives that 'have legitimate claims to speak for their members.' This is to be achieved 'either through exit or internal democracy, that align the interests of members with those who represent the association' (Warren, 2001, p. 196). I agree, but go further to argue that legitimation should not be achieved by either exit or internal democracy, but always through a combination of both, because only an internal democratic structure and exit opportunities can provide an internal check and hold the association's elites accountable to the membership.

#### **4.2 Freedom of Association**

In 'Freedom of Association' (1998), Amy Gutmann declares that 'a government that is constitutionally dedicated to liberal democratic principles has a strong interest in supporting a vast assortment of associational activities among its citizens. But it also has a strong interest in regulating associations so that they support a liberal democratic



form of government and public policies that are consistent with liberal democratic principles' (Gutmann, 1998, p. 18; See also Barry, 2001, p. 123). The contention of this thesis is that liberal democracies should aim to cultivate the autonomy of all citizens equally, and that deliberatively democratic decision-making is most likely to achieve this. If secondary associations are then to provide the location for participation in a deliberative democracy, as was argued in the previous chapter, the regulation of associations in liberal democracies should be in accord with the norms of deliberative democracy. This though raises two important questions for the freedom of association, their freedom of voice and their freedom of membership.

The two arguments against internal democracy made here come from opposing ideas. The first is the suggestion that it is illegitimate to grant associations political recognition because they do not have an internal democratic structure, as this causes excessive external control and infringes the right to freedom of association. The second argument suggests that associations should not be free to select their membership and regulate themselves internally, as this can mean 'dangerous opinions' are expressed and allow exclusive membership, both of which can lead to discrimination. Therefore we need more external control of associations. Both these arguments are considered in turn.

#### 4.2.1 Restriction of Voice

The question of whether it would be legitimate to exclude associations that do not meet internal standards of democratic deliberation from collective decision-making and the supply of services is a contentious one. It would result in the restriction of voice for associations that did not have a democratic structure.

Gutmann argues that by failing to recognise associations that are internally undemocratic we fail in treating citizens as free and reasonable, who can choose the type of association that would suit their needs and identity best (Gutmann, 1998, p. 23). However, she also recognises that 'to be consistent with living life as a free person, continued membership in an association must be a sign of ongoing consent to the association's purposes', moreover she appreciates that this consent must be informed (Gutmann, 1998, p. 23). I therefore disagree with Gutmann that there 'is no paradox or internal inconsistency in defending the freedom of individuals to join internally illiberal or undemocratic associations on liberal democratic grounds' (Gutmann, 1998, p. 23).



Barry agrees, maintaining that it is not part of liberalism to ‘insist that every group must conform to liberal principles in its internal structure...’ and that ‘liberal principles themselves demand that groups should have the utmost freedom to handle their affairs in accordance with the wishes of their members’ (Barry, 2001, pp. 147-148). The idea is then that if individuals consent to the undemocratic structure of their association, then this is permissible, providing there are opportunities for exit. My problem with this argument is similar to that made against Warren, that we cannot conceive that consent has been given on pre-political preferences. In what sense is the undemocratic structure of the association based on ‘the wishes of their members’ if these wishes are not autonomously formed?

As discussed in the first chapter, Barry rejects a conception of liberal democracy based upon the value of autonomy, so would be against the line of argumentation in this thesis, however he acknowledges that justification of liberal democracy on this value has significant consequences for voluntariness of the freedom of associations. Freedom of association if defended upon the value of autonomy, therefore requires that members of associations can make informed and reflective decisions from a range of realistic options (Barry, 2001, p. 147). My argument is that without engaging in deliberatively democratic discussion, citizens are unable to make these informed and reflective choices, and that associations provide the best venue for deliberative democracy, and so should be organised internally around its norms.

Apart from our views on autonomy, the key difference between my position and Barry’s is that he suggests that associations should not have to conform to the same liberal democratic principles that are used to regulate public bodies. However, in an associational democracy, associations become a primary focus for political participation and service delivery, so do at least become quasi-public bodies and I therefore maintain should be regulated by the same principles if they wish to gain this level of political recognition. If they do not, then as Barry suggests they should be free to have whatever internal structure they choose, providing exit it is still possible. This means in an associational democracy, undemocratic associations like the Catholic Church, are still permitted, but that they cannot run schools or participate in collective decision-making.



Church schools<sup>4</sup> provide a useful example here because, as Barry notes, most religious organisations do not have an internally democratic decision-making system (Barry, 2001, p. 156). It should be noted that there are exceptions such as the Quakers. The argument that some church schools should not be granted political recognition is not due to their 'doctrinal content per se' (Barry, 2001, p. 155), but because their principles prevent the internal democratisation of the association that I have advocated. Consequently, my approach to associations is odds with George W. Bush's Republican Government initiative on Charitable Choice, which seeks to increase the overlap between state and church, as it violates the norms of deliberative democracy. It also takes issue with Kent Greenawalt's argument in 'Freedom of Association and Religious Association' (1998), which advocates the greater protection of religious association, above and beyond other types of association, due to the need to respect moral convictions (Greenawalt, 1998, p. 122).

Barry cites Chandran Kukathas who argues that 'by seeing the right of association as fundamental, it gives considerable power to the group, denying others the right to intervene in its practices whether in the name of liberalism or any other moral ideal' (Kukathas in Barry, 2001, pp. 131-132). Barry agrees, but in contrast maintains that we should not elevate the freedom of association, to the most essential liberal right, so that everything else is secondary. Powell and Guerin warn that 'regulation can force organisations to be more like each other rather than providing choice' (Powell and Guerin; 1997; p157). This could mean that regulation would reduce autonomy and not enhance it. It is important to note that if organisations want to receive public funding they already need to meet certain criteria for internal organisation e.g. a board of directors and professionally qualified staff (Young, 1990, p. 85). Benhabib argues that all associations have charters that can regulate associations legally and publicly (Benhabib, 1996, p. 76). By not interfering with the internal structure of an association, the state is not being neutral towards associations, but is pursuing a value. I have argued in the first chapter that autonomy is the most important political value. In the previous chapter I have argued that associations can contribute to the cultivation of autonomy, but only if they are internally democratic and foster deliberation. This then is the justification for ensuring associations are democratic.

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<sup>4</sup> The term 'church' is used in the same generic way as that of Barry i.e. relating to all religious bodies (Barry, 2001; p155).



I do not think this leads us to a Rousseauian dilemma of 'forcing people to be autonomous', because as without these democratic conditions people will not have sufficient control over their lives and the acceptability of choice will be diminished not enhanced. Moreover no one will force people to join an association, and associations can still choose not to have an internal democratic structure, but they will be excluded from formal decision-making structures. I accept that if associations are to become a primary location for political participation, people will not have much choice about whether to join one or not. Neither will associations be left with much choice about their internal structure if the alternative means political exclusion. However, I return to Taylor's point, made in the first chapter, that liberalism is a 'fighting creed'. Autonomy is the key value of modern liberalism and I have suggested this is one of the best methods to cultivate it.

#### 4.2.2 Restriction of Membership

The second question of whether it is legitimate for an association to have exclusive membership rules is also contentious, as it raises the question of whether this and certain messages can cause harm to others. Symptomatic of this is the Supreme Court decision of *Roberts v. United States Jaycees* (1984). It was decided that the Jaycees (the junior chamber of commerce) could not legally discriminate, and so should be forced to accept women members. In contrast Galston informs us about the Supreme Court's ruling on *Boy Scouts v. Dale*, about a man who was dismissed from the scouts for being gay. The court ruled that this was a justifiable decision for the Boy Scouts to take, based upon the First Amendment right of 'expressive association', or as Galston refers to it the right to 'organise around the articulation of its preferred core values and to select members and leaders consistent with those values' (Galston, 2000b, p. 929).

George Kateb, in 'The Value of Association' (1998), suggests freedom of association is essential to the meaning of freedom by enabling freedom of choice, and therefore it is essential that members should be allowed to choose the goal of the association and the criteria for membership. Barry agrees, arguing that associations that go against liberal principles should not be repressed by the state, because this violates freedom of association (Barry, 2001, pp. 127-128). This then suggests that associations should be free from state interference and regulation, based upon the value of individual freedom.



However, all actors both individuals and associations, are bound by the harm principle in liberal theory. Therefore there maybe many justifications to place limits and regulations on associations: 'Associations exist within fields of power relations, and absolute claims for freedom of association can produce a society within which there are very few freedoms' (Warren, 2001, p. 26). For example if a certain association controls essential resources the fact that it can exclude, can have anti-democratic effects. The argument in the above section should indicate that I am not against state regulation of associations, and therefore my argument against not restricting associations in membership choice is not to do with freedom of association, but to do with freedom of speech that is essential to deliberative democracy.

Gutmann asserts that freedom of association is essential to the effective use of free speech: 'Without access to an association that is willing and able to speak up for our views and values, we have a very limited ability to be heard by many other people or to influence the political process' (Gutmann, 1998, p. 3). However, Gutmann also warns against groups like the Ku-Klux Klan, whose discourses are of 'hatred, degradation, and denigration of fellow citizens and fellow human beings'. Consequently she asks whether a liberal democratic government should distinguish between progressive and regressive associational discourses (Gutmann, 1998, p. 3).

For Rosenblum, associations should have considerable freedom, as liberal democracies should ensure constitutional rights and legislative restraint. As she suggests 'voluntary association typically precedes expression' and so by interfering with membership this will change the preferences of that association (Rosenblum, 1998). Just as associations should be allowed to select their own 'message', they should also be allowed to select their own membership requirements. Citing Stuart White, Barry argues that the Catholic Church would not remain the Catholic Church if it could not exclude those with conflicting beliefs (Barry, 2001, p. 151). Warren similarly argues that if the Sierra Club or Greenpeace had to admit people from the mining industry as members then the voices of the association would be 'muddied' and this would reduce the effectiveness of their representation of their other members, restricting the autonomy of the association excessively, and making them less effective participants in public discourse (Warren, 2001, p. 36). Young argues that subordinate groups require associations that exclude those with alternative identities, particularly those from dominant groups. Without



separate associations then subordinate groups will struggle to form a shared and democratic identity; shared needs, preferences and interests (Young, 1990, p. 167).<sup>5</sup>

Gutmann concludes that if the primary purpose of the association is expressive, religious or intimate, it should then be exempt from legal restraints on membership, and therefore be allowed to be discriminatory (Gutmann, 1998, p. 31).<sup>6</sup> The central justification of this is that, if such associations cannot choose their membership, and exclude, then free speech is compromised, and is 'tantamount to outlawing the expressive association' (Gutmann, 1998, pp. 11-12).

Associational membership is a particularly key issue in a deliberative democracy. As was discussed in Chapter Two, Gutmann and Thompson (1996),<sup>7</sup> Goodin (1986) and Miller (2000) believe that certain opinions should be excluded prior to deliberation. This argument was discounted, because it would take legitimate issues of the agenda, and one of the central justifications of deliberative democracy was that it can induce reflection and transform preferences, and that those with little justification could not be publicly defended. Input filtering and agenda restriction were not therefore seen as necessary in a deliberative democracy. This same argument can be applied equally well to secondary associations.

As Dryzek argues, the public sphere, in which the associations are located, is a contestation of discourses. Therefore all discourses no matter how exclusive, or abominable to some, should be included (Dryzek, 2000, p. 75-76). It should not just be progressive discourses that are included as, who would be the judge of which are the

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<sup>5</sup> I accept this argument, but Young does not extend this special privilege of oppressed groups to all associations. In contrast she argues that gentlemen's clubs should not be permitted because it is just supporting 'networks of privilege' that dominant groups already possess and would do without such clubs. All women's associations should be permitted (encouraged in fact) because this enables women to provide opposition to the inequalities they experience (Young, 1990, p. 197). I would suggest that all associations, even all male ones, require this same opportunity, as they too need to democratically form shared needs and identities.

<sup>6</sup> I would extend this to include all associations not 'just primarily' expressive ones. The problem is who is to decide if an association is primarily expressive. Even if expression is not its primary focus, it does not mean that it is a role that it does not wish to play, and restricting freedom to choose membership requirements will alter expression.

<sup>7</sup> There does seem to be a contradiction between Gutmann's views on deliberative democracy and those on freedom of association. She does not want discriminatory arguments to be included in deliberative democracy, but then asserts that expressive associations like the Ku-Klux Klan should be permitted free expression, despite their discriminatory discourse. It seems she does not acknowledge the public sphere as a contestation of discourses, where reasons to deploy power are exchanged.



progressive discourses? Whoever had this power could potentially control the public sphere by excluding ideas that they did not like or that challenged their power. If we want new and distinctive ideas to be incorporated into the public sphere, then we cannot allow any ideas to be formally excluded. If we want progress to continue, then all ideas must be considered, new ones sought. But new ideas that challenge powerful groups, that threaten the status quo, will be excluded along with exclusive discourses, if we allow the formal exclusion of any discourse. Mansbridge concurs arguing for the necessity of ‘enclaves’ regardless of content, this is essential to ensure ‘the value of organisational and deliberative enclaves where oppositional thought can grow’ (Mansbridge, 1996, p. 59).

Furthermore, it is an infringement of autonomy to say to people you cannot hold and express this view. This is the great strength of deliberative democracy; it launders the preferences through its process, not prior to it, and therefore does not infringe autonomy. Therefore I maintain that associations must have the autonomy to decide their own discourses free from interference from the state and therefore impose their own membership criteria as well, in order to be consistent with the norms of deliberative democracy.<sup>8</sup>

### **4.3 The Iron Law of Oligarchy**

Earlier, I argued that although accountability in associations is complicated, these relationships must be clearly defined, and the association held accountable to its members. Robert Michels’ study of the German Social Democratic Party, in Political Parties (1959, first published in 1911), argued for the existence of an ‘iron law of oligarchy’ that made popular control of representatives impossible. The SPD had sought an internal democratic structure, but according to Michels’ study, due to their longevity of position, the leaders dominated and were not held accountable to the represented. Michels not only extended his conclusions beyond the SPD to include all political parties, but thought it was inevitable for all organisation, hence the ‘iron law of oligarchy’ was that democracy was impossible, the representatives would always dominate the represented: ‘Who says organisation says oligarchy’ (Michels, 1959). This

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<sup>8</sup> This is not to say that all groups from civil society should be included, for example terrorist groups would be excluded. If a group’s relationship to the state is its desire and attempt to destroy it, then that group is not part of the public sphere (Dryzek, 2000, p. 100).



argument was based upon the assumption that democracy is impossible without organisation and representation. In order to provide people with a location for participation, organisations were essential, a point that I would accept. Some level of representation was necessary to provide economy of time and scale, again a point that must be accepted. However, for Michels' representation causes a divide between the representatives and the represented, which makes the represented subordinate. Through being leaders, leaders gained specialised knowledge, this combined with what Michels perceived was the incompetence of the masses, led to oligarchy in all organisations. 'The masses' or in our brand of organisation, the associational members, are passive in the knowledge they receive from the leadership, allowing for the inevitable domination and manipulation by the leaders, who become a professional elite. This is a universal law that would occur at any time, in any culture and no matter what democratic procedures were employed in the organisation. Furthermore, the iron law would pertain even if the members and elites were oblivious to it:

'Given the underlying political culture which he describes, the iron law of oligarchy does indeed, in all likelihood, hold. He was writing, however, from within this culture. He had the objectivity and perspicacity of a trained sceptic to identify its fundamental features, of which many a party cadre, believing its own democratic rhetoric, hardly would have been conscious. He treats these features as the unavoidable 'givens' of a mass party' (Wainwright, 1994, p. 214).

If Michels is correct about the 'iron law of oligarchy' affecting all organisation and rendering democracy impossible, this has serious consequences for associational democracy. For this model of democracy does not accept Anthony Birch's criticism of Michels made in The Concepts and Theories of Modern Democracy (1993) that it does not matter if the political organisations in a democracy are internally democratic or not, as long as there is electoral choice for citizens (Birch, 1993, p. 180). By Beetham's definition of democracy, that is only a minimal democracy and the attempt here is to deepen democracy. If associations cannot be democratised they cannot therefore, be the units to allow citizens to participate in deliberatively democratic decision-making. Moreover, if Michels is right about the incompetence and passivity of the rank and file members of an organisation, then deliberative democracy in practice would be impossible. However, there are two main elements from Hilary Wainwright's analysis of Michels in Arguments for a New Left: Answering the Free-Market Right (1994), that we can identify as not being universal, but specific to the German Social Democratic Party at the time of Michels' study: That there was a collective will for a single centre of power, and that there was a specialised nature of knowledge and the incompetence of the



masses. A further criticism that Michels confused revolutionary change and democracy, can be identified in David Beetham's 'From Socialism to Fascism' (1977), which shall be considered first.

#### **4.3.1 Revolution or Democracy?**

Beetham argues that Michels' argument shifted from the problem of socialists achieving revolutionary change, to the possibility of democracy, a shift that Michels did not appreciate, and which created ambiguity and undermined Michels' findings and meant that the:

'Immediate effect is to make his thesis appear more convincing that it really is, since there is no evidence which, could not be made to yield an elitist conclusion, if only it is presented in the appropriate light. Thus if the working class support their leaders in the pursuit of reformist policies, then, on the original revolutionary perspective, this can only be because they have been misled in their conception of their interests, and is therefore an example of elitist deviation. If, on the other hand, the leaders were to prove in advance of their followers in revolutionary zeal, then, on a more conventional understanding of democracy, this must be oligarchical also' (Beetham, 1977, p. 17).

From this confusion identified in Michels' study, we can conclude that his 'iron law' may well not be an iron law at all, and certainly not one that rules out democracy within organisations. It is more likely that it rules out revolutionary activity, but this does not go against the argument made here.

#### **4.3.2 A collective will for a single centre of power**

The first of Michels' assumptions was that all political organisations' would aim to develop a collective will, and aim to take over a single centre of power i.e. the state. However, unlike political parties, associations do not aim to be the single centre of power. Even in a system of associational democracy, associations would seek access to decisions-making forums, where they would participate in a decision-making process with other associations. This would require devolving power to that forum, but not to any single, or coalition of associations. Therefore, they will not necessarily become appropriated by the bureaucracy of the state (Wainwright, 1994, p. 215).

#### **4.3.3 The specialised nature of knowledge and the incompetence of the masses**

Michels' assumption here is that the knowledge relevant to political organisation is of a technical and specialised nature, that ordinary members cannot understand. The acquisition of such knowledge by the leaders; 'emancipates (the officers)...from the



masses and makes them independent of their control' (Michels in Wainwright, 1994, p. 216). Firstly, people are not like this as they are able to understand information of a technical nature and make judgements on it, as the empirical evidence on deliberative opinion polls and citizen juries, cited in Chapter Two indicates. Moreover, as already argued in the previous chapter, participants will improve their participation skills as they participate. Consequently, they will become better and better at evaluating technical information. Especially as the members of the association will be joining because they share an interest/ identity/ passion for what the association is about. Secondly, not all-relevant information will be technical. Peoples personal information and experiences will have just as much relevance to the debates within an association. The great advantage of deliberative democracy is that it democratises the collective accumulation of knowledge and information. All inputs will be judged by each individual on the basis of their rational potency. No one person or collection of people are thought to have a monopoly of relevant knowledge, all opinions are included. The divide between represented and representatives will therefore be reduced. Furthermore, this seems an incentive/justification for representatives to be bound by internal democratic mechanisms to ensure responsiveness. The iron law of oligarchy states that the interests of the leaders and members of an association will at times be separate. Associations may then just lead to the increased representation of the interests of the representatives and not of the deliberatively formed opinions of the members at all, a point with which Cohen and Rogers agree: 'The natural response to the problem of disjunction, is to require greater use of such mechanisms of responsiveness among groups that are granted quasi-public status' (Cohen and Rogers, 1995, p. 71).

Wainwright's empirical evidence of the Dutch Green Left also confutes this element of Michels' iron law of oligarchy. According to Wainwright, their policies are formed upon several principles, from there they create a 'working space' where a network of organisations, and the party membership can participate to form a strategy for action based upon the principle that party members have valuable experience and knowledge to give and because policy making is itself a political issue that involves interests and values rather than a purely technical matter that is the domain of 'neutral' experts (Wainwright, 1994, p. 220).



From this discussion of Michels we can conclude that his 'iron law of oligarchy', which is invoked to rule out the possibility of democratising any organisation like secondary associations, is far from being a law. At best we can say Michels accurately described the situation in the SDP in 1911, but the conclusions he drew cannot be taken out of this context. At worst we can say Michels' argument is incoherent because it confuses revolutionary change with democracy. Either way, it is not a law as the empirical evidence suggests, and does not prove the impossibility of achieving internal democracy in associations.

#### **4.4 Empirical Restrictions**

There are empirical restrictions of size and time, which threaten the possibility of democratising the internal structure of associations. These problems are made more acute by the need to incorporate the norms of deliberative democracy, as this requires debate among the participants, it is more demanding of their time and requires them to gather together.

The larger the association the more power it might maintain in the public sphere due to more people and resources. However, the larger the association the less power an individual member can have.<sup>9</sup> A smaller feeling of efficacy within an association can effect participation. The larger the association, the harder it becomes to develop a common identity. Furthermore, the larger the association the less opportunity people will have to contribute to collective deliberations (providing the meeting length does not increase or meetings do not increase in number in proportion to membership size). There is then a trade-off in size of the association between the overall power of the association, and the power of the member within the association. One of the inevitabilities of a very large association is structures of representation either with representatives from each region/ locality gathering for meetings after being informed by their local membership or through splitting into autonomous committees with distinct areas of control. However, it does seem inevitable that larger associations will have to combine top-down and bottom-up styles of internal democratisation, such as the Christian Coalition.

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<sup>9</sup> This is in fact only true in one sense of power i.e. voting for the final decision. However, in deliberative democracy, an individual's argument can still influence the whole membership.



Some associations will not only be large, but geographically dispersed as well. Once again this can lead to inequality of power as it concentrates into the hands of a few associations members, who will have authority to make more decisions, have greater influence over other members, which will stem from their 'central location in the communication network' (Gastill, 1993, p. 131). Much relies on having democratic procedures to constrain the power of the representatives and the activity of the ordinary members, to ensure these procedures are enforced, both of which will hold the representative accountable to the members.

Geographically dispersed groups then are not particularly compatible with deliberatively democratic decision-making, because there is little or no opportunity for ordinary members to engage in face-to face collective deliberation, accept perhaps at an annual meeting. If groups are to be geographically dispersed, there needs to be enough members locally for people to meet with and discuss the issues with. They can then elect a member to represent the results of these deliberations at another level within the association. However, the structure of the system that I have outlined for associational democracy will discourage the development of a completely dispersed membership. If decision-making authority is to be devolved to local and regional forums, then there will not be much advantage of a dispersed membership. Perhaps it is a fault of the system that it will discourage such associations, as it will reduce the autonomy of those who would wish to form such an association.

If high levels of participation are to be maintained in an associative democracy, then participatory demands must not be too excessive, both in the number and duration of meetings. If meetings are too frequent or too long then this will put off some people from participating regularly, or even at all. The length of meetings, will also effect equality within the meeting 'since members do not grow weary at the same rate, their participation levels also begin to diverge' (Gastill, 1993, p. 104). People who are tired lose interest and participate less, which will effect the collective deliberations. Political participation is a scarce good because it requires time, and participation in a deliberative democracy is more costly in comparison to other forms of participation e.g. voting. Participation will then always have to trade-off with other goods (Warren, 2001, p. 126). The important thing from the perspective of deliberative democracy, as Blaug informs us



is that trade-offs between the ideal and practice need to be made, as this is inevitable. But rather that these trade-offs be based upon democratic deliberation between the members themselves, if it is to be a legitimate trade-off:

'The process (of democratic debate) might need to be speeded up, hierarchical arrangements might be required, and communication might just need to be unfair for a moment. Normative theories of discursive democracy assert that legitimacy is the product of fair debate. If participants seek a legitimate trade-off between procedural fairness and efficiency, then it too will require fair discussion, agreement and review. 'Good' procedure is therefore characterised by opportunities for the discursive redemption of trade-offs' (Blaug, 1996, p. 67, brackets are mine).

For advocates of deliberative democracy, innovative procedural designs are required to help overcome these problems. However, these are problems that will be unique to each individual association and must be addressed by the association. No blueprint can be applied to such problems, as different measures will suit different associations. What this discussion of empirical restrictions should demonstrate, is that there are obstacles to be overcome if associations are to be internally democratic, but they do not demonstrate the impossibility of this democratisation. However, they do highlight the fact that not all associations will be able to democratise their internal structure to the same degree.

#### 4.5 Conclusion

From this discussion I have tried to establish the normative necessity for associations to have an internal democratic structure, if they are to play a role in a deliberative democracy. I have argued that even where there are good opportunities for exit, members should engage in democratic deliberation. I have further suggested that it is legitimate to regulate associations in this manner as neutrality towards associations is impossible, and internal democracy will enhance autonomy, the most important political value in liberal democracies. I have also tried to establish the empirical possibility of this project. Michels' 'iron law of oligarchy' is not a law, but was based upon the specific context of the SPD, however mechanisms are necessary to ensure the accountability of representatives to the membership. Finally, I have considered the empirical restrictions of size, time and disparity all of which influence the potential of an association to democratise internally. However, this means that not all associations will be able to meet the same level of democratisation, but does not rule out democratisation itself. Instead innovative procedures are required to overcome these practical exigencies and these innovative procedures should be devised internally by the membership itself.



## **CHAPTER FIVE: A DUALIST MODEL OF ASSOCIATIVE DEMOCRACY**

### **5.0 Introduction**

The relationship between secondary associations and the state is an important one in any democracy, but in an associative democracy this relationship takes on even greater importance, as associations take a more prominent political role. The intention of this chapter is to review what the state's relationship with associations should and can be, in order to enable an associational ecology to approximate the ideal of deliberative democracy. In the two preceding chapters, it has already been suggested that the state should devolve more powers to associations and regulate their internal structure to ensure that they are internally democratically deliberative to a certain degree. However, there are many more aspects of the relationship between the state and civil society that must be explored.

Although associations have the potential to fulfil many democratic functions, as outlined in chapter three, this does not mean that they will fulfil that potential as the discussion of the state and associations in this chapter should indicate. There are many examples of associations acting in ways that are incompatible with democracy. Associations can gain access to the state by lobbying, policy implementation, negotiation between group leaders and public officials, affiliation with a political party (Dryzek, 2000, p. 86). Relations between associations can be strategic and based upon competition rather than co-operation and based upon public reason. Furthermore, socio-economic inequalities can offset all the above functions.

In present liberal democracies one of the main incentives for the formation of groups is the possibility of receiving benefits provided by that state (and therefore paid by collective taxation), but that benefit the association's members. This is due to the fact that the costs are spread throughout society, but the benefits are received by a small number in comparison: 'The clear incentives for groups to demand such benefits are typically not matched by public concerns to limit them.' Furthermore, the supply of benefits for certain associations is a way of gaining the support of the associations, for politicians, both in political capital and financial capital. Through forming alliances with such politicians, associations are then capable of 'capture' of various legislative committees (Cohen and Rogers, 1995, p. 16). Hayek argues that such consequences are



'the inescapable result of a system in which government has unlimited powers to take whatever measures are required to satisfy the wishes of those on whose support it relies' (Hayek in Cohen and Rogers, 1995, p. 16). The mode of decision-making at the heart of the politics of associational regulation is bargaining. An association will offer support, political or financial in exchange for favourable policy, through a process of bargaining.

As Cohen and Rogers argue, the idea of an 'ideal of fair bargaining' is totally indeterminate: Would only interests be incorporated into the bargaining process? What would be the classification of an interest? Would there be a threshold level of interest intensity in order to be included? How would strategic manipulation of the process be avoided? (Cohen and Rogers, 1995, p. 32). These problems are intensified by the fact that certain groups are over-represented in the bargaining process owing to inequalities in opportunities to organise and to gain access to the relevant bargaining arenas. Warren argues that this is because associations can gain powers that 'enable them to deprive individuals of autonomy, or to bypass accountability to the publics affected by their actions, or to dominate representative institutions.' This then allows for the domination of certain groups in society, and is undemocratic, as it does not cultivate autonomy equally. For example the C.B.I have greater access to government than most associations, the B.M.A has been extensively incorporated into the recent government proposals for reforming general practice, where associations like the Faculty of Occupational Medicine and associations representing the interests of users have been completely excluded. However, he goes on to argue that these powers can be 'balanced by countervailing associational powers, state regulations, or public scrutiny' (Warren, 2001, p. 208). Mansbridge certainly thinks that the biggest associations need some form of state regulation, if we are to prevent 'too great a distortion of the wishes of the citizens' (Mansbridge, 1995, p. 134). Warren suggests that this excess of power, that certain associations have, can be externally checked and balanced, providing there is the right institutional relationship between the state and associations scrutiny' (Warren, 2001, p. 208). This chapter seeks to establish what these external checks and balances need to be, and what the institutional requirements are, to ensure that an associational democracy is in fact democratic as stipulated by the norms of deliberative democracy. The institutional design of associations therefore attempts to face the 'problem of inventing an institutional framework that is capable of checking the democratically



undesirable consequences of associative action, while preserving the features that contribute to the democratic quality of citizenship and governance' (Offe, 1995, p. 122).

The key question then is whether Warren or Hayek is right: Are the undemocratic consequences of associations inevitable? I side with Warren and will argue in this chapter that given the right institutional mix, the democratic potential of associations can be achieved and the undemocratic consequences softened due to a change in the relationship between the state and civil society. What seems undeniable is that currently associations do play a role in the formation of policy and that this is undemocratic as it allows for the unequal influence of powerful associations and dominant interests:

*'Reforms of associability in the direction of a more associative democracy would make explicit a condition that is already a standing feature of even the most liberal societies, namely that secondary associations do in fact perform a variety of functions that affect the conditions of political order' (Cohen and Rogers, 1995, p. 76).*

There is no point in ignoring this process or pretending that it does not exist. What we must do is to democratise this process and aim to unleash the full democratic potentials of associations, within a structure that enables deliberatively democratic participation and decision-making. This is how autonomy will be best cultivated and I suggest in this chapter that a dualist model of associational democracy would best achieve these aims. As deliberation occurs firstly in associations and then in forums, it is an institutional method similar to what Goodin terms 'serial' or 'disjointed deliberation' (Goodin, 2003, p. 56).

The chapter starts in section 5.1, with a consideration of various justifications and criticisms of dualism in the recent literature. Bearing in mind these criticisms and the strengths and weaknesses of other dualist models the two central features of my dualist model are proposed. In section 5.2 the public sphere is first considered as a democratic agenda setter and opinion transformer and whether we can ensure communication here approximates deliberatively democratic communication and what problems must be overcome to ensure this e.g. inequality and pluralism. In section 5.3, territorially and functionally devolved mediating forums are then proposed as the location for institutionalised, formal deliberatively democratic decision-making between representatives from the associations and whether the problems of representation,



pluralism and transmission can be overcome are considered. The dualist model of associations outlined here does then bear many similarities with the associationalist tradition of G.D.H Cole (1920ab) and H.J Laski (1925) in the sense that it sees co-ordination and co-operation between associations and decentralised state agencies as the best method for co-ordinating state activity. Finally, in section 5.4, a more detailed discussion of the state follows and its various methods, possibilities and legitimacy of intervening in overcoming barriers of inequality and aiding in the transition to the dualist model is considered. I conclude that the state certainly has an important and essential role to play, but that the impetus for change is more likely to come from new social movements. However, the evidence of whether such changes are likely to occur is decidedly mixed and insufficient to draw any firm conclusion.

### **5.1 Justifications of Dualism**

If deliberative democracy is to be effectively institutionalised then 'it must link deliberation and decision-making with the citizenry' (Bohman, 1996, p. 177). If only those in representative assemblies carry out deliberation then democracy would not be deepened. If deliberation is located only in the public sphere then we must be sceptical as to whether decisions could be actualised. If they cannot, then popular sovereignty is lost: 'The facts of complexity seem to present deliberative democracy with a Weberian dilemma: either decision-making institutions gain effectiveness at the cost of democratic deliberation or they retain democracy at the cost of effective decision-making. In either case, citizenship, deliberation, and decision-making fail to be linked together' (Bohman, 1996, p. 178). A dualistic democracy is seen as a possible method for overcoming this Weberian dilemma and connecting the deliberations of citizens with decision-making institutions. In Iris Marion Young's interpretation in 'Social Groups in Associative Democracy' (1995), an associational democracy can also be seen as an attempt to achieve this:

'I see the model of associative democracy as a means of linking state policy formation and implementation more strongly with the needs and interests expressed in civil society. Though such linkage risks sacrificing the autonomy of groups and movements in civil society, the model of associative democracy, as I read it, aims to preserve that autonomy' (Young, 1995, p. 208).

A 'dualistic model' involves two dimensions for associations. The first is their participation in the communicative processes of the public sphere; the second is their incorporation into the institutionalised and formal decision-making processes. There



are several different advocates of dualism which this section will review: Habermas (1996a), Bohman (1996), Cohen and Arato (1992) and Wainwright (1994). Each of these will be reviewed in turn with the hope of approximating a model that will most accurately approximate the norms of deliberative democracy and enable associations to fulfil their functions. Finally I will consider Dryzek's criticism of dualism, which is that it will lead to the co-option of associations by the state, which is the threat Young alludes to above, as the loss of autonomy in civil society. Part of Squires' resistance to a dualist model of deliberative democracy is that it depends upon whether the two approaches can form a coherent model, and this is dependent upon the relations between the approaches, which she feels deliberative democrats have left this unspecified. This chapter is an attempt to put this right (Squires, 2002, p. 139).

### 5.1.1 Habermas' 'Two Track' Model

In Between Facts and Norms, Habermas revises his original diagnosis of the public sphere and accepts the Cohen and Arato argument, that actors in the public sphere can have a dualist orientation:

'Social movements, citizen initiatives and forums, political and other associations, in short, the groupings of civil society, are indeed sensitive to problems, but the signals they send out and the impulses they give are generally too weak to initiate learning processes or redirect decision-making in the political system in the short run' (Habermas, 1996a, p. 373).

Habermas advocates 'two tracks' of decision-making, the first in the informal arenas of the public sphere and the second in formal institutions. However, these formal institutions must still aim at promoting democratic deliberation (Habermas, 1996a, chapter 8).

In Habermas' 'two track' model, parliament would still remain the central focus for decision-making, but would be supported by decentred deliberation in the public sphere, which would potentially include all citizens. Deliberation then is not restricted to representative assemblies, or to the public sphere, but a combination of both informal citizen settings, and formal representative institutions. Due to the multiplicity of arguments that will exist in the public sphere there will be a diverse selection of reasons, and therefore associations will be able through communication networks to test the publicity of these reasons. Such a process will also help citizens to form collective



identities, preferences and needs. The justification of this model of dualism is that 'public opinion' generated through this democratic public communication in the public sphere will be 'taken up' by the representative institutions. As Judith Squires recognises, in 'Deliberation and Decision-Making: Discontinuity in the Two-Track Model' (2002), the informal public sphere will then act as a 'context of discovery and the formal public sphere as 'contexts for justification' (Squires, 2002, p. 138).

Habermas defines the public sphere as 'a communication structure rooted in the lifeworld through the associational network of civil society.' The political public sphere is then 'a sounding board for problems that must be solved elsewhere.' Hence 'the public sphere is a warning system with sensors that, though unspecialised, are sensitive throughout society.' As well as detection the public sphere, if it is to fulfil its democratic potential must also; 'convincingly and influentially thematize them, furnish them with possible solutions, and dramatise them in such a way that they are taken up and dealt with by parliamentary complexes' (Habermas, 1996a, p. 359). This is achieved through forming networks of communication for information, needs and perspectives, which integrate into clusters of relevant public opinion.

Specifically the public sphere 'refers neither to the functions nor to the contents of everyday communication but to the social space generated in communicative action' (Habermas, 1996a, p. 360). Habermas acknowledges that the public opinion is not representative of all the population's individual preferences, as it is distinct from preference aggregation mechanisms like voting and opinion polls. However, communication in the public sphere has the important aspect of preference and identity (trans)-formation: 'Political opinion polls provide a certain reflection of 'public opinion' only if they have been preceded by a focused public debate and a corresponding opinion-formation in a mobilised public sphere' (Habermas, 1996a, p. 362). This does not mean to say that public opinion is not affected by power discrepancies. Where inequality of power does exist in the public sphere (and it is contaminated by it in modern liberal democracies) then public opinion is often the product of illegitimate influence. However, the ideal of a procedurally democratic public sphere provides us with a normative standard by which to judge empirical public opinion emerging from the public sphere (Habermas, 1996a, p. 362-3). The public opinion generated in the public sphere is separated from policy, as it is formed away



from the decision-making institutions. The fact that the public spheres are separate from legislative arenas means they can provide influence, but surely in order to cultivate political autonomy, the public reasoning must be translated into collective decisions (Warren, 2001, p. 61).

Bohman is critical of Habermas' 'two track' model for three main reasons. Firstly, it still separates the potential of power to decide and power to influence deliberation. Actors in the public sphere will have the opportunity to influence, but not to decide. This power is still located at the centre and undermines self-rule and therefore citizen autonomy (Bohman, 1996, p. 179). Habermas' model has a very limited notion of popular sovereignty, guaranteeing the key powers of decision-making and what he terms 'will formation' to current liberal democratic institutions of the welfare-capitalist state. The public then are separated from key decision-making arenas. Their deliberation's that are located in the public sphere are then only advisory or critical in 'opinion formation'. The results of citizens' deliberations will not be made into decisions. Habermas himself acknowledges that such public opinion cannot rule, but instead 'points administrative power in specific directions' (Bohman, 1996, p. 186). We must agree with Bohman's analysis of Habermas' 'two track' model. He argues that it involves an excessive 'separation of public opinion and formal decision-making...' which 'undermines popular sovereignty and effective public deliberation' (Bohman, 1996, p. 182). In fact it is hard to see what the differences are between Habermas' two track model and the present arrangements dominant in most liberal capitalist-welfare democracies and is a poor approximation of the ideal of deliberative democracy as Gould realises: 'In effect it becomes all talk and no action, in the sense of effective decision-making. We may say that while decision without deliberation is blind, deliberation without decision is empty' (Gould, 1996, p. 176).

Secondly, Bohman points out that due to the complexity and plurality of the public sphere there will be a myriad of sub-publics with incomplete discourses that are disjointed through which; 'many groups of individuals arrive at partial insights into issues through discussion' (Bohman, 1996, p. 182). Habermas' analysis seems to suggest that public reason arises from this diverse network of public spheres. The problem though is to ensure that all hear these public reasons. Bohman argues that the anonymity of such public reasoning is also a problem, as public reasons will only alter



others' preferences if they are connected with a specific subject. For example, evidence of disadvantage of a certain social policy will be more convincing if those at the receiving end of the unequal policy iterate it. Furthermore, Habermas fails to deal with the plurality of the arguments and interests that will exist in a public sphere. These can develop into what Fraser terms 'subaltern counter-publics'. In short a consensus of opinion will not form and there is no mechanism for establishing a deliberative majority opinion. It will then not be clear which public opinion should be 'taken up' by the representative institutions (Bohman, 1996, pp. 179-180). However, if these publics do compete rather than communicate then the public sphere will not fulfil its function of 'filtering out non-public reasons' (Bohman, 1996, p. 180). Even if a majority opinion can be formed through democratic deliberation in the public sphere, there is still a need for what Habermas terms 'discursive structures' that link the 'two tracks' of the public sphere and parliament/ decision-making institutions that will allow for influence and channel communication between the deliberative opinion formed in the public sphere and the decisions taken in the institutions. However, Habermas leaves these 'discursive structures' virtually unspecified, in an attempt not to lay down a blue print for a deliberative democracy (Habermas, 1996a, pp. 226-8). We must conclude that Habermas' 'two track' model does not offer a solution to the Weberian dilemma. It offers little to suggest how the deliberations in the public sphere will be translated into decisions democratically.

### 5.1.2 Bohman

Despite his criticisms of Habermas' 'two-track' model, Bohman still sees the necessity for a dualistic model that provides more direct powers to citizens, enables democratic communication within the various public spheres and that is not reliant on a single public opinion arising and yet still enables deliberative majorities to form within specific publics:

'On the one hand, institutions and their resources cannot remain under democratic control without some mechanism for giving public input the ultimately determining role. On the other hand, the public cannot form itself into deliberative majorities without the methods and constraints of democratic institutions. Thus the state requires constant public input in order to solve problems and to be legitimate; but some institutional structure is needed to collect the diverse inputs from civil society' (Bohman, 1996, pp. 197-8).

Bohman provides several conditions an institutional structure would have to meet to ensure a democratic 'collection' from civil society.



Both secondary associations in civil society, and representative and legislative institutions are presently locations for the formation of deliberative majorities, but the present focus of the relationship between these two spheres is:

'Almost exclusively on the free and equal choice of aggregatively selected representatives who will form policies and binding laws. The problem is that the mechanisms of this interchange with the public are not adequate for ensuring deliberation, even in legislative institutions...Indeed, the interchange between public and bureaucratic and administrative institutions constitutes the biggest challenge for public deliberation' (Bohman, 1996, pp. 187-8).

New institutions are required then to ensure the relationship between decision-making and civil society is based upon deliberation.

Bohman argues that each public institution needs a public sphere, in order to hold the representatives accountable, and force them to make decision based upon public reasons. Bohman suggests public spheres around all public forms of administration could be created through the deployment of public hearings and local meetings with the participation of all those affected. Such public hearings do exist, but they are not necessarily based upon deliberatively democratic decision-making principles, and there is no guarantee that the conclusions that arise will form the eventual decisions, as it is still the bureaucrats that hold the power and not the ordinary citizens. Because subsidiarity to secondary associations enables functional decentralisation, it also creates the conditions to enable the development of a public sphere between these associations to develop on each function.

Bohman suggests associations cannot pursue a dualist strategy, as it allows for a separation between democratic deliberation in 'opinion formation' in the public sphere and 'will formation' in decision-making institutions, a distinction he borrows from Habermas. Fraser makes a similar distinction between 'strong' and 'weak' publics depending on their decision-making powers (Fraser, 1992, p. 134). According to this analysis, then, associations' deliberations can contribute to the formation of public opinion even if they are isolated from decision-making structures, and such opinions can be focused towards holding decision-makers accountable. If this is the case, modern conditions of complexity mean that the public spheres can only criticise and recommend, but not actually make decisions themselves (Bohman, 1996, p. 153).



Bohman (1996, p. 276) argues that Habermas' 'two track' model provides a basis for criticising associational theories of democracy, as they provide an excessive focus on civil society:

'A vibrant associative life is a necessary condition of a strong public sphere, but not a sufficient condition. It does not by itself ensure that citizens will be able to engage in the sort of deliberation about interests that is necessary for the larger, civic public sphere of pluralist societies.'

I contend that this suggestion is based on an inaccurate interpretation of Cohen and Rogers (1995), as Bohman suggests that they only see deliberation occurring among citizens in associations and not between representatives, however they see communication between associational representatives as also being essential.

### 5.1.3 Cohen and Arato

Cohen and Arato also advocate a 'dualist' strategy in Civil Society and Political Theory (1992). In their conception associations would remain located in the public sphere, where they could challenge and oppose the state, organise and form opinion, and (re)-define their collective identities away from excessive state power, as well as seeking state power to see their aims or at least opinions incorporated into decision-making. In their analysis of social movements, they draw upon Tilly's categories of collective action that have changed over time. In the eighteenth century, collective action fell into two brackets either 'competitive' or 'reactive.' Competitive action occurs when there is competition over resources. Reactive collective action occurs in response to a threat from the state or market to take excessive control of resources. Both actions were pursued by 'pre-existing solidary communities.' From the mid-nineteenth century onwards 'proactive' collective action becomes dominant. This involves claims to power and resources that have been previously unavailable or not in existence. Due to the fact that proactive action aims at control rather than resistance, new special purpose organisations such as voluntary associations form. Such groups can also pursue 'reactive' collective action, which brings a new distinction. Reactive collective action is defensive, protecting from an external threat. Proactive actions are offensive and aim at gaining a larger stake of power.<sup>1</sup> This is done through attempts at agenda setting, proposing solutions to the agenda, and offering reasons to support them, criticising current practices and supplying information, all aimed at achieving specific policies

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<sup>1</sup> It is important to note that certain actions can be both reactive and proactive e.g. a demonstration.



(Habermas, 1996a, p. 370). The change to proactive action occurred due to the market and the state gaining excessive control over resources previously controlled by communities and families. Furthermore, mass media made large-scale mobilisation for associations much more accessible and mass electoral politics made the institutional system more amenable to associational action (Cohen and Arato, 1992, pp.500-502). Proactive and reactive action is then used to transfer associational goals into legislation, fulfilling one half of the dualist strategy.

Cohen and Arato highlight the fact that Tilly's resource-mobilisation theory, although accurate about the type of collective action it details, ignores other important aspects of how social groups can gain a broader influence through collective action. Through participating in the public sphere groups are potentially at least able to contribute to political discourse, which in turn can potentially effect 'social norms and political cultures': 'It is possible for collective actors in political society, to make use of public speech not only to gain power or money, but to restrict the role of the media of power and money in the lifeworld in order to secure autonomy and to modernise (democratise and liberalise the institutions and social relations of civil society' (Cohen and Arato, 1992, p. 504). In short then, Tilly's idea of collective action, aiming at influencing political institutions and outcomes is too narrow, since collective actors can also affect identities and preferences of actors, which in turn has a significant political effect. If people's identities and preferences are altered, if the public become convinced of the justness of a group's cause, then political possibilities are expanded, or altered. This is not to say that associations should try and foster a particular identity onto people, but rather provide the opportunities and resources necessary for autonomous identity formation. Cohen and Arato argue that social movements have already achieved significant results in this area, by:

*'Articulating the formal principle of an equal chance for all to participate in group processes through which identities are formed, and they have become self-reflective regarding the social processes of identity formation. This increased self-reflection is also applied to existing societal norms and to the structures, of domination involved in their maintenance' (Cohen and Arato, 1992, p. 511).*

Although the actions carried out by organisations in civil society may be similar to those of the past, they can take on new meaning, a point that Tilly seems to miss. Modern collective action is not simply proactive or reactive, but includes a creation, use and defence of spaces in the public sphere to influence the identity and preferences of the



participants, to make them more autonomous. This means that; 'while they are associationally organised, the associations are treated not as interest groups but as ends in themselves' (Cohen and Arato, 1992, p. 505). There are obviously associations whose sole focus is to gain political representation and benefits, but this is not the sole focus of many associations. Cohen and Arato indicate that this is the distinction between interest groups and organisations from social movements, because the use of public discourse is the 'differentia specifica' of contemporary social movements (Cohen and Arato, 1992, p. 506-507). Cohen and Arato therefore argue that social movements and their associations both do and should pursue a dualistic strategy that involves aiming at inclusion into the polity, but also the transformation of civil society, which is achieved through democratising social relations and therefore aiding more autonomous identity formation. Without political inclusion for previously excluded actors, then it still becomes difficult for these groups to gain benefits and progress would be 'tenuous'. To achieve this, there needs to be institutional reform, to make them more open and accessible to the identities that are being created in civil society (Cohen and Arato, 1992, p. 526). Civil society is therefore the focus and the field of collective action of certain associations. Without the strategy to gain access to decision-making institutions, only influence and not power will be achieved. This influence is significant, but; 'public influence is transformed into communicative power only after it passes through the filters of the institutionalised procedures of democratic opinion and will-formation and enters through parliamentary debates into legitimate lawmaking. The informal flow of public opinion issues in beliefs that have been tested from the standpoint of the generalisability of interests. Not influence per se, but influence transformed into communicative power legitimates political decisions' (Habermas, 1996a, p. 371). Political power is achieved then when the associations can affect the decision-making processes of policy making.

Cohen and Arato offer an example of the feminist social movement to demonstrate how a dualist strategy can be successful. They distinguish between the older branch of feminism which organised through interest groups and sought political and economic inclusion and equal rights and the younger branch which emerged from the New Left and civil rights movement, organised through grass roots organisations and sought equality in private and public spheres of civil society. The latter adopted a strategy of 'defensive' collective action concerned with identity formation and challenging



gendered perspectives. The former's proactive methods sought political inclusion.

Cohen and Arato provide an example that supports their criticism of Habermas' analysis of social movements, while it is the opposite to that of Tilly's resource-mobilisation theory. Habermas has correctly acknowledged the role associations in the public sphere play in terms of identity formation and social reproduction of values, but he ignores their potential to alter institutions and make appeals for political inclusion, due to the new identities that are formed from the collective action in the public sphere. In Cohen and Arato's dualistic approach, then we have defensive action that involves creating and preserving spaces for public sphere communication and expression, whereby autonomous identities can be formed, and securing institutional changes that are compatible with the new identities. The offensive collective action of association aims at changing the nature of mediation between the economy, state and civil society. This involves making demands for inclusion into decision-making processes and then once included the extraction of benefits through the decisions (Cohen and Arato, 1992, p. 531-532).

#### **5.1.4 Wainwright**

Wainwright advocates a similar 'dualist' strategy. Both methods support each other in a dualist approach with 'a strong base of voluntary public organisations working for democratic transformations' is necessary to prevent the dynamism of civil society being overwhelmed by the 'conventional Western model of parliamentary parties whose all consuming priority is electoral politics' (Wainwright, 1994, p. 191). On the other hand to see the progressive ideas resulting from civil society fulfilled e.g. economic equality, ecological safety and sustainability then 'democratic decision-making with binding national and international authority' is required (Wainwright, 1994, p. 195). Organisation in civil society therefore provides the ideas, but organisation into the state, provides the power to achieve and implement the aims: 'Social activities that are not pulled into some relation to state institutions or lulled into acquiescence with the consensus by which it is governed can easily be marginalized' (Wainwright, 1994, p. 196). Without this relation to state institutions, civil society movements require an 'extraordinary activity of thousands', and this extent of mobilisation is hard to maintain. As such the two sides of the dualist strategy complement each other.



### 5.1.5 The Danger of Co-option

Cohen and Arato and Wainwright envision the entry into the state through parliamentary parties, where I am suggesting that the same association can fulfil a role in the public sphere and participate in making legislation. The possibility of the same association carrying out both parts of the dualist strategy though requires an appropriate institutional framework, which is not present in liberal-democracies. The type of institutional framework required is the decentralised system, whereby much of the power of decision-making is decentralised to local and regional government who hold forums where representatives from relevant associations participate in deliberatively democratic decision-making, to create binding legislature. The preferences the representatives will express will derive from deliberatively democratic decision-making of the members of the association. The importance of Wainwright's and Cohen and Arato's dualist models is that they recognise that public communication between associations can launder preferences and form new identities which transforms the relation between state and civil society. Dryzek accepts these arguments himself, but feels this function of civil society is in danger of being eliminated by the 'inclusion strategy' of dualism, a phenomenon he terms 'co-option.'

One theory that suggests it would be impossible for an individual association to pursue a dualistic strategy simultaneously even within the institutional framework outlined, is the Michelsian dilemma. It is argued that inclusion and institutionalisation of associations will necessarily result in 'cooptation, deradicalisation, professionalisation, bureaucratisation and centralisation' and eventually the dilution of the aims. This theory is the iron law or oligarchy (Cohen and Arato, 1992, p. 557).<sup>2</sup>

Such phenomena are said to occur because associations would inevitably reproduce organisational structures of the state when they interact directly with it. Cohen and Arato suggest that a phenomena can be avoided if the relationship between political society and civil society is altered, so that groups that aim to be incorporated into the decision-making mechanisms of the state do not do so at the cost of bureaucratisation:

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<sup>2</sup> This theory has already been criticised and considered in terms of the possibility of the internal democratisation of associations, but now it must be considered in terms of creating democracy between associations.



'A higher level of self-reflection, rooted in a dialogue between theory and its movement addressees, holds the possibility of diminishing these antagonisms. The program of self-limiting radical democracy involves a critique of democratic fundamentalism typical of collective actors based in civil society and a critique of democratic elitism typical of those based in political society. This theoretical critique will be impotent, however, unless actors move forward to a politics capable of influencing political actors instead of retreating to the other side of fundamentalism, which is passivity' (Cohen and Arato, 1992, p. 561).

For Dryzek the public sphere is the politicised civil society, and;

'consists of self-limiting political associations oriented by a relationship to the state, but not seeking any share in state power...They do not pursue power as interest groups through electorally-oriented parties; yet they are of course concerned with public affairs. Often this concern casts them in opposition to the state and prominent economic actors, though sometimes state and corporate power can be ignored' (Dryzek, 2000, p. 100).

He accepts the public sphere dynamic of the dualist strategy as 'it is important to maintain a public sphere autonomous from the state, for discursive interplay within the public sphere is always likely to be less constrained than within the state. It is within the public sphere that insurgent discourses and identities can first establish themselves' (Dryzek, 2000, p. 79). However, he rejects the inclusion dynamic of the dualist strategy. In fact Dryzek is against the inclusion of associations in the state altogether. He sees such a system as exclusive and unable to challenge inequalities even if all associations were included, because there is a distinction between authentic and symbolic inclusion (Dryzek, 2000, p. 85). He argues that having groups excluded can aid democracy as public officials will be threatened less, when oppositional groups enter the state than when they remain excluded in public protest: 'There may be democratic gain in this entry, but there is also democratic loss in terms of a less discursively vital civil society, the erosion of some existing democratic accomplishments, and a reduced likelihood of further democratisation in future' (Dryzek, 2000, p. 87-88). This decline in the democratising potential of civil society is termed 'co-optation', and defined by Selznick as; 'the process of absorbing new elements into the leadership or policy-determining structure of an organisation as a means of averting threats to its stability or existence' (Selznick in Dryzek, 2000, p. 88). This is because entry of the group will only occur, when the state recognises the interest of the group as a challenge to its legitimacy, not because it recognises the interest as legitimate in its own right. The group is incorporated if and only if the state is pursuing a certain public policy that overlaps with the claims of the group. In this sense there is no real transfer of power to the groups, nor does the group remain as a challenge to the states legitimacy in the public sphere.



Overall then the public sphere is sanitised with little democratic transfer of power away from the state has been achieved.

Dryzek provides the example of the Salinas administration of 1988-94 in Mexico, who introduced PRONASOL (National Solidarity Campaign), which combined grassroots participatory democracy and centralised guidance, which resulted in co-option (Dryzek, 2000, pp. 92-93). Young also warns of the dangers for associations and movements of being 'absorbed into the interest group process', which she argues is a de-politicised arena dealing mainly with issues of distribution. Consequently the Black Liberation Movement in operating in the USA in the 1930s,<sup>3</sup> neighbourhood movements of the Mission District in San Francisco towards the end of the seventies,<sup>4</sup> the 'New Populism' movement,<sup>5</sup> all of which were widely supported were unable to bring about the institutional change they initially sought, due to co-option (Young, 1990, pp. 89-90). In a dualist strategy, certain associations would have to maintain the identity of the association, while also acting strategically to achieve their goals. New Social Movements, such as the German Greens and the Equal Rights Amendment (ERA) in the USA, provide examples of how these two imperatives conflict. Warren argues they gained a strategic victory at the expense of core principles that motivated its members (Warren, 2001, p. 121).

The idea implicit in the principle of including all relevant associations into state decision-making processes is that public policy is undetermined. However, this is true only up to an extent. Firstly all states must fulfil certain imperatives. This means that groups in opposition to the state will be incorporated impotently, and only when their interest is directly related to a state imperative. The only elements of public policy to be decided is how best to meet the state imperative and how to achieve a balance between incompatible imperatives, for which the group can help with ideas, information and enforcement to ensure the effective meeting of the state imperative, but there is no real transfer of power. 'Unfortunately for advocates of state-sponsored group representation such as Cohen and Rogers and Young, promoting the organisation of disadvantaged

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<sup>3</sup> For more information on this example, see Katznelson (1980), chapter 7.

<sup>4</sup> For more information see Castells (1983), chapter 13.

<sup>5</sup> For more information see Boggs (1987), chapter 4 and Gottdiener (1985), pp. 180-190.



groups is not one of them, and I can imagine no scenario under which it becomes one' (Dryzek, 2000, p. 93).

Nevertheless, Dryzek does accept state imperatives do change over time, and therefore it is possible that inclusion could become an imperative. If legitimation is already a state imperative, then it is true to say that the state would be more democratically legitimate if it did include all groups, rather than excluding some. It is possible to imagine that if these groups were to put significant pressure onto the government to be included, it could become part of the states imperative of legitimation to include these groups. However, if due to that present exclusion these groups are in a subordinate position, to the extent that they do not have the resources to gain effective mobilisation, then how are they to pressurise the government? If it is not going to be excluded groups who are the agency for change then who will it be? I presume that it is this type of analysis that has led Dryzek to claim he cannot think of a scenario under which inclusion would become a state imperative. However, my argument here is supported by Warren whose analysis suggests that in very conflictual policy areas the relevant state agencies imperatives of increasing legitimacy may provoke an interest 'in the democratic mix of associations' (Warren, 2001, p. 217).

There does seem to be more scope for associations included into the state, to affect public policy than Dryzek gives credit for. The state imperatives of legitimation and accumulation, although restricting, are very broad and leave plenty of scope and plenty of alternatives for public policy, particularly as these two imperatives can be compatible. This means associations can play a relevant role in deciding where the trade-offs between these imperatives should be made, even if they cannot abandon one altogether. Furthermore, there are many areas of public policy that have little relevance to either of the state imperatives, so the role of associations here seems even less constrained, a point that Dryzek accepts, but dismisses as peripheral zones of public policy, which must still not transgress the state imperatives. He gives an example of gay and lesbian groups campaigning for legal recognition of homosexual relationships, on a par with heterosexual relationships. Dryzek argues that this example does not have implications for the core imperatives, unless the financial costs e.g. health benefits, mortgage rates, tax rates etc provide a substantial strain on companies or the government (Dryzek, 2000, p. 97). However, surely the issue of whether homosexual



partners should be treated equally to heterosexual partners by the state is one of legitimation. In which case this is a poor example by Dryzek, as both core imperatives are at play here, so it is more of an issue of a trade-off between the imperatives. Associations both could and should be deciding where this trade-off is made, and that decision should be the outcome of deliberative democracy involving all the relevant actors. In fact this example of Dryzek shows how much scope for action there is for public policy despite the imperatives of the state. Granted, those groups whose interests do not coincide with the state imperatives will find it very difficult to affect public policy in a meaningful way. Consequently, Dryzek advises that they would be better off not being incorporated into the state, because they would have to modify their claims in order to comply with state imperatives, and sacrifice a 'relatively unrestricted democratic interplay and deliberation in the oppositional public sphere' (Dryzek, 2000, p. 97). It is for this reason that Dryzek (2000, p. 110) also rejects the 'dualistic' strategy of Cohen and Arato and Wainwright. Any association deciding between the state and civil society or a 'dualistic' strategy therefore should base their decision on whether their interests can be incorporated to an existing state imperative. If it cannot, entry to the state even in dualistic terms is an inadvisable strategy, as they will gain little power at the expense of the freedom of opposition offered by civil society. But surely the point of the dualistic approach is that there is no loss of a vigorous civil society, because the groups still remain there, whilst also gaining state access. Dryzek feels that a 'dualistic' strategy may be appropriate when some but not all of a movement's interests can be assimilated to state imperatives e.g. liberal feminism should aim to gain access to the state, whilst cultural feminism should remain in the public sphere (Dryzek, 2000, p. 112). As in Cohen and Arato and Wainwright then, implicit in Dryzek's argument is that the same association cannot achieve both elements of a dualistic strategy, but I am not convinced this is true and depends on the institutional framework, that incorporates associations into the state.

Dryzek does acknowledge that democracy does require 'a vital civil society characterised by the contestation of discourses' and 'in addition that these reflective preferences influence collective outcomes, and so both an orientation to the state and discursive mechanisms for transmission of public opinion to the state are required' (Dryzek, 2000, p. 162). It is precisely because of this then that a dualistic model is absolutely necessary. I think that if power is transferred from the state to associations in



a democratic forum, the associations will not be powerless, even if they will be restricted by the state imperatives. The question though does remain whether it is or ever would be a state imperative to include the groups into deliberatively democratic decision-making.

From the various justifications of dualism reviewed, I hope it has been established that a dualist strategy with communication in the public sphere and between the public sphere and the state based upon the norms of deliberative democracy, is the best strategy for institutionalising a deliberative associational democracy. However, present institutions are inadequate to ensure this, as the relationship between civil society and the state is too distant and based upon bargaining and aggregation. Locations of decision-making must be more open to associations and based around the multiple public spheres. Essentially the two components of the dualist system I outline below aim to meet Squires concern that ‘unless a direct link can be established and maintained between informal deliberation and formal decision-making the decisions made cannot realistically benefit from the legitimacy generated by the deliberation alone’ (Squires, 2002, p. 142). The direct link is made between the same secondary associations fulfilling both parts of the dualist strategy.

## **5.2 External Relations and the Public Sphere**

As mentioned above, a key element of the dualist approach is the ‘public opinion’ creating mechanism of the public sphere. For Cohen this is the ‘normative core of civil society’, which should be recognised by any theory of democracy (Cohen, 1999, p. 216). Following Habermas, Warren defines the public spheres as; ‘spaces within which public opinion and public judgements are formed through argument, as distinct from the spaces of political judgement that are designed into liberal-democratic constitutional states by providing for legislative debate. Public spheres generate the force of persuasion, as distinct from the forces of coercion and money’ (Warren, 2001, p. 34).<sup>6</sup> The role of associations as communicators in the public sphere is an intrinsic one, as they are established through communication between individuals themselves (Warren, 2001, p. 78). The public sphere then mediates between these associations (Cohen, 1999, p. 215). Neither do associations have to consciously intend to contribute to the

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<sup>6</sup> Following Habermas, Fraser (1992, p. 110) has defined the public sphere as; ‘the space in which citizens deliberate about their common affairs, and hence an institutionalised arena of discursive interaction.’



formation of public spheres, they achieve this when they try and represent and voice the views and interests of their members. Associations are central to the public sphere as they are the vehicles and organisations, which help constitute and represent the voices and interests of individuals and transform them into public assertions, they therefore 'reproduce the norms of public influence themselves'. This is because the public sphere is an arena for communication and to influence the preferences of the general public and members of other associations these assertions must be public in nature, so communication is the dominant media rather than money and coercion (Warren, 2001, p. 80; Habermas, 1996, p. 369). Warren provides many examples of how communication between associations has generated public reason:

'Associations have emerged as the central, even pivotal players in exposing human rights abuses, detecting potentials from famines, documenting problems of nutrition and disease, monitoring compliance with laws and treaties (especially in the areas of labour, environment and consumer protection), as well as providing consumers with information about the environmental and labour practices of firms and governments' (Warren, 2001, p. 78).

It is then associations that provide the 'social infrastructure' that enables this opinion formation, that can question and hold accountable present sources of authority, generate new issues, new beliefs, solutions, perspectives and ideas through public discourse. The public sphere then is the location for public discourse so must be the location for the institutionalisation of deliberative democracy. Public spheres are then dependent upon the flows of communication between associations and other organisations. These functions are then fulfilled away from the control of the state and market. However, the media of power and money do still constrain opportunities for democratic communication in the public sphere. What is required then is:

'A plurality of modes of association in which all affected can have the right to articulate their point of view. These can range from political parties, to citizens' initiatives, to social movements, to voluntary associations, to conscious-raising groups, and the like. It is through the interlocking net of these multiple forms of associations, networks, and organisations that an anonymous "public conversation" results. It is central to the model of deliberative democracy that it privileges such a public sphere of mutually interlocking and overlapping networks and associations of deliberative, contestation and argumentation' (Benhabib, 1996, pp. 73-74).

If associations are to be successful in influencing public opinion they must be able to convince the 'general public' of the validity of their concerns and preferences and therefore must be able to 'employ and appeal to norms of publicity.' This limits their potential to act as strategic actors due to the requirement to maintain public dialogue between all the participants. Influencing the agenda so that an issue becomes a topic for public deliberation is very hard to achieve especially in stratified societies. Inequality is



enhanced when the public sphere is inflicted with the influences of money due to the market and commercial mass media and power through state participation; 'both of which will tend to seek and represent a mainstream consensus- a consensus that will, for that very reason, often exclude the weakest and most poorly organised members of society' (Warren, 2001, p. 81). Following the analysis of Cobb, Ross and Ross, who have developed models of how new issues get onto the agenda, Habermas demonstrates the various ways in which the public sphere and political system can influence each other to establish an agenda. These models are inside access model, mobilisation model, outside initiative model:

1. *Inside Access Model:* Here the initiative to put an issue on the agenda comes from officeholders and political leaders. Here the public is excluded from having an influence over the issue.
2. *Mobilisation Model:* Again the initiative comes from officeholders and political leaders, but in this model the political leaders seek to mobilise the public sphere as the policy needs the support of key associations for successful implementation.
3. *Outside initiative model:* Here the initiative comes from a mobilised public sphere, which applies pressure upon the formal political system to consider the issue. This model varies in three ways. A group can: A) articulate a Grievance, B) communicate with other groups so that they take on board the interest, if enough groups share the interest it becomes easier to establish it on the public agenda. As Warren correctly notes for an association to be able to participate in public deliberation they must be recognised by other associations as legitimate speakers, so that these other associations will respond to the information they articulate, so that equality as a participant in dialogue is then achieved. However, it is very difficult for new and less powerful associations to gain this recognition and therefore achieve equality in dialogue. This is why it makes it so hard for such associations to get new issues onto the agenda in the public sphere: 'It is always to the disadvantage of those who benefit from the status quo to recognise a discursive challenge, since responding to an argument already legitimises it as an argument, thus bringing benefits and privileges into question' (Warren, 2001, p. 81). This allows them to C) pressure the decision-makers to deal with the issue and put it on the formal agenda. Cobb, Ross and Ross claim



that 'this model of agenda building is likely to predominate in more egalitarian societies.' However, they also acknowledge that just because an issue makes it onto the formal agenda 'does not necessarily mean that the final decisions of the authorities or the actual policy implementation will be what the grievance group originally sought' (Cobb, Ross and Ross, 1976, p. 132). Consequently those associations that do not receive recognition as a discursive participant will employ other methods to have their voice heard and get an issue onto the agenda e.g. demonstrations, protests, civil disobedience and could be classified as 'subaltern counter publics' in Fraser's analysis (Fraser, 1992, p. 123).

It is the 'outside initiative model' that a dualist model of associational democracy must implement and favour as in the 'inside access model' associations are entirely excluded and in the 'mobilisation model' the relationship between the public sphere and the state is one based upon bargaining. It is only the 'outside initiative model', which endorses communication in the public sphere. It is through this method then that the agenda must be set and is certainly something, which the public sphere is capable of. The public sphere can change institutions, forcing them to adapt to new publics offering new visions, interpretations, issues and beliefs. Institutions must somehow interact with these new publics, even if they are simply trying to suppress them rather democratically communicate with them: 'In the process, institutions are changed in a variety of ways: in their concerns, in their ongoing interpretation of rules and procedures, in their predominant problem-solving strategies and so on' (Bohman, 1996, p. 201).

On association's agenda forming ability, Rosenblum comments that 'voluntary associations are indispensable for nudging issues into the public consciousness or offering reasons that supplement, reinforce, or oppose the terms dominant in public discussion' (Rosenblum, 1998, p. 206). Associations will be delighted if they can force an issue on to the agenda, even if they do not then get to change actual decisions, they force government organisations, corporations and powerful associations to justify their position on the issue through public reasons. Making an issue a topic for public deliberation is a significant achievement, and gaining participation to this deliberation is also a significant achievement, as it requires other associations or organisations recognising the association as a legitimate speaker, which will then encourage them to listen to and respond to their assertions: 'It is always to the disadvantage of those who



benefit from the status quo to recognise a discursive challenge, since responding to an argument already legitimises it as an argument, thus bringing benefits and privileges into question' (Warren, 2001, p. 81). Associations that are not recognised as deliberators are unable to influence debate through dialogue and therefore resort to other methods to achieve recognition and to gain influence e.g. demonstrations and civil disobedience such as Fraser's sub-altern publics.

Dryzek (2000, pp. 101-103) outlines four ways in which the public sphere can assert power over society. The public sphere can change political discourse, which in turn affects policy e.g. racial equality and feminist movements: 'The communicative power that the public sphere can exert over the state is diffuse and pervasive, felt in the way terms are defined and issues are framed, not in the direct leverage of one actor over another' (Dryzek, 2000, p. 101). This communicative power can also influence political culture without affecting public policy but still affecting power relationships, and again the women and racial equality movements are excellent examples of this. Secondly, the public sphere can establish its own policy forums e.g. the Global Forum, which ran against the United Nations Conference on Environment and Development. Such forums do not have the power to institutionalise their conclusions, but can place pressure on those that do and hold them accountable at the same time. Thirdly, protest located in the public sphere can pose the threat of political instability, causing the government to react in some way. All these factors help lead to the fourth, which is the establishment of issues on the political agenda, whether this is achieved on a permanent or temporary basis. It is important to note that all four of these powers can be exerted in democratic or undemocratic ways.

Habermas argues that it is usually through the first two models that issues are placed on the agenda. Again he places the blame on the mass media techniques of drawing information from powerful and organised elites, pursuing strategies that lower the discursive level of public communication (Habermas, 1996a, p. 380). Nevertheless, he still maintains that civil society can have a 'surprisingly active and momentous role...' by reversing 'the normal circuits of communication in the political system and the public sphere. In this way they can shift the entire system's mode of problem solving' (Habermas, 1996a, p. 381). Due to the location of associations in civil society, and their proximity to people and availability of participation, the public sphere is more sensitive



to problems, needs, preferences and issues that arise e.g. opposition to: nuclear arms and power, genetic engineering, ecological threats, third world debt, gender inequality has all arisen from the public sphere. It is various associations, operating here that have motivated the media to pay attention to these issues, which in turn puts them on the public agenda. This is often sufficient to put the issues on the formal agenda, but often further processes of mass protests and campaigning are required before political parties give them serious consideration (Habermas, 1996a, p. 381).

The question remains whether it is possible to ensure that it is the 'outside initiative model' that sets the agenda. The dualist model helps achieve this in two main ways: Firstly, by making associations a key locus of political participation and representation the media and state will be automatically encouraged to give the public sphere more attention.<sup>7</sup> Secondly, the dualist model needs to outlaw lobbying and private bargaining relationships with state representatives to reduce the chances of the 'inside access model' and 'mobilisation model' by-passing the communication in the public sphere. However, this would be hard if not possible to achieve, it may be possible to prevent associations lobbying, but not individuals as they will have every right to contact their member of parliament. Nevertheless, an associational democracy should increase the chances of the agenda being set through the 'outside access model.' However, as already mentioned this model itself is not necessarily democratic and certainly does not necessarily approximate the norms of deliberative democracy. The key problem arises therefore, of how to ensure that the relationships in the public sphere will be democratic and approximate the norms of deliberative democracy. Below I will investigate the possibility that networks of associations can help achieve this.

### 5.2.1 Networks of Associations

Despite my advocacy of associational legislative forums, this will not be the only arena where associations form relationships and communicate. In the public sphere, associations will form informal connections between themselves. The public sphere consists of complex and overlapping networks that operate on international, national,

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<sup>7</sup> This is obviously a circular argument, however, what it is suggesting is that once an associational democracy has been achieved the 'outside initiative model' of agenda setting, will be much more predominant than it is now. The problem remains though of how to achieve the associational model in the first place, so that this phenomenon can occur. This problem will be considered in more detail below in section 5.4.



regional, local and sub-cultural arenas e.g. science, literature, religion, art, feminism, social welfare and environmentalism (Habermas, 1996a, p. 373-374). Are these relationships based upon co-operation or competition? (Co-operative relationships would involve networks where information is shared; resources were pooled and joint programs and processes initiated). If it is the norms and procedures of deliberative democracy that ensure respect and co-operation between associations in the forum, how will the relationships outside the forum, be encouraged to be civic and other regarding? In Chapter Two, following Festenstein, I argued that deliberative democracy required grounding for its necessary deliberative obligations. In Chapter Three, I argued that associations could provide the civic virtue necessary to ground these obligations between members of a particular association, although it was further acknowledged certain associations would be more suitable to achieve this than others. Despite the assertions of Putnam, I was sceptical that this civic virtue would necessarily be generalised between associations. Is it possible then for the deliberative obligations to be grounded between associations, if not what are the consequences for an associational democracy that aims to approximate the norms of democratic deliberation?<sup>8</sup>

Hirst believes the natural character of the associations will ensure co-operation between associations occurs voluntarily, providing there is not excessive interference from the state (Hirst, 1995, p. 112). As Dryzek appreciates, this is perhaps not as implausible as it may sound as the real strength of the public sphere, particularly where deliberative democracy is concerned, is that it is a relatively unconstrained area of political action: 'If we think of political action in civil society in terms of the contestation of discourses rather than voting across alternative positions, then strategic action...looms less large. Thus deliberation need not be muffled in the interests of strategic advantage' (Dryzek, 2000, p. 103). In contrast, Schmitter believes the external character of associations must be regulated in the same way as the internal character, through an associations' charter, which should ensure prohibition against advocating violence, racism and any criminal behaviour. No citizens could be excluded from membership, and associations would

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<sup>8</sup> One possibility is the civilising force of hypocrisy discussed in chapter two. Through regular interaction within the forums, members from various associations will form co-operative relationships, and will not want to sour their image through selfish actions outside of the forum. This will affect how their arguments are perceived within the forum and how honest the information is seen. However, as Festenstein appreciates, if it is due to instrumental reasons that an association will be civic, then when it is in their interests to, civility will be abandoned (Festenstein, 2002, p. 97-98).



have to publicly disclose their financial arrangements.<sup>9</sup> Cohen and Rogers, also see it as the state's role encourage associations to be other-regarding. It is then indeterminate as to whether the most suitable type of relationship will be generated naturally or through state intervention, or if the relationship can be guaranteed at all.

Networks of association can operate as effective mechanisms for co-ordination and co-operation, in ways that the state and market cannot. Cohen and Rogers argue that associational networks can contribute to securing agreement among associations and their members to new laws and decisions. Furthermore they enable the development of trust between associations, which is essential to co-operation in any democratic system, but perhaps even more necessary in a deliberative democracy, which is dependent upon participants showing commitment to the norms and procedures of deliberative democracy. The trust established through networks of communication between associations can 'provide assurances to members that their own willingness to co-operate will not be exploited by others' (Cohen and Rogers, 1995, p. 44).

Fraser classifies interaction in the public sphere as a contestation of publics, as opposed to a contestation of discourses. Contestation is distinct from deliberation in Fraser's analysis, consequently she sees no reason why deliberation will predominate in the public sphere: 'The discursive relations among differently empowered publics are as likely to take the form of contestation as that of deliberation' (Fraser, 1992, p. 125). However, Dryzek points out that this analysis rests on an overly narrow definition of deliberation. As I asserted in chapter two, as long as preference reflection is generated by communication, deliberation has occurred, and contestation can generate this reflection (Dryzek, 2000, p. 76). By this analysis it seems the public sphere will inevitably induce deliberation. Achterberg is similarly confident that in an associative democracy, co-ordination will be achieved through negotiation:

'The establishment of priorities within a certain area of public policy or social activity will come about on the basis of negotiation among the associations (or associations of associations) concerned with the social sphere, or between such concerned associations and the relevant branches of government' (Achterberg, 1996).

<sup>9</sup> These are complex networks between interest groups, private organisations, business

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<sup>9</sup> As already discussed, Schmitter's associational charter, would in fact infringe on the principles of deliberative democracy, as these norms require that no argument be formally excluded from decision-making, as it seeks to filter out irrational and unjustifiable discourses through its process.



associations, unions and public agencies, as they currently stand they co-ordinate functions between the associations, but are opaque. Such networks need to be distinguished from the networks that exist between associations and 'give voice to social problems, make broad demands, articulate public interests or needs, and thus attempt to influence the political process more from normative points of view than from the standpoint of particular interests.' The relationship of the latter are more associated with corporatism, and are based upon exclusion. They tend to involve groups with clearly defined group interests who aim to effect policy. The latter Habermas defines as 'public-interest groups', which aim at the promotion of a common good. Such associations do not have clearly defined interests, and involve identity formation and aim at 'public influence' (Habermas, 1996a, p. 355). It is this type of relationship that is key to the communication of the public sphere and the democratisation of the 'agenda setting role', but will it occur naturally?

Evans and Boyte comment upon how small voluntary associations with internally democratic structures have contributed to democratic social movements in the USA e.g. African American resistance to slavery, the civil rights struggle, working class protest, the suffragist and ERA movements and the 1880s populist movements:

'They build networks and seek contacts with other groups of the powerless to forge a more heterogeneous group identity. And this whole process in turn helps to clarify basic power relations in society. In sum people deepen the meaning of what they are doing, from understanding politics merely as a protest against threat to coming to see the need for a struggle for new conceptions of rights and participation and power' (Evans and Boyte in Gastill, 1993, p. 262).

Dryzek and Young provide more current examples. Dryzek gives an example of such a network in the USA, the 'United States environmental justice movement'. The network has always been democratic and decentralised in character, and has been based upon local action and information sharing against waste dumps, incinerators, pesticides, uranium mining etc, which was co-ordinated by associations within the network such as the Citizens' Clearinghouse on Hazardous Wastes and the Southwest Network for Environmental and Economic Justice. Overall their discourse has been co-ordinated around 'the generation and distribution of environmental hazards' (Dryzek, 2000, p. 78). Dryzek argues that the Network has been able to extend deliberative democratic control on issues such as the redefining of what are environmental issues and risks and social justice, against 'entrenched environmentalist discourses that conceptualise risks



in terms of their collective and common character' and 'industrialist discourses that deny the severity of risk, or subordinate risk to the pursuit of material prosperity' (Dryzek, 2000, p. 77). Young highlights how insurgent groups which tend to be varied and localised form loose networks with newsletters and conferences, but without unified aims or central organisation e.g. peace movements in the USA which include feminist, Christian, socialist and ecological associations. However, she does warn that the variety of groups means there is conflict over aims and beliefs (Young, 1990, p. 83).<sup>10</sup> Warren argues that the internet will help the development and sustenance of networks of communication between associations because it has aided associations in the development, dissemination and organising of information (Warren, 2001, p. 78). The current Stop the War Coalition, an umbrella association, which aims to mobilise support against war on Iraq, has predominantly fostered networks between a diverse ranges of associations through the Internet. However, Wainwright warns that, 'rarely have movements activists devoted much attention to how to create lasting forums and connecting mechanisms between movements' (Wainwright, 1994, p. 196). The Care Forum is an exception, and has organised forums in Bristol, South Gloucestershire, Bath and North East Somerset and North Somerset, with the aim of ensuring that voluntary organisations participate in the planning and implementation of services. Similarly, the Brighton and Hove community and Voluntary Sector Forum, hold a variety of forums e.g. Dialogue 50/5 and local strategic partnership, for all voluntary associations in the area to participate, through representation. The MCAN Network is composed of local and statewide groups that have joined together in a cooperative effort. There are fifteen local groups and four statewide or regional environmental groups in MCAN at present.<sup>11</sup>

Some types of association have a greater capacity to be able to co-operate and co-ordinate within associational networks. Warren has identified the characteristics that an association requires for co-ordination and co-operation. Associations that aim to secure public material goods will inevitably feel an incentive towards co-operation in order to achieve these and those aiming for inclusive social goods will want to co-operate with other associations out of principle. Associations pursuing individual material goods

<sup>10</sup> However, as mentioned above, if this contestation causes reflection, then there is evidence of democratic deliberation occurring.

<sup>11</sup> ([www.massclimateaction.org](http://www.massclimateaction.org), 22/03/2003).



have strategic incentives for co-operation and co-ordination, however this may not be pursued through the public sphere as the incentive for secrecy may dominate in such situations. Furthermore, Warren suggests if there are low costs for exit in an association and it is clear as to what the purposes of the association are, it helps 'cement' relations both internally and externally. As discussed in the previous chapter, this is not necessarily the case, but I do agree that 'a high degree of internal deliberative democracy in associations with constrained exit may achieve the same effect' (Warren, 2001, p. 199).<sup>12</sup> Warren also argues that associations that pursue exclusive identity goods will be unsuitable at co-ordinating networks based upon co-operation as there will be little principled or strategic incentive to co-operate with other associations. In fact he goes on to suggest that members of the association may think co-operation with other associations is in actual fact a betrayal of their principles. He does acknowledge that there are incentives to co-operate with other associations who share a similar identity. The importance of such networks should not be under-estimated but I think they may also co-operate with associations who they feel a solidarity with i.e. other subordinate associations (Warren, 2001, pp. 197-198).

It seems then that democratic relationships in the public sphere are best generated 'naturally' rather than through state interaction, in fact this would probably destroy the co-ordination and co-operative potential of these relationships. The state can and should though, ensure associations have an internal structure. However, we should not expect all associations to be equally suitable at generating such relationships. Their capacity is dependent upon the type of goods they pursue, opportunities for exit and internal structure. Nor should we necessarily expect these relationships to be entirely good-natured, as they will often be based upon contestation. Yet, as Dryzek realises, this does not necessarily go against the norms of deliberative democracy. A greater threat to the democratic potential of these relationships is the inequality that exists in the public sphere.

### **5.2.2 Inequality in the Public Sphere**

Cohen rightly informs us that a normative conception of the public sphere as a strong sense of equality that requires 'openness of access, free discursive contestation and

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<sup>12</sup> If this is the case, the state regulation of the internal structure of associations, which I advocated in the previous chapter, may help instil co-operation between associations.



debate, and parity of participation (equal voice) are its core' (Cohen, 1999, p. 216). However, the power relationships and distribution of necessary resources for political mobilisation are not distributed equally. These resources include money, but also factors such as the distribution, number and type of members. Inequality of influence in the public sphere derives partially from a differentiation between participants, when certain participants are 'professionalised' with increasing organisational complexity; the communicating media are 'furnished with unequal opportunities for exerting influence' (Habermas, 1996a, p. 363-364). Such inequality is damaging to the democratic potential of the public sphere as Warren argues: 'For political autonomy effects to be vigorous, it is important that public spheres be populated with associations that can also represent differences, thus extending the margins of public deliberation and judgement' (Warren, 2001, p. 212).

For Fraser public spheres are not and cannot be neutral and equally 'expressive of any and every cultural ethos' (Fraser, 1992, p. 120). Because socio-economic inequalities exist, the cultural ethos developed by socio-economic groups, are unequally valued. This causes subordinate groups to be 'marginalized' in everyday life and within the public sphere. Such powers are magnified in the public sphere because inequality in the political economy affects opportunities for access to participation. If this is the case then autonomy of all groups is not cultivated equally.

However, 'influence' cannot entirely escape democratic connotations despite this inequality, as unless the public finds the assertions of these 'professionals' convincing in some way, they will not be influenced by it. The assertions must therefore be relevant in some way for the people to be persuaded and have their preferences transformed as Habermas explains: 'The public audience possesses final authority, because it is constitutive for the internal structure and reproduction of the public sphere, the only place where actors can appear. There can be no public sphere without a public' (Habermas, 1996a, p. 364). This then limits the effect of interest groups. When bargaining with government officials, they can use sanctions and rewards to apply pressure to the government, however these techniques are ineffectual in the public sphere, and only the currency of convincing reasons will transform preferences and mobilise public opinion. This is because the public sphere cannot be 'manufactured' and because 'public opinion can be manipulated, but neither publicly bought nor



publicly blackmailed' (Habermas, 1996a, p. 364). However, when public opinion is formed, this collective view needs to be autonomous, in the sense it should reflect a process of growing information awareness, as opposed to power inequalities. Habermas argues that the less civil society is interfered with, and left to its internal dynamic, the more democratic will be the communication processes, and the more autonomous public opinion will be (Habermas, 1996a, p. 375).

The public sphere is distinct from the state, as it contains and can produce discourses critical of the state, and from the economy as it is not based upon market relations, but discursive relations: 'Thus this concept of the public sphere permits us to keep in view the distinctions among state apparatuses, economic markets, and democratic associations, distinctions that are essential to democratic theory' (Fraser, 1992, p. 110). In Habermas' analysis and praise of the nineteenth century bourgeois public sphere, it is these distinctions that are meant to ensure the public sphere and its discourses were exempt from 'private interest' and inequalities were to be 'bracketed' and participants were to concentrate upon the common good. However, according to Habermas, this deteriorated when the public sphere was entered by the non-bourgeoisie, and class struggle led to fragmentation, and factionalism through interest groups.

In critique of Habermas' historical analysis of the public sphere, Fraser (1992, pp. 113-) claims he has ignored the exclusion of gender, which following Landes, she claims was a deliberate exclusion. Furthermore, Fraser disputes Habermas' claim that multiple and competing publics arose at the end of the eighteenth century. She, correctly I think, claims that right from the public sphere's birth there were; 'Counterpublics' that 'contested the exclusionary norms of the bourgeois public, elaborating alternative styles, of political behaviour and alternative norms of public speech' (Fraser, 1992, p. 116). In turn the bourgeois public sought to censure these publics and restrict their participation. Consequently, 'the public sphere was always constituted by conflict' (Eley in Fraser, 1992, p. 116).

Habermas suggests that inequalities could be bracketed so that when participants deliberate together in the single public sphere, it is as peers. However, as Fraser is aware, all discursive arenas are situated in a broader socio-economic environment, and as argued in chapter one it is this socio-economic environment that forms many aspects



of the individual participants. If this were the case then it would seem impossible for participants to bracket inequalities as Habermas has proposed and would be biased towards the dominant social groups (Fraser, 1992, p. 120). If there were only a single public sphere then subordinate groups would not have arenas to deliberate away from the unequal influence of dominant groups. There would be no arenas where subordinate groups could form collective preferences, goals, strategies and identities. Participation in a public sphere is not simply about asserting ones preferences which are neutral to the manner and form in which they are expressed, but about forming ones own autonomous identity in the process. Habermas himself has since acknowledged, the existence of a multiplicity of public spheres (Habermas, 1996a, p. 60). Blakely (2000, p. 12) cites empirical evidence from Barcelona to support Fraser's claim that socio-economic inequalities cannot be bracketed in deliberatively democratic arenas.

Consequently their participation in collective debate in a comprehensive public sphere would be less authentic and autonomous. This is why those from subordinate social groups e.g. women, workers, racial minorities, homosexuals, the disabled have been motivated to form alternative publics, or what Fraser terms 'subaltern counterpublics.' She defines these as 'parallel discursive arenas where members of subordinated social groups invent and circulate counter discourses to formulate oppositional interpretations of their identities, interests and needs' (Fraser, 1992, p. 123). As should be apparent from his criticism of Habermas' 'two track' model, Bohman agrees that there is a need to 'create new public spaces for deliberation' to address the inequalities of the public sphere where new ideas and reasons can be aired, broadening the present public sphere. These new spaces will arise if the subordinate groups mobilise around already existing informal networks of communication, to form new social movements (Bohman, 1996, p. 133). Examples of subaltern counterpublics cited by Fraser are late twentieth century U.S feminist movements. This does not mean that subaltern counterpublics are factions or enclaves as Fraser terms it. They are often excluded and become factionalised by the political process, but they themselves aim to disseminate their beliefs and communicate these to as broad a public as possible. This is one of the key meanings of what it is to be in a public, whether subaltern or not as Habermas himself appreciates. Even if a public is empirically small, with only a few participants, they are always part of a 'potentially' larger public, the general public. As Fraser explains: 'Subaltern counterpublics have a dual character. On the one hand, they function as spaces of withdrawal and



regroupment; on the other hand, they also function as bases and training grounds for agitational activities directed toward wider publics' (Fraser, 1992, p. 124). Fraser's argument is then that because societies are stratified by socio-economic inequalities, multiple publics in contest, rather than a single public, a point echoed by Bohman, more closely approximate the equality of participation necessary for democracy. Due to the fact that authenticity of voice, style of expression are so essential to the formation of cultural identity, even in multicultural societies that were not stratified, it would still be necessary to have a multiplicity of publics. Presuming that they could exist in a unified public sphere; 'would be tantamount to filtering diverse rhetorical and stylistic norms through a single, overarching lens.' If there were such a lens it would not be neutral and would therefore privilege certain cultural groups, which could then lead to stratification in the egalitarian society (Fraser, 1992, p. 126).

The argument for the necessity of multiple publics does not need to suggest that these various publics should not communicate, due to cultural differences. In fact it would be absolutely necessary for such communication to take place and for collective decisions to arise from this communication. It is the democratisation and inclusivity of such communication that the dualist model of deliberative associational democracy aims to approximate (Bohman, 1996, p. 135-136). Networks of communication allow associations to spread their message and voice to other parts of the public sphere that would not hear or address such issues otherwise. Networks allow for the pooling of resources and information between as well as within associations and therefore creating economies of scale that can address some of the socio-economic inequalities that exist when an association is trying to be heard (Bohman, 1996, p. 136).

Although I have no doubt about both the need for and existence of multiple public spheres, I accept Squires' consideration that it makes deliberative democracy difficult to operationalize, because it is hard to establish whether inclusivity in the public sphere has been achieved or not, due to the fact that these multiple publics are difficult to demarcate. However, I would not go as far as Squires and suggest that this means 'any attempt to base legitimacy upon inclusivity will necessary fail' (Squires, 2002, p. 139).

It is apparent though, that not all associations contribute to the public sphere, as not all associations have something to gain by going public, and often vested associations do



not. Not all of the associations that do have something to gain by going public can contribute to the public sphere, as they require the necessary resources to assert their voice over time and space (Warren, 2001, p. 164). It is also dependent upon whether an association is oriented towards political media. If it is then its goals and preferences are contestable making it possible for the association to be included into public debate. In comparison associations that are oriented to social media for example civic groups e.g. Bristol Muslim Cultural society and AXIS and hobby clubs e.g. British Canoe Union and DANCE, do not need to be engaged in public communication of the public sphere to achieve their aims as they can often achieve their goals through exit (Warren, 2001, p. 165). Associations that are vested (even in political media) will as a general rule try to avoid public debate and employ money and power to achieve their goals, only entering into public debate when they are forced to justify their actions, privileges and preferences e.g. the C.B.I and T.U.C in Britain. In contrast non-vested associations have everything to gain and nothing to lose by entering into public debate and will generally actively seek entry to the public sphere (Warren, 2001, p. 165). The type of associations that are most suitable then for public communication in the public sphere are welfare rights and child health advocacy groups like Shelter and New Roots, New social movements, ethnic, racial, human rights, environmental and religious advocacy groups e.g. Bangladesh Women's Association, Latin American Women's Rights Service, Race on the Agenda, Association of Vineyard Churches, the Quakers, Environmental Council and The Drum and trade unions e.g. FBU and NUT.

The media play a significant role in communicating ideas, needs preferences and issues within the public sphere. The mass media constitute publics themselves, as their main role is to induce public debate on issues that it raises and to justify the raising of such issues. However, the media currently just reflects and consequently reinforces the vast disparities of economic, and political power and is not accessible to all actors in civil society, and as Habermas recognises those associations outside the political system, or outside large organisations, will have a much reduced chance of influencing the media output due to its market structure meaning 'it is primarily responsive to the powers of money rather than to the life-worlds of mostly passive media consumers.' This factor is accentuated, if the views of the association fall outside 'centrist' or 'established opinions' that dominate the media (Warren, 2001, p. 168; Habermas, 1996a, p. 377; Bohman, 1996, p. 132 and pp. 140-1). It is, as it currently stands not conducive to a



public sphere in a deliberative democracy. In fact the transformation of the media is probably one of the most essential requirements for the deepening of democracy. If the public sphere is to be further democratised upon the basis of deliberative democracy then the media needs to be completely reorganised and become much more accessible:

'Like the judiciary, they ought to preserve their independence from political and social pressure; they ought to be receptive to the public's concerns and proposals, take up these issues and contributions impartially, augment criticisms, and confront the political process with articulate demands for legitimation' (Habermas, 1996a, p. 378).

However, exactly what framework the media would need to take and what and how these changes would occur is a thesis in itself, and therefore outside the remit of this one. Nevertheless, normatively a democratic media, which did not tacitly reflect inequalities, is necessary.

### 5.3 Mediating Forums

The final part of the dualist strategy must describe how associations are to gain access to legislative arenas. Currently many associations have maneuvered themselves to gain vested state powers often via non-public processes that can lead to the subversion of formal representative institutions. Such a phenomena is counter to a deepening of democracy and completely incompatible with the principles of deliberative democracy, as these associations are able to pursue their goals through power and money rather than public argumentation and justification of their goals to a majority of the citizenship (Warren, 2001, p. 209).

Presently, vested associations do not necessarily need to influence public preferences to achieve their goals, whereas non-vested associations have little alternative. However, as Warren proposes, given the right institutional design all those associations that represent people affected by a certain issue can be vested and included into democratic decision-making forums. As well as ensuring that those previously excluded from decision-making processes are now included, this also forces previously vested associations to give public reasons to justify their preferences and interests. Warren provides the example of European corporatism, which included a variety of stakeholders (Warren, 2001, p. 119). Dryzek concurs, suggesting that 'corporatism is the state model most conducive to a discursive and democratic civil society' (Dryzek, 2001, p. 107).



One of the main differences between the associational model of democracy and corporatism is that corporatism had few groups integrated into the decision-making process, and the groups that were, were stable changing little. In Europe it has generally been capital and labour that have been included (Mansbridge, 1995, p. 136). Corporatism then tends to promote the interests of certain privileged groups and their inclusion into the decision-making process at the expense of other overlooked/ ignored/ marginalised/ excluded groups (Offe, 1995, p. 120).<sup>13</sup> This then went against democratic equality and would have only enhanced the autonomy of the members of groups who were represented and overall was too exclusive. Associational democracy, particularly when it aims to approximate the ideal of deliberative democracy is quite the opposite. It aims at the inclusion of all groups into the decision-making process, and seeks the formation of new groups to represent un(der)- represented voices. When corporatism was practiced by 'radical left-wing local authorities in Britain in the 1980's, it was exclusive in the sense that only organisations representing selective interests were included and it was 'often aimed at mobilising support rather than devolving power' (Martell, 1992, p. 168).

The idea behind the mediating forums is that they would be legislative arenas and therefore fulfill the second requirement of the dualist strategy, despite the fact that, mediation is usually not followed by legislation so the decisions made are not imposed and therefore actors are not forced to abide by the decisions made. The forums here would be legislative arenas in the sense that the resulting decisions would be binding and implemented and enforced by the relevant level of government. The decisions made in the forums would then become policy. According to Glen Bramley and Michael Hill, in 'Analysing Social Policy', 'policy is virtually synonymous with decisions...it is patterns of decisions over time, or decisions in the context of other decisions, which make a policy' (1986, p. 3). If this is the case then no one forum would produce a policy as such, but rather policy would be produced through the combination of decisions emanating from each forum. This raises an obvious problem of co-ordination

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<sup>13</sup> These criticisms originate from the democratic left, but there are also objections from the market-liberal Right, that argues that associations can interfere with the free-market. However, as I am not considering economic performance in this thesis, but only issues central to democracy such as popular sovereignty, these arguments do not concern us (however for a discussion of these see Offe, 1995, p. 121).



and transmission of the decisions, which will be addressed in section 5.3.4.

Luke Martell in 'New Ideas of Socialism' (1992) also advocates a 'formal institutionalised role in corporatist political forums' (Martell, 1992, p. 167). However, he says very little about the nature and make-up of these forums. He accepts that associations will have influence on government between elections, but that this should be formalised through 'structures of corporatist negotiation', which would allow for government to be more responsive to pluralist needs when in power. In his model of associational democracy the associational forums would not be given direct decision-making authority (except in areas of functional decentralisation), but would have veto powers over legislation produced by the first chambers at local, regional and national level. In my model of associational democracy, the decision-making power will be devolved to the forums, therefore allowing for meaningful participation and greater equality of power. If the associations are to form a democratic network for participation, then they must have power over policy, without this they are not democratic. This is why if the forums are to be decision-making arenas for associations, the forums must be devolved the power of policy-making, which means the decisions that arise from the forum must become policy: 'Democracy involves debate and discussion, but these are not enough if they remain inconclusive and ineffective in determining actual policies' (Dahl in Gastill, 1993, p. 16).

One of the principal functional advantages of associations' being involved in decision-making processes is that once the decision has been made, it generally becomes easier to introduce and enforce. This is partly to do with the fact that members of the associations who have participated are more likely to see the process as a legitimate one and therefore accept the consequential decision even if it is not what they hoped for. Moreover if the members have been engaged in democratic debate about these issues themselves, and then seen how an associative member in a forum has represented their ideas, then they can see how their own views may have influenced that debate, again making the resulting decision even more legitimate. Secondly, the associations can then help in the implementation of the legislation, either through carrying out of the services/activities set out in the legislation, or in dissemination of information about the legislation. Due to the fact that legislation is now easier to enforce, more options

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become open to political debate, rather than being ruled out tout court. It also means powerful organisations will have less ability to veto any legislation that they dislike because their co-operation will become less important, due to increased co-operation of other associations (Cohen and Rogers, 1995, p. 65-66).

Mediation has traditionally been used with labour relations and more recently with environmental disputes particularly in the USA, where it has been 'formalised and institutionalised' in some cases (Smith, 2001, p. 78). The great strength of mediation as an institutionalised decision-making process for deliberative democracy is that its primary aims are to assemble participants from all relevant groups, with the intention being that these groups should re-evaluate their interests, preferences and goals in light of information provided by the other interested parties (Amy, 1987, p. 61). Furthermore, decisions resulting from mediation are more likely to be accepted by the relevant parties because they have all had the opportunity to participate in making the decision, and has not been imposed by an external authority (Smith, 2001, p. 78).

Although mediating forums do not allow for direct participation of citizens in the decision-making processes, the combination of this institutional method with internally democratic associations does. In large scale complex societies representation seems inevitable, but this model still provides most citizens with the opportunity to be involved in deliberative debates. The forums will assimilate the model of mediation where all stakeholders gather to resolve conflict and to make a collective decision. The mediation will be based upon the norms of deliberative democracy. According to Graham Smith in 'Taking Deliberation Seriously' (2001), 'proponents of mediation argue that its value rests on it being a voluntary, non-adversarial and cooperative process where parties focus on collective concerns rather than purely private interests' (Smith, 2001, p. 77).

The dualist model of deliberative democracy therefore resembles what Macpherson terms a 'pyramidal' system of democracy. The principle behind the idea of a pyramidal system of democracy is to have direct democracy at the base with representative democracy at various levels above that (Macpherson, 1977, p. 109). The dualist model has direct democracy and participation from citizens within the associations themselves, as was outlined in the previous chapter. The forums, which are the decision-making



arenas in this model of associational democracy, are then based upon representative democracy, with representatives from the associations participating in the forums. Macpherson thought that such a pyramidal system was the best available given the problems of complexity in modern nation states, and the pyramidal system of democracy is adopted here to overcome some of these problems. However, he recognised that such a system would not necessarily mean 'effective democratic participation or control.' He suggests that the Soviet Union's model of 'democratic centralism' was based upon pyramidal democracy, but obviously lacked democratic credentials. However, he does not think this failure is inherent in the idea of pyramidal democracy (Macpherson, 1977, p. 109).

In order to ensure 'effective democratic participation and control', there must be clear lines and mechanisms of accountability between the associational members and their representatives in the forum, an issue that will be explored in more detail in section 5.3.2. However, this also means there should only be two layers to the pyramid in the dualist model, the first being direct participation in the associations and the second representatives from these associations participating in the forums. Although there will be functional forums organised across territorial boundaries and forums territorially organised at local and regional level there should not be levels of forums for the formation of any one policy. To clarify, this means that the final decision is made in the forum at the right level as dictated by the principle of subsidiarity, the decision cannot be passed up to a further forum with representatives coming from the 'lower' forum. This means that a series of forums on a particular issue cannot be held with every locality holding a forum, and then these forum representatives moving on to a regional forum and representatives from the regional forum then moving up to a national forum, with the result being a national policy addressing the issue. There are too many levels of representation involved here which would make it impossible for members of the diversity of associations that would be involved, to hold these representatives accountable. This is especially the case as the logic would be for the associations' representatives participating in the local forum to elect the representatives to participate in the regional forum etc. This would mean that at the regional and especially the national forum, the representatives would have little credibility over the claim that they represent their constituents, and citizens would have very little opportunity to hold these representatives accountable. In short the representatives would be too far removed from



the citizenry and there would be too many layers of forums and representation to ensure 'effective democratic control and participation' of citizens. The danger of centralism Macpherson identified in the Soviet Union's adoption of the pyramidal system could therefore manifest itself. If decisions need to be made that cut across the local and regional territories, then they must be made through functionally decentralised forums. If a national policy is required over an issue then this must be made in parliament, through the present system of decision-making dominant in liberal democracies.

This associational model of democracy offers decentralisation on two fronts, functional and territorial. Functional decentralisation is achieved through the devolution of powers to associations directly, or to quangos, who would hold the forums for the relevant associations to participate in the decision-making process. Territorial decentralisation is achieved by devolving powers to regional and local government. These authorities will then hold the forums for relevant associations to participate in deliberatively democratic decision-making processes, through which local and regional policy will be formed (Martell, 1992, p. 166).

Due to the fact that the associations that participate in the informal, unregulated discourse of the public sphere, will also participate in the formal decision-making and legislative arenas of the mediating forums, Squires' criticism of dualism as an approach for institutionalising deliberative democracy will be avoided as the representatives from the associations, who participate in the forums, will be held accountable to their membership and will make conclusive decisions that are justified and implemented (Squires, 2002, pp. 146-147).

In order to ensure that no association is excluded from the forums, it is essential that participation in the forums is self-selecting. If the relevant government agency, mediators or quango members' decide selection then vital interests and views will inevitably be excluded. This both sacrifices the autonomy of those who wish to participate in the collective decision as they are excluded and undermines the deliberatively democratic process which seeks to include all views. Moreover, it is more likely that the groups excluded from the forums would be those who are currently excluded by present modes of political party and territorial representation. Therefore, if certain associations were to be formally excluded the potential of an associational



democracy to offer a more authentic representation of citizens, would be completely undermined. In order to ensure this, the forums must be well advertised across a diversity of media so that relevant associations are aware of the forums. It will also be necessary for the forum organisers to identify and contact key stakeholders, and hopefully with the establishment of networks between associations, recruitment will also be aided.

Despite they're being no formal barriers to inclusion, in reality it is inevitable that certain associations will be excluded due to social economic inequalities. This problem will be addressed in section 5.4.4. In chapter three, decentralisation, on both functional and territorial dimensions according to the principle of subsidiarity was advocated. Where the forums are held to make decisions on a purely functional level then there is no need for any specific associations to be excluded. However, in reality in the dualist model many forums would also be territorially decentralised. In this case associations that are outside the relevant territorial area will be unable to participate in the forums. This exclusion is therefore based upon the principle of subsidiarity which dictates that decisions should be made at the lowest appropriate level, and further demonstrates the necessity that the principle of subsidiarity be implemented appropriately in order to ensure that no unnecessary exclusion occurs.

Once the forum had begun it would be necessary to allow new associations to enter in order to prevent exclusion of affected groups and the abandonment of their autonomy. This, combined with the fact that the forums are to be based upon the norms of deliberative democracy, creates a problem for the forums. The new participants will not have heard all the arguments offered by the incumbent participants and therefore their preferences will not have been transformed by these arguments when they are aggregated. However, the representatives of the new associations can be brought up to speed if minutes have been kept, they are likely to express their own preferences in a public nature to try and persuade the other participants and it is essential to meet the inclusivity of deliberative democracy that the arguments from the new associations are not excluded. Consequently, it is justifiable and essential that new associations can join the forum, even if it does create some difficulties.

It is apparent then that in an associational democracy the legal and political



relationships between associations and traditional elected parliaments and councils would be altered dramatically to how they presently stand. Local, regional and national government would have a much-reduced role. All three levels of government would still play a role in advising on and regulating the internal structure of the associations to ensure they meet the internal requirements outlined in the previous chapter. Although the associations would make a significant contribution to the formation of legislation they would still be 'creations' of state law and must abide by this law.

It would also be their role to act as an intermediary and interpreter to the competing discourses emerging from the public sphere and to set the agenda for the forums. In this sense the elected parliaments and councils will still retain much power. Following the setting of the agenda and the identification of the need for a decision on a certain issue it will then be the role of the relevant level of government to either organise the forum or form a quango to do the same. Once a decision in the forum has been reached, it is the role of the relevant level of government to implement and enforce the decision. In this sense the associational model outlined here differs considerably from those of Cole and Laski who did not see the need for a public power to enforce law (Hirst, 1989, p. 17).

Local and regional councils will then almost entirely be relieved of their legislating roles, despite the extra powers that will be devolved from central government to these localities. National government will form quangos to hold functional forums for issues that establish themselves upon the agenda, which cut across territorial boundaries. However, national government will retain some legislative powers for decisions that the principle of subsidiarity dictates need to be made at a national level. This is because the problems of complexity such as size and number of participants, outlined in chapter three, make it unrealistic to be able to hold a national mediating forum. It will also be the role of government to train and supply mediators for the forums, possibly in the form of quangos, whose role will be to ensure the forums approximate the norms of deliberative democracy.

As the role of traditional elected parliaments and councils is reduced, so to is the role and dominance of political parties, as they will inevitably have to concede many of the roles they fulfill to associations. Macpherson suggested, if liberal democracy is to include more direct democracy with fuller participation then mechanisms other than the



present party system are required (Macpherson, 1977, p. 8). In this and the previous two chapters I have tried to suggest why this mechanism should be secondary associations. In such an associational democracy associations will ever increasingly become the primary location for political participation and through the forums become the dominant legislating bodies. The justification is that a 'democratic ecology of associations' will be less exclusionary to minorities than present political parties, offering more complete representation. Furthermore, associations will not be as dominated by political media, as political parties, which will therefore be more conducive to the institutionalisation of the norms of deliberative democracy. However, as Macpherson argues, if a democracy were to approximate some form of pyramidal direct/ indirect system of participation, its existence in line with political parties is both unavoidable as they must be 'assumed to be in existence', but also desirable (Macpherson, 1977, pp.112-113). The same is true for the dualist model, political parties will still operate and have important, but diminished, contributions to make to democracy. For example parliament, government, and local councils would still be elected on a party political basis, with the winning party/ parties fulfilling the governmental roles outlined above. Parties would still need to offer policy proposals as national decisions would still be made in parliament and the agenda for the forums interpreted by government. It is therefore likely that political parties will not offer wide reaching manifestos as they presently do, but rather policy proposals for national government and a list of key issues that they feel must be addressed by the forums.

The principle behind the mediating forums then is to try and approximate the key principles of deliberative democracy. This means that all those affected should be able to participate in the forum. Due to the empirical impossibility of this it means that their associational representatives need to be able to participate in the forum. However, as Saward realises, guaranteeing this for all collective decisions raises some significant practical problems such as who is affected: 'Who can be said to be affected (moderately? significantly?)', which could lead to the necessity for 'a different constituency - in effect, a new political unit - each time a collective decision needs to be made' (Saward in Smith, 2001, p. 75-76). However, 'mediation tends to be a one off conflict resolution or problem solving process' (Smith, 2001, p. 81). This makes it more flexible for institutionalising decision-making, but is a disadvantage in terms of deliberative democracy, because if it is not an ongoing process, factors such as the



'civilising force of hypocrisy' do not pertain.

Quangos are a very flexible unit for institutionalising decision-making. It could then be the role of quangos to set up and mediate these associational forums under government guidelines, which could then meet the institutional flexibility that Saward demands. In their article 'How to Make Quangos Democratic' (1997) Ian Harden and David Marquand envisage a similar role for quangos:

'If a vibrant democracy depends on a vibrant civil society in which it is possible to participate in a wide range of intermediate institutions, not all of them necessary elected, quango-isation might be an agent of democracy rather than the enemy of it. Local quangos, in particular, may extend participation beyond a narrow circle of local politicians and party activists, and provide new forums for active citizenship' (Harden and Marquand, 1997, p. 19).

These flexible institutional structures are not territorially fixed and are therefore more suitable for environmental decision-making because they are potentially 'capable of mapping onto the complex and variable contours of ecological problems and the human and non-human communities they affect' (Eckersley, 2000, p. 120). It has become an assumption of central government that quangos can more effectively implement certain policy areas, as they are at a 'distance' from the relevant, but inevitably bureaucratic government departments and local authorities (Harden and Marquand, 1997, pp. 10-11). However, there have been many queries raised over the legitimacy of quangos, as they are formed through appointment rather than election (Harden and Marquand, 1997, p. 13). Quangos have come to appreciate that the greater their legitimacy the greater their potential for service delivery (Harden and Marquand, 1997, p. 19). Harden and Marquand suggest that quangos have the potential to achieve this legitimacy providing it 'enriches civil society' and extends participation' (Harden and Marquand, 1997, p. 20). As well as ensuring more direct participation, in order to increase their legitimacy, quangos must make their decision-making processes more transparent: 'That is to say, the process of making decisions should be understandable and open and the decisions themselves should be reasoned and based on information that is publicly available' (Harden and Marquand, 1997, p. 24). The dualist model of associational democracy achieves these aims with the quangos providing a flexible authority to hold the forums and the associations providing the vehicle for popular participation. The forums then ensure the decision-making process is open, transparent and public, while the decision-making model of deliberative democracy aids in making the decisions reasoned and



increases the availability of public information.

There are certainly problems with setting up new arenas that would have to be resolved. For example Philippe Schmitter in the 'Irony of Modern Democracy' (1995), suggests 'once the arenas had been set, the participants chosen and the state subsidies/exemptions allocated, there would be a powerful tendency toward "locking in" the solution. How would new claimants be processed? What would be necessary to have a new policy arena declared? And how would derelict arenas be closed down?' (Schmitter, 1995, p. 170).

The quangos and the forums that they organise would only be temporary and formed to address a specific issue that had reached the agenda, ideally through the outside initiative model, outlined above. The quango could then be set up by the relevant elected parliament or council at local, regional and national level to hold a forum. The forum would last for as long as it took to make the collective decision, implement the policy which would be carried out by the relevant elected parliament or council at either local, regional and national level, review the policy and make any necessary amendments to the policy. Following the completion of this process both the forum and the quango could then be dissolved. Once this had occurred this would then mean that in order for the policy to be changed again, it would have to go through the same process again, starting with making it on to the agenda, which again ideally would arise through the outside initiative model.

As Smith notes, the 'deliberative democratic potential of mediation is clearly tied to the role played by the mediator.' The mediator, although 'neutral' is not passive, which will just 'reinforce existing inequalities of power and legitimises disparities.' However, in a deliberative model of mediation, the mediator is active and ensures that procedures that enforce the norms of deliberative democracy are abided by to guarantee that all relevant actors are included and all participants have an equal opportunity to voice their preferences and information so that 'the process and substance of policy debate will itself shape and influence preferences' (Smith, 2001, p. 79). In order to ensure this more research is required on what type of mediation suits deliberative democracy best. It may be necessary for the government to provide mediation training and to regulate mediation in forums to ensure the right standards for democratic decision-making are



being met.

There are many important questions that must be resolved if forums are going to be accepted as a suitable institutional model for associational decision-making, and for the dualist model to be completed. Firstly, I will consider what the nature of representation should be in the forums, and finally I will consider three criticisms of mediating forums: They do not ensure equality. They cannot adapt to the demands of pluralism and finally there are unresolvable problems with transmission.

### 5.3.1 Representation

Representation has been accepted as essential to the functioning of modern democracies. On one hand, it is seen by some as a necessary evil, accepted begrudgingly as overcoming practical demands of space and time; and on the other as that which makes democracy valuable in the first place. Rousseau advocated a citizen assembly for decision-making, but he knew himself that this could only exist in a small community if all citizens are to participate in this assembly. Therefore representation is inevitable: 'Only in the ancient polis was political autonomy fulfilled through a direct and physical presence of the citizen in the places where public decisions were to be made' (Urbinati, 2000, p. 763; See also Macpherson, 1977, p. 95). As well as being practically essential, representation is normatively essential to environmental concerns to ensure that both future generations and non-human species are included in the decision-making process (Eckersley, 2000, p. 127). As Cohen is aware, once the idea that deliberative democracy has to be a 'direct democracy', the criticism that it is irrelevant to modern liberal democracies no longer pertains (Cohen, 1991, p. 30).

The obvious concern has always been if we allow representation, is it still possible to maintain the autonomy of those who are to be represented? 'For there to be direct democracy in the true sense of the term, that is in the sense in which direct means that individuals participate personally in the deliberations which concern them, there should be no intermediary at all between those who make decisions and those affected by them' (Bobbio, 1987, p. 10). However, there is no absolute as to what direct democracy is and no 'watershed' separating it from representative democracy. Both are linear values of which you can have more or less of, but historically in situations that can be classified democratic there is no either or, just varying combinations of each and with there being



many types of each the varying possibilities of combinations are vast: 'The problem of the transition from one to the other can only be posed in terms of a continuum, where it is difficult to say which point one finishes and the other begins' (Bobbio, 1987, pp. 10-11). An associative democracy based upon deliberatively democratic decision-making would then alter the mixture of representative and direct democracy from the current parliamentary system dominant in most welfare capitalist states. The associations would provide arenas for direct participation, where members would directly participate in debate to form the collective goals, preferences, needs and identities of the association. Representatives of the association would then participate in the formal mediating forums where decisions would be made. The preferences, needs and identities would also be 'voiced' in the various public spheres that would be formed through informal associational communication, again generally through representatives of the association, but not necessarily the same representatives as those participating in the forums. The division of labour for this type of representation is more likely to be more widely dispersed throughout the associations' membership. For example it might be the role of one member to consult with the media, another to voice the preferences and communicate with a certain 'type' of association, another to communicate with government officials of a certain branch etc. Nadia Urbinati in 'Representation As Advocacy' (2000), claims that democratic deliberation in modern democracy brings together the ideas of direct and representative democracy into a 'continuum of political action...' as it 'frames the institutional and socio-political space within which the various components of political action- from opinions and will formation to decision-making take shape' (Urbinati, 2000, p. 759). Gutmann and Thompson suggest that the aim of a deliberative democracy is to approximate a 'system of representation that will enhance deliberation for all citizens' (Gutmann and Thompson, 1996, p. 154). I suggest that the dualist model of associational democracy outlined here, achieves just that.

Urbinati perceptively argues that when citizens criticise the quality of their representation, they are implicitly making a claim to some ideal of representation, although different citizens will be appealing to different ideals (Urbinati, 2000, p. 759). What an associational model of democracy must aim to do is to meet the right balance between representation and direct democracy, so that the cultivation of autonomy is maximised: 'In reality representative and direct democracy are not two alternative systems, in the sense that where there is one there cannot be the other, but are two



systems that can mutually complement each other. One could sum up the situation by saying that in a mature system of democracy both forms of democracy are necessary but they are not, taken on their own, self-sufficient' (Bobbio, 1987, p. 11). In the discussion of internal democracy of the associations in the previous chapter, we discussed the nature of direct democracy in associations, but what type of representation is then required in the forums?

As Bobbio rightly acknowledges the term 'representation' is open to many varied and incompatible interpretations and therefore a full discussion of the term would be impossible and unnecessary (Bobbio, 1987, p. 4). However, he does identify two central questions which must be addressed in any discussion of representation, and which are highly contested and lead to 'opposite' positions: 'The first issue concerns the powers of the representative, the second what representation involves' (Bobbio, 1987, p. 5). Or simply put, how is A to represent B and what is A to represent?

#### *5.3.1.1 Delegates or Fiduciaries?*

In terms of the first question A can either be a 'delegate' or a 'fiduciary'. If A is a delegate then she is bound completely by the wishes of those she is to represent, in essence A is spokeswoman, without the authority to make decisions. In contrast, if A is a fiduciary, then A has some powers of authority to act on B's behalf (Bobbio, 1987, p. 5). Nevertheless, the delegate is still an intermediary, as it is inevitable that there is some scope for the delegate to act. Without this, collective decision-making would be impossible, or at least ridiculously time consuming as the delegate would have to continuously go and consult the represented and present them with the details of the debate so far so that they could provide her with a mandate of what to do next (Bobbio, 1987, p. 10).

It is apparent the representatives must be bound to a certain extent by the interests of the social groups from which they derive, otherwise the social groups who are currently under-represented will still not have their interests represented, and so will remain excluded from the decision-making processes. However, if they were bound too tightly by previously agreed ideas and interests, then many of the benefits that arise from discussion would be prevented from occurring. None of the representatives would change their preferences in light of new information and perspectives and debate would



cease to be an exploratory process in which new possibilities are created, new issues would therefore not get on the agenda, and the established norms of dominant groups could go unchallenged: 'If all the options were already in play, or all needs and preferences already clearly defined, then the priority would more properly lie with getting more vigorous advocates' (Phillips, 1995, p. 158). But this is not the case, so in short, deliberative democracy would lose its advantages. It is problematic that the representative who participated in the debate and helped form the outcome would have to justify this to those they are representing, who were not participating in the discussion. Therefore representatives must be held accountable and be bound to some degree by the preferences of their social groups, and open to dismissal if it is felt they have represented their people poorly, but they must also be free to participate fully in a discussion, and that means changing preferences and goals with which they started. This form of representation is one that would be supported by advocates of the politics of presence as well as deliberative democrats because if representatives are tightly bound by pre-agreed mandates, then apart from the recognition, authentic representation would give social groups, it would be irrelevant who the representatives were. In contrast, 'if the representatives are to claim considerable autonomy, we will more legitimately worry about how much of our experience they share. What deliberative democracy brings to the fore is that representatives need some such autonomy' (Phillips, 1995, p. 159). For Goodin the problem is 'whether people who started out being representative of the wider community, in all the ways we can measure, are also representative of that wider community in the ways in which they can change over the course of the deliberation' (Goodin, 2003, p. 58). Such considerations have prompted Phillips to argue that modern democracies need representatives who are good deliberators as well as representatives who will stick uncompromisingly to their original preferences to ensure all groups still have representatives who will speak for their cause (Phillips, 1995, p. 162).

Alternatively, Douglas Amy in his sceptical approach to The Politics of Mediation (1987), suggests that it will be the representative's constituents, in this case the members of the association that will 'act as the ultimate safeguard against selling out' (Amy in Smith, 2001, p. 80). The representatives must explain and justify the resulting decision to the members. As the representative will have been engaged in a democratic debate (in which their preferences were likely to be adapted) and the other members



were not, they must provide the information that caused them to change the preferences agreed upon by the members through deliberative debate themselves. If they cannot then ‘perhaps this can be traced to the co-option of the representative by other parties’ (Smith, 2001, p. 80).

### *5.3.1.2 What Should Be Represented?*

According to Bobbio there are also two answers to the second question of what should be represented. He suggests A can represent B’s general or encompassing interests as a citizen or a specific interest (Bobbio, 1987, p. 5). Now if it is the general interest of B that is to be represented then there is no need for the representative to share any particular features, meaning associations should not necessarily be included in the forums. However, if it is a specific interest or identity of B that is to be represented then it is usually necessary that she share that interest or identity, and associations are apt for this type of representation (Bobbio, 1987, pp. 5-8). Bobbio terms this organic representation and he traces the idea of it back to the guild socialists of Hobson and Cole and their avocation of functional representation to supplement the territorial representative system, and it therefore seems apparent that this is the most likely form of representation to be provided by associations (Bobbio, 1987, pp. 5-8).

Griffiths’ fourfold typology offers a finer-grained analysis of Bobbio’s distinction of representation, each having implications on the nature of the representation and the role of the representative (Griffiths in Dworkin, 1988, p. 90):

- Descriptive representatives share one or more characteristics such as gender, race and class, and allow deductions to be made about the represented.
- Symbolic representation allows a person to be seen as an appropriate representative of certain positions or attitudes, such as the Queen as representative of the English people. As such, the representative need not bear any particular similarities to those they represent.
- Ascriptive representation permits a person to act in the name of others, such as a lawyer. Once again the representative need bear no obvious similarities.
- Interest representation allows a person to represent another with similar ideas or interests as themselves (Dworkin, 1988, p. 91).



Representatives from associations will be either descriptive or interest representatives or possibly both. This is because representatives will be selected from the membership of the association, and to be a member of the association would one would expect them to share an interest or identity. Burnheim argues that representatives who have had similar experiences best defend people's interests, and that this is 'a far better indicator than whether people might share our rather shaky opinions' (Burnheim in Phillips, 1995, p. 2). A similar point was well made by Aneurin Bevan: 'A representative person... must be of their kind. It becomes full representation only if the elected person speaks with the authentic accents of those who elected him... he should share their values; that is, be in touch with their realities' (Bevan in Arblaster, 1994, p. 82).

If none or few of the political representatives that make decisions are from certain groups e.g. women and ethnic groups, then their interests will be under-represented, no matter how paternalistic and well meaning the representatives may be. That is not to say that there are not well-meaning politicians and people acting in public life, but that disadvantaged and minority groups need 'more aggressive advocates.' Phillips notes that any legislation that has been passed that benefits these disadvantaged groups has come about with marginal participation of the disadvantaged. If this is the case and parties are standing on policies aiming at fairer treatment of these disadvantaged groups, then surely it matters little who the representatives are. However, it is easy to see that this is not the case. Firstly, we need only to consult history to see that when women, ethnic groups and the lower classes were not allowed political representation by a member from these groups then their interests were not protected. It was only when these groups won such a right that their conditions started to improve. Secondly, Phillips claims that 'there is something odd about a democracy that accepts a responsibility for redressing disadvantage, but never sees the disadvantaged as the appropriate people to carry this through' (Phillips, 1995, p. 43-44). Moreover, there is much more to legislation than fulfilling party manifestos. Thirdly, there are always new issues and problems with which to deal, and most parties will introduce legislation that was neither outlined nor discussed during the election period. It is important that the disadvantaged groups have authentic representatives in the decision-making assemblies to make sure their interests are protected. Phillips provides an example from the USA to demonstrate the importance of this. In the USA, it is common for people to vote for representatives who are of the same race and ethnicity. As whites are the majority in



most electoral districts, it is white representatives who are elected. Consequently, racial and ethnic minorities rarely see authentic representatives of their interests elected, and understandably feel that white representatives will not pursue their issues and concerns with as much vigour.

Urbinati suggests that advocacy is the most suitable form of representation for deliberative democracy because of its two key elements. Firstly, the representative is passionate about the causes they are advocating and secondly because an advocate can act as a fiduciary, which allows for partisan feelings to accommodate and listen to the views of others and therefore be swayed by the better argument (Urbinati, 2000, p. 773). However, I am sceptical that advocates are passionate enough about the issues and concerns of others even though there are many instances where such advocates have been and achieved significant changes, and there are many advocate associations. To preserve the autonomy of those they are advocating for, these people need to be included into the formation of the preferences, goals, needs and beliefs of that association otherwise it is unlikely the advocates will be representing the autonomously formed concerns of the represented. Moreover significant and vital information from those represented will not be included or heard.

It seems then that the descriptive and interest representation that associations provide is also the most suitable for deliberative democracy. There is a significant danger that Smith queries about whether representatives from associations in an associational democracy will be open to the transformation of preferences that is essential to the legitimacy of deliberative democracy (Smith, 2000b). Urbinati is adamant that passionate commitment will not undermine the possibility that participants will change their views in light of hearing the experiences of others and new information, or that it will 'compromise their claims in response to others' arguments' (Urbinati, 2000, p. 775). In fact Ellen Immergut in 'An Institutional Critique of Associative Democracy' (1995), thinks that associational representatives are more likely to change their preferences than the members, as they will think of 'policy packages' (Immergut, 1995, p. 205). Consequently Phillips (1995, pp. 61-63) is wrong to suggest that we need such a separation between the two, as following Mill, Urbinati claims that the role of advocate and deliberation are not mutually exclusive: 'Without deliberation there would be no need for advocacy' (Urbinati, 2000, p. 775). Participants in a deliberative



democracy must be partisan, how else are we to be assured that the information, needs and beliefs expressed are authentic and genuine? 'Far from transcending the specific situation of citizens, deliberative reasoning rests on the premise that specificity needs to be known and acknowledged' (Urbinati, 2000, p. 776). Representatives must then be given some element of freedom to operate. However, this does not involve the abandonment of sectional interests, as was the case in the eighteenth century public sphere praised by Habermas.

Deliberative democracy is a form of decision-making that encourages rational arguments, but does not mean that those presenting the arguments are completely detached from the situation and issue itself, but by those who are involved but see the need to make a collective decision. It is empirical restraints that prevent all affected citizens from participating in this decision-making process, but that means that their representatives should share the relevant characteristic to that decision. This is why associations with an internal democratic structure provide a great format for representation because it allows citizens to choose for themselves what these relevant characteristics are to be. Although representatives should be fiduciary's we must ensure that citizens do not have to 'consent to be represented by one who intends to govern them in opposition to their fundamental conviction' (Mill in Urbinati, 2000, p. 776). However, Klaus Rippe and Peter Schaber in 'Democracy and Environmental Decision-Making' (1999) may be right in claiming that laymen will be more likely to change their preferences than representatives from associations (Rippe and Schaber, 1999, p. 79). However, the advantage of mediating forums as opposed to citizen juries or deliberative opinion polls is that the participants provide the information themselves, which means that you avoid the 'framing of decision effect' where the organisers select which groups will provide information which can 'predetermine the consensus concerning certain aspects' (Rippe and Schaber, 1999, p. 82).

Representation is then inevitable in all democracies, as is some level of direct democracy. An associational democracy offers a new 'continuum of political action' between these two. Citizens participate directly in democratic debate to make decisions and form shared identities and interests within associations. They also select representatives to voice these decisions, interests and identities in functional and regional mediating forums. The representatives need to be fiduciaries, but must still be



held accountable to the membership. The nature of the representation should be descriptive and interest, as these factors are most compatible with the norms of deliberative democracy and the cultivation of autonomy.

### **5.3.2 The Threat of Inequality**

One of the key criteria democratic procedures and mediators must ensure is equality within the forums, but this is something that is very hard to achieve. Once again though the democratic potential is threatened by imbedded socio-economic inequalities, which would mean that the decision-making process continues to operate in favour of dominant groups. For example, if consensus decisions are not reached and a certain decision goes against the interests of one group, unequal distribution of power can mean that group still has effective veto over decisions, as their co-operation maybe essential for it to be implemented. For example, polluting industries must co-operate if pollution is to be reduced. Dryzek warns that institutional designs similar to the forums outlined here may lead to manipulation by associations representing the state and corporate bodies. Manipulation can occur through their greater control of resources allowing them to 'cloak private interests in a rhetoric of public concern' as well as 'making superficial concessions to opponents and thereby secure passive acquiescence on the part of potential troublemakers' (Dryzek, 1990, p. 81). Furthermore, associations representing corporate interests have an organisational and financial advantage over other associations (Smith, 2001, p. 78). What must be assured then is that mediating forums do not exclude and marginalize less organised interests, and therefore inequalities in costs and capacities to form associations must be eradicated. However, the danger of corporatist arrangements as with mediation is that it can be a form of co-option and inclusion of groups by the state (Smith, 2001, p. 81; Dryzek, 2000, p. 107). To ensure equality, it is also essential that the agenda for the mediating forums is set democratically and not by public officials (Rippe and Schaber, 1999, p. 76). However, as discussed in the previous section on the public sphere this is not always possible to ensure. These are then the dangers of inequality and the possibility of the state generating solutions will be addressed in section 5.4.

### **5.3.3 The Danger of Pluralism**

The fact that mediation is based upon the theory of pluralism is another reason cited for the weakness of mediation (Smith, 2001, p. 78; Amy, 1987, p. 185; Rippe & Schaber,



1999, p. 78). For Smith the danger is that due to the fact that the mediator needs to be neutral, 'public regarding arguments... are compromised because they have no more standing than purely self-interested preferences.' However, surely this just highlights the necessity for mediation to be based upon norms of deliberatively democratic decision-making as opposed to bargaining, as this would encourage participants to present public-regarding arguments rather than self-interested ones, as selfish reasons will have little motivational force for the other participants unless they were based on justice. Smith's criticism is based upon the idea that mediation seeks 'compromise between static clashes of interests' (Smith, 2001, p. 78), but as already argued the basis of deliberative democracy is that it encourages participants to change their preferences in light of new arguments and information. Mansbridge is confident that associations in corporatist style arrangements can achieve this preference change (Mansbridge, 1995, pp. 140-141). Rippe and Schaber may be right that traditionally mediation involves representation of 'fixed interests',<sup>14</sup> but with the introduction of the norms of deliberative democracy and fiduciary representation it would no longer be the case that; 'representatives of group interests are not allowed to question or to reformulate the interests they are obliged to articulate' (Rippe and Schaber, 1999, p. 78). The pluralism of mediation is then its strength, not its weakness, in terms of ensuring norms of deliberatively democratic decision-making are ensured, by enabling representatives from all relevant actors to be included and voice their preferences, forcing them to justify them through reasons.

Immergut suggests that any corporatist system must have limits on its inclusiveness both in range and number of the associations that can be included, otherwise 'policy stalemate' will occur:

'In my view, democratic corporatist systems owe at least part of their success to their exclusion and inclusion of some interests... by working with a restricted number of interests, the political agenda has been reduced to a more manageable number of problems, and interests not willing to go along with the overall consensus have been ignored or defeated' (Immergut, 1995, p. 204).

However, I cannot accept this argument or its undemocratic consequences. The agenda may well be restricted and as consensus may be achieved but at the cost of legitimacy, as certain citizens' autonomy is abandoned in this decision-making process. As

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<sup>14</sup> However, I do think there must be more room for manoeuvre than Rippe and Schaber account for otherwise it would seem that making any collective decision would be impossible.



Eckersley argues diverse representation is essential to deliberative democracy as it achieves 'a politics of presence' that helps to achieve enlarged thinking by aiming to ensure that all are communicatively present and therefore goes some way to 'correcting the exclusionary implications of the knowledge and motivational deficits associated with political representation' (Eckersley, 2000, p. 129). Neither will inclusion necessarily lead to stalemate, as following democratic deliberation in the forums, aggregation will occur. I therefore maintain that the mediating forums will not only include a 'narrow range of interests' as Cohen envisioned such institutional arrangements would (Cohen, 1991, p. 31).

#### **5.3.4 Difficulty of Transmission and the Discursive Dilemma**

Within serial deliberative structures Goodin suggests that there is a problem in ensuring the co-ordination of 'all those separately deliberating bodies' judgments with one another' (Goodin, 2003, p. 56). We might call this the difficulty of transmission. Perczynski argues that, 'the problem of the transmission of democratically taken decisions - highly problematic in most deliberative designs - does not create a tension for associative democracy, as the decisions affect in principle only the members of the association itself' (Perczynski, 2000, p. 169). If only this was true, but unfortunately it isn't, or at least it is dependent upon the role one envisages associations fulfilling. As locations for governance, providing services to their members, under power devolved by the state, then many decisions that associations make will primarily affect the members of the association. However, if associations are also to participate in the formation of legislature, then the decisions they make most certainly will affect people outside of the association, and even the forum, this is demonstrated by the difficulty of environmental decisions. The problems of transmission, therefore still pertain.

Another problem for the mediated forums based upon functional and regional decentralisation is that it can lead to overall co-ordination problems and encourages participants to see the issue under debate as 'unique, isolated phenomena abstracted from social relations, because these kinds of problems are easiest to mediate' (Smith, 2001, p. 78). For Phillip Pettit in 'Deliberative Democracy' (2003), there is then inevitably a discursive dilemma: Should decisions be responsive to the reflective preferences of the representatives assembled in the forum, regardless of whether they are rationally compatible with decisions made previously in other forum, or in other



forums elsewhere.<sup>15</sup> Alternatively decisions could be rationally consistent, but be unresponsive to representatives' preferences? The former is more democratic, but at a sacrifice to deliberation and the latter more deliberative, but at a loss to democracy (Pettit, 2003, p. 138). In the mediating forums I have advocated the decisions will inevitably be responsive to participants' preferences, but for Pettit this means the decisions will be arbitrary and capricious (Pettit, 2003, p. 155). Consequently he argues it is more important that decisions meet deliberative requirements and are rationally compatible than be democratically responsive. One method Pettit suggests to ensure this is that all decisions must remain contestable, especially as participants will change over time (Pettit, 2003, p. 156). I think this is right and is consistent with the deliberative ideal outlined in Chapter Two.

However, I think this is a potential problem for decision-making in general and could also be alleviated through a pyramid system that would allow for further mediated forums based upon deliberation across territorial areas, and functional decentralisation would allow for actors to participate across regions if this was thought necessary. Moreover, due to the mediation being based upon the norms of democratic deliberation, no arguments or reasons are formally excluded, so there is nothing to prevent any of the participants from trying to put the issues into a broader agenda. Whether these reasons have any motivational force to the other participants depends then on their convincingness. Due to the flexibility of the mediation process it can be operated as a decision-making framework for local, regional, national or international disputes and issues (Smith, 2001, p. 80).

#### **5.4 Towards A Dualist Model of Associative Democracy**

In commenting upon Cohen and Roger's associational model, Andrew Szasz in 'Progress Through Mischief' (1995) acknowledges that there is a huge difference between what they advocate and the present political process in western liberal democracies, and the same can be said of the associational model I have outlined in the last three chapters (Szasz, 1995, p. 148). It would be impossible for this thesis to really address the problem of agency of change as this is a topic for a thesis in itself, and is not essentially a theoretical, but a political question. However, some brief theoretical points

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<sup>15</sup> As Pettit demonstrates through a series of examples this can occur even when all participants' preferences are internally rational and consistent.



can be made on this issue in relation to the claims that have already been made (Warren, 2001, p. 216). I suggest that the two principle agents for change, if such change is to occur, will be the state and new social movements. The viability of these two factors will be assessed in turn. I will then review the possibility of overcoming socio-economic inequalities as I have argued so far that this is essential to both a deliberative democracy and an associational democracy. Finally, I will consider any available evidence that suggests there is a development of conducive dispositions towards the model of democracy advocated here, in modern liberal democracies.

#### 5.4.1 Methods of State Intervention

In the previous chapter I have argued that democratisation through the actions of the state are limited, but this does not mean the state is defunct, as it still has many important roles to fulfil, but these roles will be the correct role according to the principle of subsidiarity, as this is the principle most compatible with the preservation of equal autonomy for all. It is also very important to recognise that when we refer to the state this does not mean that it is a cohesive whole with one agency, as there are many agencies in all western liberal democratic states which means that “the state” lacks the unity of a singular agent, certainly in terms of its motivations and purposes’ (Warren, 2001, p. 217). These agencies include central, regional and local government and quangos. Furthermore, ‘just as there is no one kind of association, there is no one kind of strategy that will maximise democratic results. Appropriate interventions will depend upon the kind of association and its potentials to generate democratic goods’ (Warren, 2001, p220). Warren argues that different state strategies should be applied to different associations to ensure the right democratic ecology.

The methods of the state will be decided through the current representative system.

Warren (2001, pp. 217-220) outlines six potential methods the state could use to enhance the democratic nature of associations in liberal democracies, which can be bracketed into four key areas:

*Protection of negative freedom* - This is in the classical liberal tradition where the state acknowledges key social, economic and personal areas where freedom/ autonomy will be enhanced if the state ensures they are protected from interference through the enforcement of negative rights by the legal system e.g. rights of speech, conscience, assembly and privacy. It is important to note that it is impossible for the state to take a



neutral stance towards associations, just as the state cannot be neutral towards values (See Cohen, 1999, for a more detailed discussion of this). The state then must decide which values in society it wishes to promote and it must also decide what aspects of associations it wishes to enhance. What we have then are a variety of relationships that can exist between the state and associations with alternative possibilities for levels of intervention and types of intervention (Warren, 2001, p. 222). For Mansbridge, pursuing a laissez faire approach to associations is illegitimate because it means different interests will have vastly unequal power both within the formal and informal public sphere. This is why neo-corporatist institutional arrangements, such as the mediating forums advocated here redress this imbalance of laissez-faire tactics by ensuring decision-making takes place in fair conditions that can help redress these inequalities (Mansbridge, 1995, p135).

*Regulation* - This can be justified to promote a social or political good and avoidance of dangers to such goods. In this case I have advocated the state enforce internal standards of deliberative democracy within all associations wishing to participate into the formal decision-making process or be devolved powers: 'Regulations count as democratic when they function as countervailing powers that cause potentially anti-democratic associational powers to function in ways consistent with democracy' (Warren, 2001, p. 218). The state already regulates associations enforcing them to comply with many public standards. It would also be hoped that the members of associations themselves would play a leading role in such internal regulation. However, there is a strong tension between this state tactic and the protection of negative freedoms outlined above. It is essential that regulation of associations increases if the current trend of devolution of roles to them continues otherwise this devolution will not be compatible with democracy. As well as ensuring the circumstances for internal democracy are in place, the state must regulate the quality of the distribution of services e.g. welfare. It is essential that high standards are ensured and although the state may not be the best level of organisation to distribute such services, it is the best to provide regulation, at least in the last resort. The state must also regulate and enforce the decisions that are made through the associational system where appropriate, i.e. where mediation is being invoked not just as conflict dispute resolution, but also to form binding legislation.



*Devolution of powers* - In Warren's analysis this is the devolution of the regulatory process itself. Not so much so in terms of internal regulation covered above, but in terms of the regulation of agreed decisions. The states role in this is to equalise the power of associations (at least within the mediating forums, if not more broadly within the public sphere) and then devolves the decision-making power and ensures fair conditions for decision-making, which in this model are the norms of deliberative democracy. Once the decisions are made the associations monitor themselves with the state acting as the regulatory agent only in the last resort. There are many areas where such mutual regulation would be suitable e.g. environmental issues, The state can then also devolve powers to distribute services to associations based upon the principle of subsidiarity.

The number and extent of opportunities to influence the state will effect the type and number of associations as Offe explains: 'If there is lots to win from the state through associative activity, there will be a corresponding stronger incentive to undertake the efforts of group formation and pressure politics' (Offe, 1995, p. 127; See also Dryzek, 2000, p. 104). Therefore if the state devolves power and duties to associations and provides democratic forums for associations to participate in the making of policy, as I have advocated, then this will encourage more associations to form, and particularly associations to represent subordinate groups, who perceived that under a state, relatively unresponsive to associations, or only responsive to the main dominant associations, they would have little or no chance of affecting policy.

*Finance* - There are several ways that the state can provide the necessary financial support for an associative democracy. The state can provide a guaranteed minimum income, or unemployment and social security benefit as all welfare capitalist states do to varying degrees. This ensures that all citizens, even the most excluded, have at least a minimum level of financial resources at their disposal. However, in most societies this level of provision is inadequate to ensure that all have sufficient resources to be minimally autonomous and certainly insufficient to enable all citizens to mobilise and form their own associations. It is important to note that state benefits and support are also used as a form of government control, even if this is not the intention, as the recipients are monitored and policed. The fact that in the associational model I have outlined, associations could distribute such benefits and therefore the recipients would



participate in this process and would help alleviate state control.

Economic incentives can also be made available to associations through a flexible taxation system:

'In many cases, tax-exempt status makes an association economically viable, thus amounting to a government policy to 'grow' associational life in general.' However, 'tax-exempt status amounts to an indirect preference for social associations over political associations, since favouring political associations would presumably involve the state in generating its own public support' (Warren, 2001, p. 219).

The state can also provide income directly to associations via grants or to fulfil services: 'These amount to incentives for associations to serve public functions, especially in the areas of social service and health care delivery, education, research and economic development' (Warren, 2001, p. 220).

In Schmitter's analysis associations could gain 'semi-public' status by meeting requirements set out by the state. The first requirement is an internal democratic structure, the second that it is a non-profit making association. This would be regulated by an associational charter, which would set out in detail what internal requirements the associations would have to meet, what external rights they can be ensured if they meet these requirements and describe how the state would regulate this. If an association fulfilled these requirements, then they would gain this 'semi-public' status, and be eligible for state funding, which would be distributed through citizens 'voting' with vouchers. All citizens would receive the same amount of vouchers, with each voucher being worth the same amount of money. The citizens would give their vouchers to the association(s) they felt would represent their interests/ fulfil their needs best. Voting for the association would not mean being a member, and being a member would not mean one had to vote for the association (Schmitter, 1995, pp. 171-180). Roßteutscher is critical, arguing that associations funded in this manner are not an efficient replacement for political parties: 'Political parties provide clear clues for evaluating politics and policy proposals, with the left-right continuum being the most important. "New" pluralists' associations cannot provide such clues and, as a result, electors, deprived of simplifying devices, might be confused and large numbers might either distribute vouchers randomly or abstain completely' (Roßteutscher, 2000, p. 176). I feel this criticism is overly harsh. Admittedly associations will not be offering complete manifestos for governance, as do political parties, but they will be offering much greater



opportunities to participate and form the nature of the association than do political parties. Furthermore, they will be organising around a clear interest or identity, that people will identify with or not.

Undoubtedly then this is a good method of ensuring that the citizens that have control over the funding of associations in an egalitarian manner. However, it is unlikely to encourage associations not in existence to form in order to represent subordinate groups, as they would not be eligible for funding until they had already established themselves and gained an active membership. Moreover, the voucher system is a method of pre-political aggregation and is therefore susceptible to all the criticisms made of aggregation in the third chapter. Citizens would be distributing their vouchers based upon unlauded preferences, and not upon deliberately formed, and therefore more autonomous preferences. The voucher system is then open to criticism of arbitrariness made by Roßteutscher, but voting for political parties is equally arbitrary in this sense and it is as equally likely that people will abstain.

In Hirst's proposal the state would both raise the funding for associations through taxation and distribute it. Money would be distributed to each association depending upon how many members it had. The more members the more money would be given. However, if 'finance depends on strength of membership, very few associative pillars would be capable of designing and running adequate systems of health, education or welfare' (Roßteutscher, 2000, p. 177). Furthermore, it would lead to competition, as opposed to co-operation amongst associations as they would be placed in a market system, and encourage associations to be bigger which could reduce the possibilities for internal democracy. Walzer also thinks the state should play an active role in cultivating the right type of associations through the provision of 'grants, subsidies and entitlements'. He acknowledges that such processes already occur, but criticises the present system as 'radically unequal'. Without this associations will not achieve their democratic potential, because we will not have 'the right sort of groups' (Walzer, 1994, p. 189 & 191).

There are many methods of intervention available to the state, each with their pluses and minuses, but no clear method that is obviously superior to the others. In reality a mix of these methods will be required. However, two questions still remain: Can the state



change the nature of associations? Is it legitimate for the state to do so?

#### **5.4.2 The Possibility and Legitimacy of State Intervention**

Cohen and Rogers (1995, p. 46-47) make the argument that associations are artificial, and this is an essential principle to accept if the internal and external relations of associations can be changed and altered. They are artificial because their dispositions and structure are not based upon the natural character of citizens who enter and form the associations. Both the nature of the associations and the nature of the members are influenced and affected by their environment. This includes many factors such as the structure of political institutions and the economy and the prevailing cultural norms etc. Different associations and members will be affected differently by these features depending upon their location in society based upon cleavages of power of economics, gender, race and disability ethnicity etc. The structure of political institutions and the economy may seem quite static and established in relation to these cleavages of power, but can be and has been changed through public policy. If these structures can be changed by public policy then it is fair to say the disposition and structure of associations can be changed as can citizens attitudes and approaches to them:

*'In claiming that associations are artifactual, we do not mean to suggest that they are simply political creations or that they ought to be treated as such. But it is both an empirical and normative mistake to treat the extent and forms of group organisation as a scheme of private ordering to which politics must simply adapt. In part reflecting political choice, the incidence and structure of groups and the patterns of group representation can be changed through political choice' (Cohen and Rogers, 1995, p. 47).*

In short associations and the distribution of power between them and within them can be changed by public policy initiated by the state.

As already outlined there are a myriad of associations, all with qualitatively and quantitatively different internal forms of organisation and external relationships to both the state and other associations: 'The art of associative democracy consists in matching group characteristics with assigned functions and- now admitting the fact of artifactuality- cultivating those characteristics appropriate to functions consistent with the norms of egalitarian democracy' (Cohen and Rogers, 1995, p. 48). One of the key problems for the institutionalisation of the associational system that I have advocated is that it requires the generation of new actors i.e. those people situated in subordinate groups whose views and preferences have yet to be generated, let alone represented in



associations. It is not simply the case of extending present institutional arrangements to these actors, as the actors have yet to be constituted. Dahl thought the state should just respond to the associations that already existed, this was because he was not aware of the inequalities of access to mobilisation and organisation that existed. If equality of representation is to be achieved, groups that represent all sectors of society must be actively sought so they can recognise and form their collective interest and have the resources available to pursue it and actively included into the decision-making process of the state (Dryzek, 2000, p. 89-90). The pluralists assumed that all associations had equal opportunities to influence the decision-making processes, upon issues that concerned them. Associations they argued, were like political parties and were directed by their whole membership. Policy then would be sensitive to the pluralistic values of the populations' interests. Later these ideas were revised to acknowledge the passive participation of associations' memberships hence the power struggles were between elites of each group. Cohen and Rogers believe it is the state that should pursue the equality of representation of groups formed and unformed. The state should promote groups to organise all sectors of society, sponsoring them where necessary, removing obstacles to their formation and to political influence and creating new opportunities for them to influence policy.

Walzer is another who believes the state should 'rescue' civil society by sponsoring and subsidising 'the right sort of groups', which will also require the state developing the right background conditions. Such associations can then fulfil political, cultural and social functions such as the provision of education, welfare and health services, housing co-operatives, workers co-operatives and community projects. Once formed by the state these groups are left to fend for themselves without more support from the state (Dryzek, 2000, pp. 90-91). Young is also a strong advocate of the state playing a role in achieving equality of representation by aiding in the establishment of associations to represent the subordinate groups of society, and providing them with the required channels for them to influence policy. She also suggests the state could achieve this through supplying resources and promoting self-organisation to weaker associations and groups in society (Young, 1990).

Warren argues that Cohen and Rogers' are overstating the malleability of associations by calling them 'artifactual.' However, if compared to other units of political



organisation such as communities then they are; 'intrinsically more fluid in the sense that they can be brought into existence in response to a problem or opportunity without requiring social and psychological integration with every other social attachment' (Warren, 2001, p. 45). This is because even though associations foster and require social bonds, an overarching community or lifestyle does not determine them. Associations can then be constructed and disbanded, and can change purpose and structure, whereas communities are not malleable in this sense. Paul Hirst in 'Can Secondary Associations Enhance Democratic Governance?' (1995), accepts the artificiality of associations as presented by Cohen and Rogers (Hirst, 1995, p. 102-103), but he rejects that because groups are artificial, they can be 're-artifacted' and that through public policy their roles and distributions of power within and between them can be changed. He argues that artifactual associations could prove resistant to state legislature, partially due to the state being less powerful than Cohen and Rogers assume (Hirst, 1995, p. 103-104). This is a view supported by Offe who also accepts that associations are artifactual, but rejects the idea that they are contingent i.e. tractable, elastic and alterable. He cites the examples of British industrial relations, British union reform and the abolition of German industry subsidies as evidence to support this (Offe, 1995, p. 123). Hirst goes on to argue that, even if we accept the state can 're-artifact' associations, then it must be neutral, based upon consent and acting in the common good in order to be legitimate: 'How can state agencies acquire the competence, neutrality and legitimacy to perform this function of crafting? They must be autonomous enough to act on society and yet must possess sufficient public support that those actions can be sustained' (Hirst, 1995, p. 106). The problem here is, if the state bases its actions on consent then they will be bound by the majority principle, but then will not be acting in the common good and will not be neutral. Furthermore the majority upon which the state would act 'may be regarded as itself an artifact of the very associational structure and culture which is at default' (Hirst, 1995, p. 106). In short public opinion will be affected by the deficient and unequal nature of present associations, if the state follows that opinion, will it be able to achieve the aim of deepening the democracy of associations. If the state acts against the present preferences of the people, where will be the legitimacy, and how will the state be prevented from acting in its own interest?



Hirst argues that, 'the problem is that this process of crafting an alternative throws an excessive weight either on the capacity for reform of the state or the possibility of a consensus about the virtues of reform on the part of existing parties and associations' (Hirst, 1995, p. 108). Hirst's view of the possibility of generating more democratic relationships between associations consequently seems more realistic than Cohen and Rogers'. He acknowledges that due to the present inequality of power and influence between associations, reform to the associational system is made harder because the powerful associations could 'derail' the process. The fact that a more equal and democratic relationship between associations could lead to less power for the dominant associations makes it unlikely that they will accept it occurring (Hirst, 1995, p. 108).

Cohen and Rogers criticise the state arguing it is too distant from the people and too inflexible to be legitimate, but then think it possible that the state could be the main agent of reform for associations. Hirst is even more critical of the potential legitimate effectiveness of the state; therefore he does not see the state taking a leading role in a transition to an associative democracy. In contrast he, 'advocates a process of rebuilding associations from below, by political campaigning and voluntary action in civil society' (Hirst, 1995, p111). These associations can be actors for associational reform. Such a process over a long period can help to improve socio-economic and other forms of political inequality, which would improve the association's ability to gain reform in the future. Having the associations themselves as the main agents of change is much more in the associational tradition than Cohen and Rogers' statist approach. J.N. Figgis (1913), G.D.H Cole (1920a) and H.J Laski (1925) were against the centralising power of the state, questioning its democratic legitimacy and opportunities for participation. This was one of the initial motives behind the advantages of an associational pluralist democracy: 'They believed that associations are most effective when they are constructed by citizens rather than be the state, and they challenged the "concessionist" theory of associations as entities that are dependent for their existence on state recognition' (Hirst, 1995, p. 112). However, Hirst's system would lead to excessive competition amongst associations, which would fail then to provide the integration and co-operation that is necessary in service provision. Robteutscher concludes then that associationalism is doomed to failure: 'Either, like Cohen and Rogers and Schmitter, embrace a compulsory concept with a strong interventionist state, or like Hirst run into the danger of promoting a voluntaristic society which is either highly unequal or torn



apart by institutional anarchism' (Roßteutscher, 2000, p. 177).

Similarly, Tamir criticises Rawls and Putnam, arguing that if associations are left alone by the state then only a few will fulfil the democratic functions outlined above, but many will develop and foster undemocratic capacities (Tamir in Warren, 2001, p. 20). However, if there is state intervention, as Cohen and Rogers and Young argue, then the diversity of democratic effects that arise from the diversity of associations would be eliminated. This is because the diversity, freedom and spontaneity of association's is their greatest asset and state intervention inevitably takes this away. However, as Warren notes, Tamir sees associations at contributing to civic virtue, but ignores the other functions outlined in chapter three, which are much more diverse than the effects on individuals, which Cohen and Rogers, Putnam and Young all recognise themselves and even Tamir seems to acknowledge. She has also made the mistake of assuming that the state can be neutral towards associations, when in fact there are just different types of interference and degrees of intervention: 'We have no dispensation from identifying and assessing the effects of differing political and legal procedures and of the countless policies that constitute and affect associational life in today's liberal democracies.' However, we know that procedures and policies do have an affect (Warren, 2001, pp. 20-21). Tamir does conclude that welfare state programs can help produce an active civil society, and this is a liberal good. It does seem strange then that the state cannot be used to promote a democratic good, an opinion Warren shares (Warren, 2001, p. 21).

Perczynski cites Bader, in arguing that, 'what is needed is a skilful combination of the state approach and the societal approach towards associations' (Bader in Perczynski, 2000, p. 169). Perczynski thinks that in the initial stage of forming a public of associations the state should play a greater role in creating suitable circumstances for the formation of democratic associations. However, as democratic associations start to establish themselves the state should play a much decreased role of interference because, 'otherwise groups might lose their natural character, which...is their biggest asset and the basis of their robustness' (Perczynski, 2000, p. 169). This is the fact that associations provide the opportunity for self-organisation amongst citizens and great opportunities for active participation, which can increase the autonomy of citizens. Excessive interference from the state would radically detract from that autonomy.



It seems apparent that the state can influence the nature and relationships of associations, at least to some extent. However, if it is to occur, it must be a finely balanced process, as excessive state interference will eliminate the advantages of civil society rather than enhance them. There are also serious problems over the legitimacy of the state undertaking such an operation, as state legitimacy is in question, hence the need for an associational democracy in the first place. If the state follows opinion generated currently in civil society, this may simply lead to the enhancement of present inequalities rather than their eradication. Nevertheless, the state cannot take a neutral approach to associations. As Lukes' (1974) analysis of power demonstrates, a decision not to do anything and maintain the status quo is a decision itself, so state intervention at some level seems inevitable, but it cannot and should not take the sole burden. As Schmitter argues 'the obvious way to rid the state and the legislative process of the enormous burden of crafting the details of a reformed associative system is to hand it over to the people' (Schmitter, 1995, p. 171). Civil society must provide much of the impetus, and social movements seem to offer the most promising source for this impetus.

### 5.4.3 New Social Movements

Cohen and Arato argue that it has been social movements that have made great achievements in terms of creating new associations, new publics, applying pressure for the democratisation of existing institutions, enhancing public discourse and providing locations for political participation (Cohen and Arato, 1992, p. 548). It is then perhaps most likely that any pressure for further institutional changes along the lines of the model of deliberatively democratic associations, as well as the source for the change in attitudes necessary for such a framework to be both demanded and then implemented, is to come from associations themselves:

'Given the obvious permeability of political and economic institutions to societal norms, there is no reason to foreclose the possibility of the development of egalitarian and democratic institutions capable of influencing and controlling the polity and the economy' (Cohen and Arato, 1992, p. 549).

They cite examples from the feminist social movement to demonstrate how its adoption of a dualistic approach to collective action has produced great gains in equality. Moreover they argue that it is the continuation of this dualistic approach that will continue to bring further progress (Cohen and Arato, 1992, p. 548-563). Changes then



have been brought about by actors in civil society, but Bohman warns that the public sphere is not necessarily 'porous' as it 'required a great deal of collective organisation for the civil rights movement to gain enough public attention to initiate a period of higher lawmaking about the structure of formal institutions. Further, achieving inclusion and reform has been much more difficult than achieving mere legislative success...' (Bohman, 1996, p. 195).

In 'Reflections on the Institutional Self-Transformation of Movement Politics' (1990), Claus Offe offers a 'three stage model' for social movements. The first stage is 'take-off' and is spontaneous, informal and radical. This mobilisation then 'stagnates' leading to the second stage where a clearly defined membership, hierarchy and organisation are established. From here the movement seeks 'institutionalisation' the third stage. Offe argues that institutionalisation is a necessity, as the associations are confronted with a declining active membership, who are only willing to contribute votes and money meaning the resources of time, energy and finance are limited. The associations then 'cash in' on the resources it had previously been able to mobilise, gaining direct political power on decision-making processes (Offe, 1990, p. 243). If this model is accurate, the impetus that social movements might instigate towards a new associational infrastructure is limited, as eventually they will settle for state inclusion rather than institutional changes.

However, Dryzek argues that the historical evidence goes against the life-cycle theory, a point he acknowledges Offe accepts in his analysis of the German Greens (Dryzek, 2000, p. 108; Offe, 1990, pp. 246-247). Cohen and Arato also reject the alternative stage or life cycle model of social movements, which argues that all social movements transfer from grass-root democratic participatory organisations with little hierarchy, who operate through non-institutionalised methods of resistance to institutionalised interest groups or political parties. According to this model, in the first stage the aim is to create solidarity and collective identity formation. Consequently, expressive action and direct participation is more appropriate as the movement aims to gain recognition as a new collective actor. Once this recognition is achieved the second stage begins where instrumental and strategic action become dominant. Formal organisation with representation and hierarchy replaces participation and success is viewed as inclusion of these representatives into institutions. The stage model perceives this change as a linear



development or learning. Cohen and Arato reject the stage model for three reasons. Firstly, Cohen and Arato criticise the stage model for having a too narrow view of learning, as only instrumental learning is said to occur. This suggests that identity formation is of no help to social movements, which ignores the social imbeddedness of actors: 'The tacit assumption of this approach is that identities cannot become more rational' (Cohen and Arato, 1992, p. 559). Secondly, they argue that it ignores the possibility for social movements to pursue both strategic methods and identity formation simultaneously. They argue that empirically it is incorrect and provide evidence from the American feminist movement to suggest that both aspects of the dualistic strategy were present from the inception, and are still present today: 'Instead of conforming to the linear model of development, the feminist movement has shifted back and forth between mass action and political pressure, depending on the available political opportunities and the issue at hand' (Cohen and Arato, 1992, p. 558). Dieter Rucht in 'The Strategies and Action Repertoires of New Movements' (1990), argues a similar point about the environmental movements in France and Germany. Thirdly, the stage model is based upon the presumption that civil society is self-contained and can only affect itself, as it provides no account for the relationship between political society and civil society. Consequently, it ignores the effect civil society can have on the actors in political society (Cohen and Arato, 1992, p. 560). We can conclude that 'groups are not locked into a life cycle; they do have choices' (Dryzek, 2000, p. 108).

This does not mean that new social movements will choose to be incorporated into institutions like mediating forums. Commenting on the Local Hazardous Waste movement in the USA in the 1970s and 80s, Szasz argues that they 'proudly rejected anything that smacks of cooperation or normalised participation..' and would therefore use such forums to build oppositional solidarity '... Its tactical vocabulary is a familiar one: demonstrations, militant confrontation, escalating occasionally even to threats of violence' (Szasz, 1995, p. 150).

The deliberatively democratic associational model that I have outlined then tries to incorporate the dualistic methods of associations into its institutional design, trying to democratise these methods of collective action around the ideals of deliberative democracy. However, if progress is to be made towards the approximation of such a model (and there is no guarantee that there will be) it will most likely be achieved



through associations pursuing a dualistic strategy of their own. If the model of associational democracy outlined here encourages and enables each individual association to adopt a dualistic strategy, the question still arises, if an individual association can pursue a dualistic strategy prior to this. This seems unlikely due to Dryzek's criticisms of dualism outlined earlier. Presently the institutions in liberal democracy seem to discourage this, but civil society as a whole can and have achieved this in the past and must continue to do so for further progress to be achieved.

#### 5.4.4 Overcoming Inequalities

Throughout this thesis we have been reminded of the threat that socio-economic inequalities pose to democratic deliberation, participation in associations, the potential of associations to effectively fulfil their potential functions and therefore to the equal enhancement of autonomy for all citizens. The present political, social and economic relationships are not conducive to significant and equal citizen participation (Smith, 2001, p. 90) and economic inequality in many liberal democracies e.g. Britain and the USA are increasing. Opportunities to participation must be available to all, and there should be no barriers such as the lack of resources or discrimination that would prevent people from equal participation in the decision-making process. Preventing official discrimination has helped, but not achieved political equality. Measures to rectify the effects of existing inequalities of wealth, race and gender on opportunities to participate in the political process must also be addressed (Young, 1990, p. 72).

A study by Sidney Verba, Kay Schlozman and Henry Brady Voice and Equality: Civic Voluntarism in American Politics indicates that there is a strong relationship between the distribution of political participation, income and education. Therefore they conclude that the more egalitarian the distribution of resources the more participation we could expect (Verba et al, 1995). Following de Tocqueville's analysis on socio-economic inequality, Putnam has argued that the lower the socio-economic inequalities the greater the chance the association will be democratic and foster horizontal and voluntary relations (Putnam, 1993, p. 147; See also Warren, 2001, p. 36). Associational membership as a distributed resource is potentially more widely and evenly distributed than money or power. However, as already discussed inequalities in power and money are perpetuated in associational membership, and therefore actually reinforce the inequalities of power and money. This then goes against democracy as influence is not



spread equally throughout society, and consequently the autonomy of some is enhanced at the expense of others. Warren acknowledges that it is not necessary for participation in all types of association to be spread equally, as associations such as 'elite social clubs, elite corporatist groups, gated communities, private schools' are by their nature trying to foster privilege and must be constrained externally. However, if participation in all associations e.g. identity groups, neighbourhood associations, civic groups, political associations (that will contribute to the development of participation skills or allow for influence in the public sphere and therefore in some way help atone for the socio-economic inequalities) is also unequally distributed then the consequences of an associational democracy would be the reinforcement of elite rule, so democracy would not be deepened and autonomy not cultivated throughout society. Currently the empirical evidence in western liberal democracies available shows that participation in such associations does mirror socio-economic inequalities (Skocpol 1999; Verba et al, 1995, chapter 12; Schattsneider, 1975; Salamon and Anheier, 1996; Van Deth, 1997, p. 9).

Cohen and Rogers suggest limiting individual financial contributions to political groups, lowering barriers of entry to political processes, but in general see it as necessary to prevent excessive inequalities being generated in the first place through macro-economic measures such as 'inheritance taxes, income redistribution and subsidies for the organisation and representation of under-represented interests' (Cohen and Rogers, 1995, p. 37). In order to address the socio-economic inequalities that lead to inequality of opportunity to form associations and prevent equal access to decision-making arenas, Dahl suggests that taxation could be used to neutralise the privately generated inequalities that affect associations e.g. education, health, housing, income. Such action is based upon the principle that it is legitimate for the state to intervene in economic activity to ensure equal opportunities of participation (Dahl, 1985, p. 105-107).<sup>16</sup> However, it is hard to see how either of these will address inequalities of representation for social groups that are not based upon class, e.g. gender disability and race:

'The injustices of exploitation cannot be eliminated by redistribution of goods, for as long as institutionalised practices and structural relations remain unaltered, the process of transfer will

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<sup>16</sup> Dahl's system would be based around workers co-operatives, which is significant as it is argued that this would benefit socio-economic equality, leading to greater political equality. However, the point that the state is justified to interfere in socio-economic areas, to ensure greater economic equality, is what is significant here.



re-create an unequal distribution of benefits. Bringing about justice where there is exploitation requires re-organisation of institutions and practices of decision-making, alteration of the division of labour, and similar measures of institutional, structural and cultural design' (Young, 1990, p. 53).

Consequently Young suggests there is a need for differentiated resource allocation to associations by the state, to address inequalities between social groups that have arisen from historical processes of disadvantage and oppression (Young, 1995, p. 212). Eckersley similarly advocates that environmental associations need extra resources due to the fact they are poorly resourced and politically marginalized (Eckersley, 2000, p. 130).

Back in 1977 Macpherson recognised that there was a class disparity to political participation, but that this was perpetuated in a spiral of cause and effect i.e. the fact that the lower strata participate less means that they are less able to organise, form demands, articulate demands and effectuate them. This in turn leads to the domination of decision-making from higher class strata groups who do not protect the interests of the lower strata, which reduces their opportunities to participate. Due to the fact of this cycle of low participation and socio-economic inequality Macpherson argues that 'a more equitable and humane society requires a more participatory political system' (Macpherson, 1977, p. 94). Macpherson's analysis here seems accurate, however it is necessary to extend his conclusions about low strata classes to all subordinate groups (Young, 1990). However, we still remain in the dark as to which should come first, above it seems clear that more opportunities for participation would instigate greater socio-economic inequalities. Later he argues that as long as socio-economic inequalities are present the current non-participatory system will be perpetuated, as inequalities need a non-participatory system. Macpherson himself acknowledges that we are caught in a vicious circle because; 'it is unlikely that either of these prerequisite changes could be effected without a great deal more democratic participation than there is now' (Macpherson, 1977, p. 100).

If equal democratic participation in all institutions including associations requires greater socio-economic equality, and greater socio-economic equality is only likely to be achieved through increased democratic participation of subordinate groups, then we are left with a 'chicken and egg' question, 'which is to come first?' Gutmann in Liberal



Equality (1980) argues that there should be no further increase in institutionalised opportunities for democratic participation until greater distributive justice is achieved. This is due to the fact that those with the greater resources i.e. the dominant groups will be able to promote their interest at the expense of those from subordinate groups and creating what she calls a 'paradox of democracy' (Gutmann, 1980, pp. 191-197). Democratic participation cannot then be achieved without distributive fairness according to Gutmann. However, I side with Young who claims that waiting for distributive fairness, before aiming for greater participative opportunities, would not only postpone deepening democracy to an 'indefinite utopian future', but also make this achievement exceptionally unlikely, as 'weakening relations of domination so that persons have greater institutionalised opportunity to participate in discussion about and the making of decisions that affect them itself is a condition for achieving greater distributive fairness' (Young, 1990, p. 94). Without changing the parameters for distributive decisions that have been stabilised in welfare capitalist states for some time, significantly greater socio-economic equality cannot be achieved. The parameters will be changed by including new participants (Schattsneider, 1975) into distributive decision-making processes, which will allow for greater socio-economic equality to enable equal participation amongst all citizens: 'Economic equalisation and democratisation...foster one another and should occur together to promote social justice' (Young, 1990, p. 94).

Macpherson's analysis of J.S Mill and Marx seems to lend support to Young's argument. He showed that they both thought an increase in equality would be reciprocated by an increase in participation and vice versa. So we should not expect either of the changes to be completed before an increase in the other will begin. Consequently, Macpherson suggests that we can find loopholes in the circle where there are either cumulative increases in equality or in democratic participation (Macpherson, 1977, p. 101). It seems then that an increase in participation could lead to a decrease in inequality, which could lead to a further increase in participation. However, this argument is dependent upon the initial increases in participation leading to a greater feeling of efficacy.

Efficacy is the belief that one's participation would influence collective decisions and is defined by Angus Campbell, Gerald Gurin and Warren Miller in The Voter Decides



(1954), as 'the feeling that individual political action does have, or can have, an impact upon the political process, i.e., that it is worth while to perform one's civic duties. It is the feeling that political and social change is possible, and that the individual citizens can play a part in bringing about change' (Campbell et al, 1954, p. 187). Robert Lane in Political Life (1959) realised that there are two components to efficacy, the internal aspect being the self-perception of individuals that they have the necessary skills to influence an impact and the external component being the feeling that institutions are structured in a way that will allow them to have an impact. It is not an objective concept i.e. whether an individual's participation will influence collective decisions, but subjective as to whether someone perceives whether their participation would have an impact. Despite it being subjective, the resources available to an individual, and the extent and manner of institutional opportunities for participation will influence feelings of internal and external efficacy, and so will 'success' in participation: 'In developing efficacy nothing succeeds like success...But one can also be trained otherwise: a history of discouragement and failure produces passive and fatalistic individuals; they come to lack the psychological resources to act even when circumstances permit' (Warren, 2001, p. 71). The problem with participating in deliberatively democratic decision-making is that preferences are expected to change at least to some extent due to debate. Consequently it is hard to interpret whether an individual has been 'successful', especially if success is perceived to be recognising ones original preferences in the final decision. However, Warren points out that New Social Movements have bred feelings of efficacy in terms of 'conscious raising', and it is perhaps in this manner that deliberative democracy might enhance efficacy.

Warren suggests that the undemocratic effects of inequality will be softened by pluralism. If citizens have multiple and fluid membership in associations then the inequalities from each sphere should be contained to a certain extent as well as ensuring that democratic power is not determined by any single ascriptive characteristics, a factor which is essential for the cultivation of autonomy (Warren, 2001, p. 215). This is based upon an argument from Rosenblum, which states that associations can prevent socio-economic injustices being translated into the association to which one is a member. This means that those with low status occupations for example can still receive high levels of respect and prestige in an association if they have certain attributes and skills that are useful to the association. So in a local football club for example, a lawyer could be



playing with a bin-man, or in an association providing support for those who have suffered from mental illness a cleaner and bank manager could be sharing their feelings and experiences. However, this equalising effect of associations is decreased or completely eliminated in hierarchical associations (Rosenblum, 1998).

Neither should we ever expect to achieve complete equality, but neither does legitimacy require it, as Mansbridge argues no democracy has or ever will achieve complete equality, so this cannot be a requirement for justification (Mansbridge, 1996, p. 54) and must instead remain a guiding ideal. However, if it is a 'rough approximation of political equality' that we are aiming for then Mansbridge is right to claim 'that most policy outcomes in today's democracies do not derive from procedures that even approach that standard of fairness' (Mansbridge, 1996, p. 55).

It seems then that an increase in participation in associations is the necessary first step towards an associational democracy, but is there any evidence to suggest that this increase will ever arrive?

#### **5.4.5 Evidence of Conducive Dispositions**

I would agree with Macpherson and Rousseau that reaching a participatory democracy is the key problem, and this is the case for deliberative democracy as well: 'The main problem about participatory democracy is not how to run it, but how to reach it. For it seems likely that if we can reach it, or reach any substantial instalment of it, our way along the road to reaching it will have made us capable of running it, or at least less incapable than we are now' (Macpherson, 1977, p. 98). This is what Rousseau meant when he said 'once you have citizens you have all you need' (Rousseau in Blaug, 1999, p. 155). The dualistic model outlined here certainly could not operate with present levels of apathy, but 'such a system could not have been reached except by a people who had thrown off their apathy' (Macpherson, 1977, p. 111).

For the norms of deliberative democracy to become established within associations, they will require 'supportive beliefs' and 'deliberative obligations'. Even if these supportive beliefs are generated by the implementation of deliberatively democratic rules and procedures and civic virtue through participation in associations, 'they are likely to emerge only after a time-consuming process in which people "get used to" and



begin to feel "at home" in the new institutional framework' (Offe, 1995, p. 117). The big test then is whether the associations can endure the transitional period, while the complementary attitudes and behaviour become the norm dominant. Unfortunately aspects of liberalism like possessive individualism and market competition have had such an encompassing effect upon 'the everyday habits, practices, expectations, and modes of thinking of investors, consumers, bureaucrats, employees and commercial organisations' that such patterns and norms of behaviour will be very difficult to be replaced, preventing the required change in dispositions that deliberative associations will need to last and cement. This barrier to institutional change is enhanced by the inevitable fact that institutional change in liberal democracies occurs in a situation where the institutional framework and practices that we seek to replace are dominant. Before any steps towards an associational democracy can be made then, there must be 'active popular support' which means the promise of an associational democracy must 'connect with the deeper aspirations to democratic order' (Cohen and Rogers, 1995, p. 125). As Offe points out (1995, p. 25), Cohen and Rogers do not explain what the deeper aspirations are likely to be. I have argued that these 'deeper aspirations', is the desire to be as autonomous as possible in a collective. Another necessary change is that people need to appreciate that to cultivate their autonomy further they must develop and exert their own capacities and that this can only be achieved through association with other citizens and a change to the present institutionalised decision-making framework (Macpherson, 1977, p. 99).

Decline in political participation throughout liberal democracies is already starting to raise serious questions over the legitimacy of present institutions. One hypothesis is that people are becoming disenfranchised from the system, as they come to appreciate that the institutions of liberal democracy means that their participation makes no difference to the decisions that will be made. If this is the case then the next process that needs to happen is for people to actively seek and campaign for new opportunities and methods of participation. In his important work Culture Shift in Advanced Industrial Society (1990), Ronald Inglehart presents the case that a 'postmaterial ethos' is growing in developed liberal democracies generation by generation. Key aspects of this postmaterial ethos are centrality of self-government to recent generations, expectations of 'competent government' and a growing disposition to question authority. One of the principle reasons why this postmaterial ethos is growing



generation by generation is that material needs are becoming increasingly satisfied, and consequently preferences shifting towards public and social goods. Weale has suggested that the rise of deliberative democracy has occurred due to this post-material ethos (Weale, 2000, p. 1). Warren cites empirical evidence from associational studies in the USA that support Inglehart's prognosis. Studies by Ladd and Bennett<sup>17</sup> suggest membership in and numbers of informal associations, recreational association, lifestyle associations and functional associations i.e. those related to care, school, work and neighbourhood, are on the increase. These new types of associations are particularly apt at fulfilling the function of subsidiarity. However studies by Putnam (1995) and Skocpol (1999) suggest that more traditional forms of representative association are in decline. In contrast Jeffrey Berry's The New Liberalism (1999, chapter 3), evidence shows associations that form new social movements and represent subordinate groups are on the increase in the USA and that they are becoming increasingly successful in influencing the agenda. The study by Verba et al indicates that declines in voter turn-out is not due to a decline in associational membership, and report increases in participation in community associations (Verba et al, 1995, p. 68-91). The difference between these empirical studies may be due to the likes of Putnam and Skocpol 'equating civil society with traditional forms of voluntary association' (Cohen, 1999, p. 212). In contrast present participation takes place in a myriad of small scale, face-to-face groups, but that can still add to 'oppositional public spheres', which have adapted to 'an altered environment of civil, economic and political institutions' (Cohen, 1999, p. 226 & p. 241). Cohen cites a study by Hirschman, which indicates that participation is moving away from traditional forms of participation and becoming increasingly episodic and issue orientated (Cohen, 1999, p. 225). It may well be the case that these 'new types' of association are more difficult to integrate into mediating forums, but it does show that participation is not in decline. In terms of participation in British associations, Konrad Eldson et al's study Voluntary Organizations (1995) from the early 1990s, suggests that there were about 1.3 million associations with approximately 12 million participants (Eldson et al, 1995).<sup>18</sup>

Now I am not claiming that people will unite behind the idea of a system of

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<sup>17</sup> Ladd (1999) and Bennett (1998).



deliberatively democratic associations, but I hope I have argued sufficiently that such a system would promote the equal autonomy of all better than the present system. If people were to unite behind this idea then it could provide the required 'supportive beliefs' that institutional reform obviously requires. I am not suggesting this will happen only that it is possible and that it should. As Young appreciates, social change arises from politics and not philosophy, but ideas can provide an essential role in that process of politics because 'they dislodge our assumption that what is given is necessary. They offer standpoints from which to criticise the given, and inspiration for imagining alternatives' (Young, 1990, p. 256).

The key problem remains that any restructuring of the present institutional framework towards an approximation of deliberative democracy, will be resisted by those who will lose their present advantages, and so Eckersley may well be right that the ideal of deliberative democracy will remain purely aspirational (Eckersley, 2000, p. 131).

### 5.5 Conclusion

The state cannot take a neutral stance towards associations, and therefore I suggest it should try to ensure associations fulfil their potential democratic functions, and limit the undemocratic consequences of associations. In this sense I think Hayek is wrong to suggest that the undemocratic consequences of associations are inevitable. Given the right institutional mix, civil society can produce a vital and dynamic public sphere that can transform opinion, oppose the state, influence the agenda and form networks based upon communication and co-operation. However, for this to happen the state should interfere and regulate the public sphere as little as possible as these phenomena are more likely to occur spontaneously than through bureaucratic state interference. This is the first part of a dualist strategy. The second part is the institutional decision-making mediating forums. The state should however, devolve power both territorially and functionally to flexible institutions e.g quangos, in a manner compatible with subsidiarity. These institutions should then hold forums in which representatives from interested associations assemble to make decisions based upon the norms of deliberative democracy. The representatives should be fiduciary's and be descriptive and or interest representatives.

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<sup>18</sup> However, this study does trace participation in more traditional forms of participation and therefore would also be open to Cohen's critique.



The state can and should play a role in a transition to this dualist system, by providing financing these associations, regulating their internal structure, devolving the necessary powers and providing trained mediators for the forums. It also needs to try and address present socio-economic inequalities, which affect equality of participation, but this needs to go hand in hand with an opening up of more opportunities for participation. However, at present it does not seem to be a state imperative to do this, and the initial impetus for change and the pressure to make the states' imperative of legitimacy entail allowing for opportunities for deliberatively democratic participation, is likely to come from civil society itself, particularly new social movements. However, the dualist system is a normative theory and I only claim that these changes could and should happen, not that they will.



## CHAPTER SIX: AVOIDING THE MISCHIEF OF FACTIONALISM

### 6.0 Introduction

Associations play a role in setting the political agenda, generating possible options for policy, implementation of these options or opposition to change, and in the formation of preferences, beliefs of their members. However, associations can fulfil these roles without being democratic, either internally or externally, a problem that Cohen and Rogers term 'the problem of faction' (Cohen and Rogers, 1995, p. 7). They attempt therefore to resolve the problems of already existing associations, of how to integrate them into the political system in a democratic format, and elaborate on what this would entail. The previous two chapters offered a dualist model, with internal democratic requirements for associations to gain political recognition, as a method of achieving just this. However, has this eliminated the problem of faction? This is the focus of this chapter.

In Federalist Papers, Number 10 (1966, first published in 1788), James Madison provided one of the most famous and longstanding conceptions of factions. Madison warned that factions could lead to instability, increased conflict, disregard of the common good, disregard for justice and rights and coercive rule of majorities (Madison, 1966, p. 16). He defines a faction as:

'a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community' (Madison, 1966, p. 17).

For Madison, it is associations that are the vehicle for political factions to mobilise. In contrast, de Tocqueville argued that associations allow citizens to learn of their mutual independence, and in turn create a civic consciousness, trust and reciprocity that is not based upon selfish interests, but is in fact 'self-interest rightly understood' (Warren, 2001, p. 30). This argument was presented and considered in Chapter Three, with some sceptical considerations, but also some support.

The only way to solve the mischiefs of faction, according to Madison, is to remove its causes or control the effects. Now the causes are perceived to be liberty, the removal of which would be worse than factional mischiefs, the other by ensuring all citizens have the same preferences and interests, which he rightly concludes is impossible even in the



most homogeneous societies (Madison, 1966, p. 19). Therefore the mischiefs of faction can only be alleviated through controlling the effects, which Madison thinks is best achieved by having a large republic, with a powerful state, based upon representative democracy. He argued that citizens would be involved in the political process through voting in elections, and this would ensure citizens could protect their own interests without the need for the 'violence of factions' (Madison, 1966, p. 19). Voting for representatives would then insulate the political process from factions as it 'enables the majority to defeat their sinister views by a regular vote' (Madison, 1966, p. 19). Yet this is only the case if the factions are minorities. Consequently, he advocated a large state and a representative system to protect democracy from majority factions. He thought representatives would be better situated to determine the common good. Nevertheless there is still the danger that the representative body itself will form a powerful faction, a large state was seen as the cure for this danger as it ensured there would be a high number of representatives, a greater number of suitable citizens to be representatives and would increase the chances of unsuitable representatives being identified by the citizenry.

The associational model, outlined in the previous three chapters, is at odds with the solutions to factionalism advocated by Madison and those following in his tradition. In fact sympathisers of Madison would argue that such an associational model is completely open to the 'mischiefs of factionalism' that Madison identified. This is particularly worrying as I have advocated the associational framework as a suitable method for the institutionalisation of deliberative democracy, which has been justified as a decision-making framework thought to enhance the common good (Cohen, 1991; Bohman, 1996; Habermas, 1996a). Associations as a location for deliberative democracy could then eliminate this product of deliberative democracy, which could in turn, eliminate the justification of the common good.

The question arises if it is inevitable that the inclusion of associations into the policy process will lead to the problems of faction? Or is this current democratic disease dependent upon the way associations are internally organised and make decisions and the way various associations interact externally? It is my contention that by changing the internal and external relationships of associations to decision-making structures based upon the principles of democratic deliberation, the symptoms of faction could be



cured. Moreover, I shall also argue that the pursuit of the common good should not and cannot always be the aim of deliberative democracy. Firstly in section 6.1, I shall dispute some central arguments from republicanism about the nature of the common good and its relationship to private interests. This argument is necessary to accurately discuss the relationship between the common good and deliberative democracy, which shall be conducted second in section 6.2. In section 6.3 I will outline how the dualist model of associationalism differs from a neo-pluralist model of associations and moreover how these differences mean the mischiefs of factionalism are avoided in the associational model.

### **6.1. The Republican Model and the Common Good**

With any model of democracy the question arises ‘how is it possible to “reconcile each individual’s free pursuit of his own objectives with the common good?”’ (Manin, 1987, p. 351).

In contrast to the neo-liberal model, republicanism rejects the idea of making policy based upon bargaining among associations, each aiming to promote their own interest, and believes state policy should aim at advancing the common good. Due to the problems of faction mentioned above, republicans seek to safeguard policy processes and increase the power of public authorities that are in a position to consider and act upon the common good. In order to reach the common good, private interests must be excluded, and the common good would then ‘transcend the mere sum of individual preferences’ (Fraser, 1992, pp. 129-130). This argument is based upon a distinction between common interests and special interests. Schattsneider thinks the evidence of, a community surviving, suggests that there is something that holds them together, a ‘common interest.’ Special interests are shared by only a few people and are therefore exclusive (Schattsneider, 1975, p. 23). In this theory the principal function of government is to promote this public interest and must be decided upon between the citizens. However, republicans also argue that if citizen’s decisions are to ‘achieve’ the common good, private interests should not be allowed to ‘invade the public domain’ (Arendt in Mansbridge, 1996, p. 49).

This argument by Arendt was based upon a similar distinction to that made by Schattsneider, between ‘political’ opinions and ‘social and economic’ interests, which



are materially based (Arendt in Mansbridge, 1996, p. 49). Claus Offe, in 'Contradictions of the Welfare State' (1984), also wants to insulate the political process from private interests, arguing politics should be about adjudicating between competing conceptions of the common good not private interests (Offe, 1984, p. 173). It is such motivations that led Arendt to claim that citizens who participate in associations based upon private interests are blackmailers and not citizens (Arendt in Mansbridge, 1996, p. 49).<sup>1</sup>

In the republican model, the common good is then seen as something distinct from the private interests of the individuals. Sieyès provides one such conception of the common good. In order for a society to cultivate the autonomy of its citizens, democracy is required, and for democracy to pertain a common will is needed: 'This will must of course be the sum of all individual wills, as was doubtless the case when a group of men joined in a political society, and the common will represented exactly the sum of all individual wills' (Sieyès in Manin, 1987, pp. 341-3422). We see here that it is essential for all to participate in the realisation of the common good, and that it must represent the will of all, but not the private interests of all. This then is unanimity, and associations are perceived to detract from this unanimity because they pursue private interests:

'When special interests begin to make themselves felt, and when smaller societies influence the larger one, the common interest changes, and finds opponents. Unanimity no longer reigns, the general will is no longer the will of all, contradictions and debates arise, and the best point of view is no longer accepted without disputes' (Rousseau in Manin, 1987, p. 346).

In such a situation the public will is no longer 'right.'

Such a suggestion raises a serious problem: Is it possible for state institutions to be insulated from the particular interests of such associations? In all modern democracies there is a vastly unequal distribution of resources of financial, social and political capital, which can be used to gain influence and apply pressure on the state. Cohen and Rogers suggest that it is an 'implausible assumption to think that the state can resist the

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<sup>1</sup> In contrast Mansbridge argues that private interests are legitimate areas for public debate and therefore it is legitimate for them to be included in the process of decision-making. If private interests conflict and they are left unaddressed and unresolved then the status quo will be maintained and this will usually benefit already dominant groups, therefore undermining the autonomy of those in subordinate groups. This argument will be discussed in more depth in a following section.



demands and supplications of organised business interests in an environment densely populated by those interests' (Cohen and Rogers, 1995, p. 25). The solution might be to ban associations from the political process, but this ignores the democratic functions that associations fulfil, outlined in Chapter Three, however, it is what republicans suggest. In contrast Mansbridge thinks associations provide essential 'protected enclaves', where the members (if internally organised around the norms of deliberative democracy) can deliberate upon their shared (private) interests as well as the common good: 'Members of these groups may legitimately take particularist as well as universalist stands, as they may legitimately challenge the underlying assumptions of these forms of universalism around them' (Mansbridge, 1996, p. 57).

In Rousseau's conception, there is no need for debate, citizens should already have decided upon their preferences in private. The 'general will' will be 'evident, simple and luminous' and so there is no need for collective deliberation: 'Long debate, dissension, and tumult betoken the ascendance of private interests and the decline of the state' (Rousseau, 1968). There seems to be a contradiction in Rousseau's analysis here as he argues that the common good is only attainable if democracy is insulated from private interests, but this can only be achieved if people contemplate the common good in private. The suggestion is that minority groups only need to fear the tyranny of the majority when the factions are motivated by personal interests, (as Madison assumed all would be), they cannot be tyrannised by majority motivated by the common good. In contrast I agree with Manin's criticism of Rousseau that 'a legitimate decision does not represent the will of all, but is one that results from the deliberation of all. It is the process by which everyone's will is formed that confers its legitimacy on the outcome, rather than the sum of already formed wills' (Manin, 1987, p. 352). This definition is consistent with the conception of autonomy outlined in the first chapter. The idea implicit in many conceptions of deliberative democracy is that public debate will encourage participants to offer 'public' arguments, as naked self-interest will be unjustifiable to the collective. Therefore debate will not lead to the ascendance of private interest, but a focus on public interests. Rousseau in contrast seems to be unable to offer a convincing account of why citizens' private deliberations will lead them to focus on the common good. However, Manin still accepts that 'the formation of the collective will is the essential moment of political decision-making'. This will is to be formed through democratic deliberation in which all can participate and form their wills



and not through the aggregation of previously formed preferences (Manin, 1987, p. 352).

Manin further criticises the republican view of Rousseau for its lack of recognition of minority opinions because majority opinion is interpreted, as the general will. Rousseau suggests that the minority are still autonomous because they are obeying laws that are what they really wanted and that they were simply mistaken about what they wanted. Rousseau believes that because the sovereign is composed of every citizen, it will not have an interest contrary to that of any member. We see here the necessity that the members of the community have the same interests and ethical values, or what Rousseau describes as 'universal and compelling power' (Rousseau, 2: iv, 1968, p. 74). Because it is thought that members of the community will not make a decision that goes against the whole community, it cannot damage any individual in that community. Owing to the necessity of an ethical and historical unity within the community, no outsiders can join and anyone who disagrees or cannot align themselves with the moral code is excluded and ruled tyrannically by the majority. I would suggest that this combined with the lack of protection for individual rights allows for a permanent minority to exist on every decision made. Consequently the autonomy of the permanent minorities, or any individual who did not conform to the ethical views of the community would have not be cultivated. As Manin argues, minority opinion is in no way incorporated into the will of the majority and institutional design must ensure minorities can still register their opinions and arguments even if the majority does not accept them. He continues to argue that secondary associations can best fulfil this aim and in fact suggests that this is the ultimate justification for pluralism and associations: 'Their power must force the majority to take into account in its actions the interest of those it does not represent. Those counterforces, checks and balances are necessary because majority will is not the equivalent of the will of all' (Manin, 1987, p. 360).

Waldron shares this criticism of Rousseau, and argues that if it is to be achieved citizens must 'aspire to make political decisions that strike a proper balance between the interests of the various members of society' (Waldron, 1993, p. 407). Waldron also accepts that when an issue first reaches the agenda there is no guarantee the majority will be right about what decision would reflect the common good. However, following a democratic debate there is a much greater chance that the majority decision will now



be correct (Waldron, 1993, p. 413). This then requires that 'respect is owed to minority opinions as opinions. They should be aired in debate, and given an effective opportunity to win supporters' (Waldron, 1993, p. 415). Waldron also indicates that associations may well be motivated by public concern:

'Though it is easy to categorise the pro-choice and pro-life activists as 'interest groups', it is pretty clear that the issue between them is more a Rousseauian disagreement about the basic principles of social life than a Benthamite clash of different and incompatible claims to satisfaction' (Waldron, 1993, p. 410).

If this is the case then maybe republicans are mistaken to think that associations will detract from the achievement of the common good, but how can we assume that participants will be motivated by public concern and not private interests? It appears that republicanism requires citizens to be committed to the public good prior to the commencement of the political process, and therefore requires a 'substantive ethical consensus.' In contrast deliberative democracy is not reliant upon a previously established ethical consensus, as identities and preferences are to be formed through access to the force of better arguments (Habermas, 1996b, p. 24). The common good and dedication to it therefore formed during the process of 'horizontal political will-formation aimed at mutual understanding or communicatively achieved consensus' (Habermas, 1996b, p. 21). Deliberative democracy therefore seeks to 'compromise competing interests in a manner compatible with the common good' (Habermas, 1996b, p. 25).

Young is also critical of republicanism's 'commitment to a unified practice' as she terms it. In practice she argues that this leads to subordinate social groups due to the processes of cultural imperialism, described above (Young, 1990, pp. 183-184). Despite Habermas' claims to the contrary, Young notes some deliberative democrats take too strong a republican stance, for example Walzer who suggests that there needs to be a 'shared understanding' prior to democratic discourse. Miller also suggests that there needs a shared identity that transcends all other identities, which can only be fulfilled by a national identity (Miller, 2000, p. 158). Now although 'shared understandings' and 'shared identities' are an attempt to provide the grounding for the necessary deliberative obligations discussed in chapter two, given the pluralism in modern societies we cannot assume shared understandings and such a suggestion also eliminates the preference transformation role of argument. Unity and consensus cannot



therefore be a prerequisite for deliberative democracy, even unity and consensus upon national identity. This is not to say that there is no role for national identity, but only that this needs to be constructed through democratic deliberation itself (Young, 1996, p. 127). Such models therefore fail to meet the condition of reasonable pluralism, outlined by Cohen as; ‘the fact that there are distinct, incompatible understandings of value, each one reasonable, to which people are drawn under favourable conditions for the exercise of their practical reason.’ This then requires that; ‘no comprehensive moral or religious view provides a defining condition of membership of the foundation of the authorization to exercise political power’ (Cohen, 1997, p. 408).

Martell (1992, p. 164-165) argues that the idea of a general will dates to pre-modern times before nation-states were established when homogenous city states would claim to have a unified common interests.<sup>2</sup> However, now that nation-states are the principal unit of political organisation, and that they are characterised by a cacophony of plural divisions and differences, a common will cannot be sustained. If a common will is established, in reality it is the will of the majority: ‘The general will is more often than not a mythical construct, an imaginary community, which is insensitive to, and suppresses, real diversity and pluralism’ (Martell, 1992, p. 165 and 1996, p. 165). It seems then that the republican’s conception of the ‘common good’ and ‘general will’ cannot respond to the challenges of modern day pluralism, without exclusion of minorities in its definition. However, we still cannot conclude from this that the inclusion of private interests will not detract from the common good.

Young responds to the claim that increasing group representation would increase conflict and the mischiefs of faction, making consensus harder to achieve and making it less likely that the common good would be achieved. This criticism is based upon the assumption that group differences, necessarily means that there are conflicts of interest. Young argues that including such groups can provide valuable information which enriches the understanding of issues for all participants involved, and if new conflicts do arise then these are issues that need to be debated in order to be resolved: ‘To the extent that group differences produce or reflect conflict, moreover, group representation would

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<sup>2</sup> As Martell notes it is unlikely these city-states were as homogenous as they thought and that the ‘general will’ was in fact formulated upon the exclusion of large sectors of society.



not necessarily increase such conflict and might decrease it' (Young, 1990, p. 189). Furthermore, because the source of conflict is often because such groups are excluded, the increased participation of representatives from such groups can change these 'structured relations of oppression' and therefore change the nature of the conflict, reducing it in many instances:

If 'the alternative to stalled decision-making is a unified public that makes decisions ostensibly embodying the general interest which systematically ignore, suppress, or conflict with the interests of particular groups, then stalled decision-making may sometimes be just' (Young, 1990, p. 189).

Drawing upon black and feminist liberation theorists, Young argues that cultural imperialism has enabled dominant social groups to establish the norms of society. This means the perspectives and norms of subordinate groups become 'invisible.' This is because cultural imperialism is the universalisation of the dominant group's 'experience and culture', this is achieved through the domination of channels of 'interpretation and communication' of society which means they become established as the norm. This occurs to such an extent argues Young, that the dominant group's interpretation of other social groups also becomes the established one, hence the irrelevancy of the views and perspectives of the subordinate groups:

'Since only the dominant group's cultural expressions receive wide dissemination, their cultural expressions become the normal, or the universal, and thereby unremarkable. Given the normality of its own cultural differences, which some groups exhibit as lack and negation. These groups become marked as Other' (Young, 1990, p. 58-59).

Reich is correct to argue therefore that 'it is only through public deliberation that the shared understandings that animate public policy can be examined and the tacit assumptions about what is wanted can be revised' (Reich, 1988, p. 138; See also Urbinati, 2000, p. 774).

Under the republican's conception of the formation of the common good certain groups are excluded and dominant groups appeals' to neutrality or the common good actually disguise their biased and particular interests. Can deliberative democracy make up for republican failings and meet the challenge of pluralism without exclusion and allow for the formation of a common good without relying on cultural imperialism without being inflicted by the mischiefs of factionalism?



## **6.2. Deliberative Democracy and the Common Good**

Urbinati suggests that there is a distinction within the theory of deliberative democracy between the consensus model of deliberative democracy and the agonistic model of deliberative democracy (Urbinati, 2000, pp. 773-774). This distinction is an important one in terms of how the common good is to be understood.

Joshua Cohen (1991, 1997) is the most prominent theorist advocating the consensus model. He argues that the principle justification of deliberative democracy is that it ensures people will focus upon the common good, but furthermore reduces the differences about what the common good is. This is achieved through the sharing of information, which ensures 'distorted' conceptions of the common good are reduced.

According to Blaug (1996, p. 54) and Eckersley (2000, p.121) the agonistic model of deliberative democracy derives from the postmodern scepticism with the possibility of the impartiality required by the consensus model. Iris Marion Young (1990, 1996, 1997) is a vociferous advocate of this model and is not concerned by differences persisting, in fact she praises differences as she sees them as essential for democratic deliberation, and are in fact what makes it worthwhile in the first place. As Urbinati describes it agonistic democrats 'emphasise the critical moment, or the process, more than rational consensus on a final definition of general good' (Urbinati, 2000, pp. 773-774). These two models of democratic deliberation and their relationship with the common good will be considered in turn.

### **6.2.1 Consensus Model**

Cohen is critical of the pluralist model of democracy that is based upon ensuring fair bargaining between competing groups attempting to promote their particular interests. In contrast he argues that debate should be based upon alternative conceptions of the common good (Cohen, 1991, p. 18). He argues that democratic deliberation will best achieve this, as through the process of sharing information, perspectives and experiences, the identity and interests of citizens will be shaped in accordance with 'a public conception of the common good' (Cohen, 1991, p. 19). It is then the nature of debate in a deliberative democracy and its reliance upon rational justification for public values that distinguishes it from the pluralist conception. As previously discussed in Chapter Two, the ideal of deliberative democracy aims at the inclusion of all, but the pluralist ideal can also aim at the representation of all groups. In short the key



difference is that the pluralist system does not aim at advancing the common good and therefore cannot achieve it because 'we cannot expect outcomes that advance the common good unless people are looking for them' (Cohen, 1991, p. 20). Cohen thinks that a deliberative democracy is likely to lead to agreement on policies that will advance the interests of all, and therefore advance the common good, because citizens will be focusing on providing public arguments (Cohen, 1997, pp. 420-142):

'This is not because collective decisions crystallize a shared ethical outlook that informs all social life, nor because the collective good takes precedence over the liberties of members, but because the requirement of providing acceptable reasons for the exercise of political power to those who are governed by it... expresses the equal membership of all in the sovereign body responsible for authorizing the exercise of that power' (Cohen, 1997, p. 416).

Here we see that Cohen is keen to distinguish the deliberative democracy conception of the common good from that of republicanism, pointing out that it is public reason that leads to its establishment and not 'a shared ethical outlook', and ensuring that the common good is not separate from the freedom of individuals.

Cohen is aware that even in ideal conditions for deliberative democracy there is no reason to think that participants would not justify personal interests as the common good. Consequently, a deliberative democracy needs citizens that are committed to deliberation and therefore to offer public reasons. However, this is achieved through the nature of deliberative democracy. If all are included then the reasons must be persuasive to others to have any affect upon their preferences. Furthermore, by offering public reasons citizens will cultivate a commitment to deliberatively democratic decision-making, and their preferences will also be shaped by these reasons (Cohen, 1991, p. 24). I think Cohen is right that deliberative democracy, as a model of decision-making, encourages participants to offer reasons that will convince others of the validity of their preferences and that these reasons will also affect their own preferences and I invoked this argument myself in a chapter two, this is why, 'it is unnecessary to specify in advance what kinds of reason will be permitted to determine policy; we should rely instead on the process of deliberation to select reasons that are generally accepted' (Miller, 2000, pp. 151-2; See also Cohen, 1991, p. 29).

However, as I have also argued this conception of public reasoning is too strong a demand. This is because there seems to be no element of deliberative democracy that will ensure that participants will offer reasons in line with the 'common good' and that



are convincing to all participants. For example people may offer reasons that are aimed at a majority, or the largest minority. Moreover, because different citizens have different social contexts they will find different arguments convincing. Following Miller we concluded that deliberative democracy must aim for the decision 'that enjoys the widest possible support', not just majority support (Miller, 2000, p. 152).

The consensus model, although an improvement to the republican model because it does not entail an a priori consensus, realizes the importance of debate in forming a coherent conception of the common good and takes minority opinion seriously, still fails to meet the demands of pluralism. Dominant groups are still able to universalise their particular interests as the common good. This is because the demands of the consensus model of finding reasons that are convincing to all are too excessive and do not provide subordinate groups with enough opportunity to advance their particular interests, as in the consensus model of deliberation, these interests are incompatible with a common good that all can accept.

### 6.2.2 Agonistic Model

A central justification of the agonistic and consensus models of deliberative democracy is it claims, 'the test of whether a claim upon the public is just merely an expression of self-interest is best made when those making it must confront the opinion of others who have explicitly different, though not necessarily conflicting, experiences priorities and needs' (Young, 1990, p. 186). In contrast to the consensus model, the agonistic model does not aim to eliminate differences, but in fact sees difference as a resource for democracy and deliberation: 'A richer understanding of processes of democratic discussion results if we assume that differences of social position and identity perspective function as a resource for public reason rather as divisions that public reason transcends' (Young, 1996, p. 127). Furthermore this model rejects that the common good is the sole aim of deliberation, as Benhabib suggests, the public agenda should never be restricted or predetermined as deliberative democracy 'encourages discourse about the lines separating the public and the private' (Benhabib, 1996, p. 76; See also Fraser, 1992, p. 129). Many issues that were previously considered private concerns, e.g. domestic, environmental and economic issues have been put on the public agenda. These were previously thought to be issues for the individual, market or private ownership, and have now become part of the public agenda. Without allowing minority



and subordinate groups to challenge the current agenda, issues of public concern would forever be set in stone. Consequently, Warren following Szasz, notes that 'mischief on behalf of hidden injuries, is an effect that democracy could do without only in a just society with convergent interests' (Warren, 2001, p. 35).

The danger is that the 'common good' might not be common at all, but simply a perpetuation of inequality. As Young explains:

'When discussion participants aim at unity, the appeal to a common good in which they are all supposed to leave behind their particular experience and interests, the perspectives of the privileged are likely to dominate the definition of that common good. The less privileged are asked to put aside the expression of their experience, which may require a different idiom, or their claims of entitlement or interest must be put aside for the sake of a common good whose definition is biased against them' (Young, 1996, p. 126).

The reason the definition is biased against them is because social and economic inequalities persist and the conception of the common good requires the devaluing or exclusion of alternative, yet legitimate ideas, interests and frameworks of thinking: 'A common consequence of social privilege is the ability of a group to convert its perspectives on some issues into authoritative knowledge without being challenged by those who have reason to see things differently' (Young, 1997, p. 399). This does not necessarily mean that dominant groups are acting strategically when doing this. Christiano talks of cognitive bias, which prompts individuals to be more responsive to their own interests than to others, and is intensified in diverse societies: This means 'if many advance conceptions of justice in public discussion that reflect their interests, those who lack opportunities to advance their own will lose out' (Christiano, 1997, p. 259). In order to ensure equality and fairness we must allow the assertion of the interests of all, as dominant groups will have a greater advantage in disguising their interests as the common good, and this must be challenged.

However, the agonistic model avoids this as unlike the consensus model, which demands public deliberation be solely about the common good and therefore seeks to exclude private interests a priori from the public sphere, the agonistic model accepts that if deliberation cannot involve debate about private interests, then citizens will not be able to enhance the autonomy of these private interests, as they must be kept 'off the deliberative agenda. As Mansbridge has realised it is minorities and subordinate groups that will suffer most greatly from this: 'The less powerful may not find ways to discover



that the prevailing sense of 'we' does not adequately include them' (Mansbridge in Fraser, 1992, p. 130). Democratic deliberation may lead to agreement upon a common good, but this cannot be presumed. Private interests may not be transformed so that a consensus is reached, interests will continue to conflict as will views about what the common good is. It is precisely because a common good cannot be presumed that no limits can be placed upon what issues or arguments can be involved in deliberation. If this is the case then autonomy cannot be cultivated to the maximum possible (Warren, 2001, p. 24).

The dualist model of institutionalising deliberative democracy, outlined in the previous chapter, does not rely upon the participants to be 'impartial rationalisers'. On the contrary the representatives deliberating in the forums, and the associational members deliberating between themselves are participating precisely because they are particularly situated. This is essential to a realistic conception of deliberative democracy, as Johnson argues:

'a plausible argument for deliberation must not-in the effort to differentiate deliberation from bargaining- categorically exclude either self-interested claims or the conflicts that such claims might generate from the range of admissible topics that participants to deliberation might address' (Johnson, 1997, p. 174).<sup>3</sup>

However, it is exactly this mistake that the consensus model seems to make. Associations are collections of people who share some situation. They are then there to assert their beliefs, interests and information that is connected to the association, not to transcend or bracket their identities and specificity. Therefore there is no need to deny the 'partiality of affiliation, of social or group perspectives, that constitutes concrete subjects' (Young, 1990, p. 100).

It is only through allowing citizens to express their private interests in a deliberatively democratic arena where they will hear of the experiences and information of others that they might come to appreciate that their private interests conflict with what they perceive to be the common good. The citizen in question may still be motivated by her personal interest, but at least it provides her with the necessary information to consider her personal interests in light of how it will affect others, something which she might otherwise never have considered. Only democratic deliberation can achieve this.

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<sup>3</sup> Festenstein also realises that this fits in with an accurate conception of deliberative democracy



The consensus model and republicanism do not seem to hold as much respect for the autonomy of individuals as the agonistic model. Both seem to suggest that even when citizens are provided with a range of relevant information and acceptable choices, there is only one correct choice for citizens to take. Therefore they do not respect the autonomously formed preferences of citizens.

Judith Squires provides a compelling criticism of this view in 'Group Representation, Deliberation and the Displacement of Dichotomies' (2000). She argues that synthesising group representation and democratic deliberation leads to instability in decision-making. This is because group representation is necessarily partial, and therefore cannot be reconciled with deliberative democracy, which is essentially an attempt to achieve rational impartiality. I do not accept that this has to be the case. It is true to say that group representation is necessarily partial, but this does not mean that group representatives cannot come to appreciate the claims and interests of others, or that these claims will not affect their preferences. I agree with Young that preferences are transformed through participation in deliberatively democratic debate, making claims more other regarding, but this does not mean rational impartiality in the sense that all should accept a common good independent of their own interests:

'In this move from an expression of desire to a claim of justice, dialogue participants do not bracket their particular situations or adopt a universal and shared standpoint. They only move from self-regarding need to recognition of the claim of others' (Young, 1990, p. 107).

Eckersley makes a similar point, claiming that rather than 'impartiality', deliberative democracy should aim at 'enlarged thinking', which is an 'other-regarding orientation' in the formation and justification of preferences (Eckersley, 2000, p. 121). Yet Squires argues that this is itself an appeal to impartiality (Squires, 2000, p. 103), but I would suggest it is not an appeal to impartiality, but rather an attempt to make preferences 'less partial.' The idea being that impartiality is in fact undesirable and impossible to achieve.

I suggest then that the agonistic model of deliberative democracy best addresses the problems of achieving a common good under conditions of pluralism. It acknowledges difference as a resource for deliberation not a problem to be overcome. Due to the existence of difference the variety of reasons and information will be increased, and citizens will be able to review their interests and their views on the common good in



light of these. Consequently, it allows subordinate groups to express their particular interests and therefore challenge the particular interests of dominant groups, which can be disguised as the common good. This is achieved by not demanding that participants in democratic debate offer reasons that are convincing to all regardless of their context, but work towards a solution that is most acceptable to all. It is the process of debate and information sharing that is key as this can lead to more other regarding preferences, which are in line with the common good. Moreover the agonistic model accepts that although there is a common good in many situations, in others there may not be, and it cannot be presumed a priori, this is itself an area for democratic debate. Where there is no common good a decision still needs to be made, and this should still be made under the same conditions of deliberative democracy.

However, can the dualist model of associationalism institutionalise the norms of deliberative democracy while avoiding the problems of factionalism that are characteristic of the neo-pluralist model?

### **6.3 Associationalism Versus Neo-liberal Pluralism**

According to Offe one of the most dominant theories as to why people join associations is due to differences between people and the way society is organised to respond to those differences. Individuals naturally have similarities of interests, which they will logically wish to promote and enhance. Due to the fact that there are advantages of collective action in promoting these interests by pooling resources, people naturally form associations to do so. Hence the myriad of associations that exist in all liberal democracies (Offe, 1995, p. 126-127).<sup>4</sup>

Pluralists like Dahl, have gone against Madison to argue that factions are ‘a structural source of stability and the central expression of democracy’ as they ensure the fair

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<sup>4</sup> This explanation seems to ignore some empirical facts about associations. Many associations particularly those emerging from socio-political movements, are organised in a way that they do not strive for one interest over another, but in favour of certain principles such as justice. This is because identity and not interest is the prime motive for association. With identity politics it is not clear-cut as to what is their agenda, and who their opponents would be. For Schmitter associations are a new/ modern form of interest group, and any organisation representing causes or rights can be included under the term. Most groups justify their demand not upon the promotion of private interest, but by arguing it is in the public good, or appealing to principles of justice. This discussion will be covered in more detail later in the chapter.



competition of interests (Held, 1996, p. 201). Because there is a diversity of interests in society it was thought this would protect a polity from the 'tyranny of the majority' precisely because it would be separated into competing factions. Moreover the pluralists reject the idea that a common good exists (Fraser, 1992, p. 141).

In Policy Making Democracy (1988), Robert Reich suggests that in the post-war era considerations of pluralism led administrators to assume that there was no longer a unified common good that could be successfully identified and realised. The public interest should therefore be decided through a continuous competition for power among various groups and associations. During this period 'even the words used to describe the responsibilities of administrators subtly changed. Instead of finding the "common good" or the "public interest", the new language of public management saw the task in pluralist terms- making "trade-offs", "balancing" interests, engaging in "policy choices", and weighing the costs and benefits' (Reich, 1988, p. 128). The role of government was then to reconcile and minister these competing and often conflicting demands. The public interest was achieved then if and only if a solution was devised that would accommodate the majority of the competing groups, or at least the most powerful groups. In short 'interest group intermediators have believed the best decision is the one most acceptable (or least objectionable) to the groups affected - that outcome to which the greatest number of participants ultimately subscribe most enthusiastically' (Reich, 1988, p. 135). This meant that associations espousing ideological beliefs, or advocacy associations promoting not self-interested claims, were excluded, as there was no apparent way that their claims could be judged, reconciled and compensated (Reich, 1988, p. 131).

This is the model that is presently most closely approximated by decision-making processes in modern western liberal democracies. The mode of decision-making at the heart of the politics of associational regulation is bargaining. The problems of faction are intensified by the fact that certain groups are over-represented in the bargaining process due to inequalities in opportunities to organise and gain access to the relevant bargaining arenas. Such circumstances have led even the most avid fans of associational democracy to suggest that 'any comprehensive and plausible solution to the problem of faction must include efforts to insulate a politics of the common good from more particularistic aspirations of association' (Cohen and Rogers, 1995, p. 24). Those



associations that represent the interests of business lobbies, unions and professional groups are situated closely to economic media and so have large financial resources to support their political aims through buying access to the mass media, funding political parties, lobbying and funding legal action. Furthermore associations representing businesses have the opportunity to threaten capital flight and business relocation (Warren, 2001, p. 183). This is a threat with ever increasing credibility in the global market, as has happened in the US where anti-pollution legislation causes polluting industries to re-locate in Mexico's Maquiladora sector (Dryzek, 2000, p. 143). When associations do dominate resources in this way then the danger of factionalism is apparent and associations can behave like 'conspiracies against the public interest', as Madison warned. Below I argue that associational model of democracy must particularly ensure that it differs from the neo-pluralist model of democracy by avoiding the assertion of narrow interests, overcoming inequality and the depoliticisation of public life, if it is to avoid the mischiefs of faction.

### 6.3.1 Narrow interests

Cohen and Rogers suggest that the cure to faction is the use of 'public powers to encourage less factionalising forms of secondary association', which will result in these associations being harnessed to make positive contributions to the democratic process (Cohen and Rogers, 1995, p. 9). They argue that faction can be avoided if the interests of the associations are relatively encompassing in terms of both membership and in the range of interests they seek to further (Cohen and Rogers, 1995, p. 61). However, the fact is that many associations do represent narrow conceptions of interest. Schattsneider defined pressure groups as those associations that 'seek to accomplish specific, relatively narrow tasks, to influence policy at selected points, and do not aim at winning the general power to govern.' He further criticises them for not appealing to majority opinion, but the main point here being that interest group do have narrow interests (Schattsneider, 1975, p. 26). There are two ways that I suggest the dualist associational model can avoid the assertion of narrow interests; the first is by its approximation of the norms of deliberative democracy and the second is through encouraging citizens to have overlapping membership of several associations.

As Schattsneider appreciated, even interest groups try and justify their own 'special interests' through public reasons (Schattsneider, 1975, p. 26). Dominant groups also



make similar claims to the common good and justify the status quo, upon principles such as justice, freedom, autonomy, merit and efficiency. It seems Warren is right to claim that 'an association's appeals to commonality may mask conditions and interests that are not, in fact, common' (Warren, 2001, p. 176). Schattsneider seemed to approve of one of the chief principles behind deliberative democracy, that if there is a public discussion, public reasons will be its currency. This is highlighted by his discussion of General Motors:

'Mr. Wilson's famous remark that what is good for General Motors is good for the country assumes that people generally do in fact desire the common good. Presumably Mr. Wilson attempted to explain the special interest of General Motors in terms of the common interest because that was the only way he could talk to people who do not belong to the General Motors Organization. Within the General Motors Organization, discussions might be carried on in terms of naked self-interest, but a public discussion must be carried on in public terms' (Schattsneider, 1975, p. 26-27).

It is therefore not always apparent when an association is making a narrowly selfish claim. Schattsneider suggests that one-way to tell if a group generally seeks the common interest or special interests, is the composition of the group, the other is to judge the claims as exclusive or inclusive. The principle being if the membership is not making claims that it will directly benefit from, then it is a genuine appeal to the common interest (Schattsneider, 1975, p. 25-26). However, as the discussion of the common good in republicanism has hopefully demonstrated, because a group is to benefit from their claims this does not mean that it is not a credible claim to the common good. These claims must then be judged through the exchange of reasons in deliberatively democratic debate, as these claims to the common good may not be accepted by the other participants in deliberation, it depends how convincing the reasons offered are to other participants. Debate is still generated on issues that might otherwise have remained tacit. Warren provides the example of American tobacco companies that tried to keep health issues of smoking off the agenda, but when these issues reached the public agenda they could not argue their profits were more important than peoples' health as these are not publicly convincing reasons. Consequently they justify it by appealing to principles of the common good i.e. freedom of choice, freedom from government intervention in the market and distributive justice in terms of the taxation levied from tobacco sales. There are still some associations that make claims for completely inclusive public goods, such as environmental groups. However these interpretations are still competing with other conceptions of the common good e.g. efficiency, freedom, and autonomy (Warren, 2001, p. 177).



This is why Cohen argues that institutional design should be focused upon fostering 'political debate on the common good, that shape the identity and interests of citizens in ways that contribute to an attachment to the common good' (Cohen, 1991, p. 26). Now it is not clear what institutional design Cohen favors. He is critical of the pluralist model of democracy as it is based upon bargaining between competing private interests. Yet elsewhere he advocates secondary associations as a suitable location for political participation, however, he does not suggest that this participation should be in deliberatively democratic debate. The dualist model of associational democracy outlined in the previous chapter is then a combination of Cohen's ideas of deliberative and associational democracy. Yet can secondary associations, which will represent particular interests as well as competing views of the common good arrive at decisions that will enhance the common good?

Cohen, it seems, would be against the mediating forums I advocated, as they would be (at least in certain cases) organized around local, sectional and issue specific areas. Such an institutional framework he criticizes for not developing opportunities for open ended deliberation and only incorporating a narrow range of interests which would be unable to produce a 'comprehensive conception of the common good' (Cohen, 1991, p. 31). However, this argument seems misplaced. Firstly, Cohen is a strong advocate of secondary associations as a location for active participation, and as he rightly accepts, if these associations are internally organized around the norms of deliberative democracy, as I have advocated, then the sectional interests will be more coherent and autonomous (Cohen, 1991, p. 31). Furthermore, the idea of the forums is that they will bring together representatives from associations with a diverse selection of interests, but ones that are relevant to the decision area in question. Not all people and not all associations will be interested in every area, especially if decisions are to be devolved territorially and functionally and even so representatives from all associations will be able to attend the forums if they wish. Consequently, there is no reason why the forums outlined in the previous chapter should only 'bring together a narrow range of interests' (Cohen, 1991, p. 31). Manin rightly recognizes that in modern complex societies it is impossible to have collective deliberation exploring every possible outcome anyway (Manin, 1987, p. 357).



Cohen suggests that political parties are an excellent source for deliberatively democratic participation because political parties have to:

'address a comprehensive range of political issues, they provide arenas in which debate is not restricted in the ways that it is in local, sectional or issue specific organizations. They can provide the more open-ended arenas needed to form and articulate the concepts of the common good and provide the focus of political debate in a deliberative democracy' (Cohen, 1991, p. 31).

This is surprising as elsewhere Cohen himself acknowledges how political parties exclude many minorities. Consequently many people in society go completely unrepresented except through the associational network. Moreover, political parties are infiltrated by political media, a power dynamic which obstructs the implementation of the norms of deliberative democracy, as was argued in the previous three chapters.

Elsewhere Cohen suggests that secondary associations are essential to advancing the common good: Firstly, they provide a social base for participation. Secondly they provide more information and in turn advance public competence. Thirdly they can fulfill a function of increasing the representation of underrepresented interests, therefore contributing to political equality, associations do contribute to the common good in a manner that political parties cannot. Fourthly, because they provide venues for direct governance, if the necessary powers are devolved (Cohen, 1997, pp. 426-427). So then how does Cohen attempt to avoid the mischief of factionalism and maintain the common good in an associative democracy? Cohen defines the tension thus: 'In seeking to meet the principles of participation and the common good by fostering governance roles for groups, we may heighten the role of group affiliation in defining political identity. And that may encourage a factionalized politics of group bargaining- albeit under fairer conditions- rather than a more deliberative politics' (Cohen, 1997, p. 427).

Cohen counters this by arguing that an associational democracy need not necessarily lead to associations' being narrowly focused and factionalised, if their interaction is regulated by the norms of deliberative democracy. To achieve this 'the associative strategy recommends the construction of new arenas for public deliberation that lie outside conventional political arenas, and whose aim is to establish the desired co-ordination' (Cohen, 1997, p. 429). In the dualist model outlined in the previous chapter these 'new arenas for public deliberation' are to be provided by the forums. The forums



will bring together representatives from associations with common concerns, and the norms of deliberative democracy will ensure that they view and treat each other as 'equal partners in addressing those shared concerns...precisely because discussion in these arenas requires fashioning arguments acceptable to those others' (Cohen, 1997, p. 430). Such a situation is far removed from the neo-liberal interest group system because rather than encouraging associations to pressure the state with private and selfish claims, it demands the associations formulate proposals and offers reasons, which the other associations could accept. Cohen suggests that this would 'plausibly drive argument and proposed action in directions that respect and advance more general interests.' This in turn would mean that associational democracy did not lead to the mischief of faction and increased bargaining, but to the possibility of the advancement of the common good (Cohen, 1997, p. 430).

Alternatively Martell suggests that the dangers of factionalism and particularism can be overcome providing an associational system is based upon 'pluralist social negotiation.' This allows each association to preserve their distinct identities, but still negotiate with other associations and demonstrate respect for their needs and demands (Martell, 1992, p. 171). However, Martell does not give reasons as to why 'pluralist social negotiation' would ensure that associational representatives and members would 'show due regard' for the interests of others. He simply claims that they must. By why must they?

Hirst thinks factionalism will be avoided because citizens will join a variety of associations as people have multiple and crosscutting identities. Associational membership means that they can be members of several associations, which will reflect these diverse and different identities and interests. Associations are connected to specific interests and identities, but this means people will be members of a host of associations (Achterberg, 1996, p. 169). Even with specific identities, people will have choice over whether to join or not, or to retain membership or leave (Hirst, 1994, p. 49-55). (It is important to note that opportunities for exit are not universal across associations, but vary, as Warren appreciates and as I argued in Chapter Three). Walzer argues that due to this overlapping of membership and because associations create space for the participation of citizens over a greater number of functions, the participants will have 'a growing sense of their own effectiveness', which he thinks will be 'the best protection against the parochialism of the groups in which they participate' (Walzer,



1994, p. 189-190). Furthermore, if the associations are internally deliberatively democratic, as I have advocated, then these identities and interests will be more autonomously formed. The argument is then that if citizens are members of several associations, they will have a grounding for appreciating the arguments of others from different associations: 'People are more likely to have some basis for understanding and empathising with others in societies where they inhabit crosscutting and overlapping roles' (Warren, 2001, p. 16).

As argued in chapter two, preferences are partially dependent upon the context in which they are formed and expressed. Sagoff distinguishes between preferences of the consumer and the citizen. Market preferences are based upon self-interest and individual goals, while as a citizen, preferences are said to reflect upon the common good (Sagoff in O'Neill, 1993, p. 172-173). However, J.O O'Neill in Ecology, Policy and Politics (1993) argues that 'the forms of rationality appropriate to the market have begun to impinge on the political, where they are inappropriate' (O'Neill, 1993, p. 174). This magnified by the predominance of neo-pluralist relations, which are 'defined on analogy with the market.' In this model interests group compete for members and money and those with the greatest levels of these will then have 'the market advantage in lobbying for legislation, regulations and the distribution of tax' (Young, 1990, p. 72). O'Neill, Sagoff (1988) and Walzer all argue therefore, for the need to separate politics from the market. Both Sagoff and O'Neill appreciate that in order to achieve this it is necessary to change 'the institutional context in which interests are thus conceived' (O'Neill, 1993, p. 176). The dualist model offers a new framework for the formation and pursuit of interests to the present institutional context prevalent in most liberal democracies.

The dualist model of associational democracy would not and should not prevent associations with narrow interests from participating in collective decision-making. However, it avoids the mischiefs of factionalism that derive from narrow interests in the neo-pluralist by replacing bargaining as a decision-making structure with democratic deliberation. This means that representatives from associations must justify their claims with public arguments if they are to be accepted. They are also presented with a range of new information and experiences from associations, which will be a resource for interest transformation. It will be the force of these reasons that will either be convincing or not to the other representatives, rather than high membership or money.



Furthermore, by making associations a key and central locus for political participation, citizens will be encouraged to be members of several associations, where they will be more aware of the interests of other associations.

### **6.3.2 Inequality of Influence and Participation**

Back in 1975, Schattsneider was adamant that the pressure group system was dominated by the upper classes: 'The flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent. Probably about 90% of the people cannot get into pressure system.' Such empirical evidence, he argued, demonstrates that interest groups were not an effective way to represent all private interests. In fact he argues that if the pressure group system did not contain this bias, it would lose its unique advantages, because if everyone did participate in interests groups there would be stalemate (Schattsneider, 1975, p. 34-35). Consequently the pressure-group system is undemocratic, as it can never represent the diverse interests of a whole community but only minority selective interests.

Young and Manin claim the pressure group system is still plagued by inequality. For them the political process of interest group competition is analogous with the market, with interest groups competing for the loyalty of citizens and money, which is then used in competition to lobby government. This system is criticised for distributive unfairness as those with greater resources e.g. those representing business interests, are best able to represent their interests and so policies are biased towards already dominant groups (Young, 1990, p. 72; Manin, 1987, p. 355). However, Young and Manin are not as pessimistic as Schattsneider, and do not think the interest group system is inevitably undemocratic and unequal. In fact Young accepts that group representation in collective decision-making is essential to equality and democracy:

'Recognition of group difference also requires a principle of political decision-making that encourages autonomous organisation of groups within a public. This entails establishing procedures for ensuring that each group's voice is heard in the public, through institutions of group representation' (Young, 1990, p. 11-12).

Manin too suggests the pluralist theory is dependent upon the idea that competition between interests would 'naturally' lead to equilibrium, which he rightly points out is unrealistic. In contrast he suggests it is the function of representing minority and under-represented interests that is the fundamental justification of associations, even though he



accepts that associations are limited in the extent that they can achieve this. However, they still ensure that the majority must consider these minority opinions, or meet with opposition and resistance:

*'If, in the last analysis, and despite these obstacles, the majority were to choose simply to impose its decisions on a minority, we may assume that such a choice would be a more deliberate one than if the majority had believed at the outset that the decision under consideration would meet with no opposition' (Manin, 1987, p. 361).*

Moreover, the opinions of the minority could still have influenced the opinions of the majority. Without the minority opinion there is no need for the majority to offer public reasons to justify itself. Therefore for Manin the goal of pluralism should not be equilibrium, but democratic deliberation as it can help overcome some of the inequality of the associational system. Actively seeking the participation of minority or subordinate groups adds to the diversity of the debate. It ensures representation of presently un(der)-represented groups, but also ensures that groups that are in the dominant culture hear the arguments these associations provide, increasing available information and therefore enhancing the autonomy of all participants in the debate. It also forces the associations of the dominant groups to respond to these arguments and to provide reasons defending their position.

Due to the fact that many of these subordinate groups are identity groups e.g. religious, ethnic, racial, gender and sexual preference, the internal commonality within the association is pre-given. Rosenblum argues that such associations will be unable to find shared interests with other associations (Rosenblum, 1998, p. 131). However, I think Rosenblum's analysis is misplaced. Such associations will be able to make public arguments along the principles of justice, equality, freedom and autonomy, which will hold resonance with other associations who are also making appeals to the same principles. For example the Countryside Alliance has appealed for the continuing right to hunt foxes on the basis of individual and group freedom. Having made these arguments it would then be harder for them not to publicly accept similar claims for toleration to diversity of sexual preference. Furthermore, subordinate associations from all these various identity cultures could form coalitions and networks of communications amongst themselves as they are similarly situated in terms of being excluded from the dominant cultural norms. It is true to say that the primary focus of such associations is to represent differences as opposed to commonalities, however, it



does not mean that commonalities on a more broader abstract level cannot be established:

'Most representations of differences imply, counterfactually, universal ethics of recognition, justice, and inclusive citizenship. Often, public rhetorics of difference draw attention to what is not, in fact common, even, even though it ought to be. So some associations that get high marks for representing difference can also represent commonalities' (Warren, 2001, p. 176).

However, democratic deliberation is not sufficient on its own and as above, Walzer (1984) and Goodin (1982) both argue that if people are to focus on the common good then political institutions must be separated from the market. Cohen concurs, and advocates public funding of political parties, restrictions on private political investment and progressive taxation to achieve this (Cohen, 1991, p. 18). However, O'Neill has criticised this as still insufficient because the market, even when participation occurs in the 'isolated' political institutions, will still excessively influence people's character, beliefs and preferences. For this reason O'Neill advocates an institutional system of associations, where individuals can 'conceive of themselves as being other and more than just consumers', so that beliefs about the common good can then prevail.

O'Neill maintains that in a capitalist society, market forces subvert associations. Associations with an internal good e.g. sciences, arts and crafts, allow people to contribute to the intrinsic internal good, whereby they see that the good is not connected or dependent upon money, power, competition and status, which are the dominant media of the market. By participating in the practices of the arts and science, people will realise that there are non-instrumental goods and 'learn to develop or re-enforce a countervailing power against their own market-oriented dispositions' (Achterberg, 1996, p. 166). Participants in such associations will thereby be able to focus on issues of the common good, such as environmental sustainability. Consequently the market's role in society should be substantially reduced, and associations given a more prominent role. However, O'Neill's analysis seems dependent upon the idea that associations are detached from the market and the state, so that neither of these aspects will dominate the internal relations of the association. Neither of these assumptions appears correct, and seems to be based upon de Tocqueville's bipolar analysis. Furthermore, it seems only associations with internal goods, which O'Neill categorises as the arts and sciences will be able to contribute to reducing the influence of market values upon participants.



There are many other types of association, and there seems to be no apparent reason why the majority of people would join this type of association above others.

Combining the associational system with deliberative democracy then helps overcome some of the inequalities inherent in the neo-pluralist model, as does the guaranteed inclusion of these associations in the decision-making process. However, further separation of associations from market media is also required.

### 6.3.3 Depoliticisation of Public Life

Young claims that the neo-pluralist interest group system 'depoliticises public life.' All interests are allowed to compete whether they are selfish or normative in nature, and; 'one does not win by persuading a public that one's claim is just.' Interest groups suppress internal conflict to make a false appearance of unanimity, therefore representing positions that have not been endorsed by the whole membership. In contrast; 'a politicised public resolves disagreement and makes decisions by listening to one another's claims and reasons, offering questions and objections, and putting forth new formulations and proposals, until a decision can be reached' (Young, 1990, pp. 72-73). Furthermore, this process of interest group bargaining and competition is hidden from public scrutiny, conducted in private and prevents active participation from citizens (Young, 1990, p. 73).<sup>5</sup>

I contend that the dualist model of associational democracy produces an opposite trend to this and politicizes public life by Young's standards. Firstly, because the decision-making forums are to approximate the norms of deliberative democracy, representatives from the associations will have to justify their interests to the public. Secondly, in the dualist model the associations are to be internally democratic, again approximating the norms of deliberative democracy, so the resulting positions, although not necessarily endorsed by the whole membership, will result from democratic decision-making, which does not accept the pre-political preferences of its members. Thirdly, the forums are not to be private, but public decision-making arenas open to and accessible to representatives from all interested associations, making it a genuine public process.

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<sup>5</sup> However, Schattsneider also recognises that pressure groups play a key role in the socialisation of conflict. Pressure groups often use the tactic of appealing for the support of the broader public, making conflict political, where prior to that conflict is private (Schattsneider, 1975, p. 38-39).



Associations can only deliberate if other associations recognise them as speakers, which means that associations will consider and respond to the information and representations that they provide. However, for associations representing subordinate and minority groups this deliberative equality can be very difficult to achieve as dominant groups, who wish to maintain the status-quo, will try not to respond to arguments from these associations, as to do so is recognising it as an argument that requires a response. Consequently associations cannot always influence the public agenda through debate, but will instead use 'symbolic resources' like 'demonstrations, protests, civil disobedience, theatre, literature' etc. These then are examples of Fraser's subaltern publics (Fraser, 1992, p. 123; See also Warren, 2001, p. 81). However, by bringing the associations together into one arena in a public decision-making process, as in the mediating forums, dominant associations will have to respond to such arguments.

#### 6.4 Conclusion

I have accepted the fact that there are mischiefs of faction in the neo-liberal model of interest group pluralism as it approximates a model of the market not suitable for making public policy and embodies the norms of bargaining. These factors allow for the assertion of naked self-interests that do not have to be accounted for or justified. The system ensures inequality in the decision-making process as certain interests are automatically in an unequal bargaining position and because certain interests, usually those of subordinate groups, are excluded. Finally the process de-politicises issues as the process is not transparent. All these factors mean the common good is impossible to be formed.

However, the republican model does not offer an attractive or plausible method of forming the common good, as it requires the existence of a pre-political consensus and shared understanding, that cannot be presumed, but must be formed during the political process itself. By relying on this shared understanding, republicanism is not sensitive to diversity and minority opinion.

Deliberative democracy offers a potential to form this shared understanding of the common politically through democratic debate in which all can participate. However, the consensus model presumes there is always a common good and therefore seeks to eliminate all private interests, the existence of a common good cannot be presumed and



only through the articulation of all citizens preferences will it be established if there is one. The agnostic model realises this and therefore does not seek to eliminate difference, and is therefore more sensitive to the autonomous preferences of citizens. Difference is seen as a resource for information, which will enable citizens to gain an enlarged understanding when forming preferences, which can in turn make them more autonomous. In opposition to the consensus model it appreciates there cannot be impartial participants in deliberative democracy, and that a belief that there can be allows dominant groups to disguise their private interests as appeals to the common good.

The associational model that has been outlined in the previous three chapters differs from the neo-liberal model of interest-group pluralism in four key ways. Firstly, as Young suggests, the neo-liberal model:

‘operates precisely to forestall the emergence of public discussion and decision-making. Each interest group promotes its own specific interest as thoroughly and forcefully as it can, and need not consider the other interests competing in the political marketplace except strategically, as potential allies or adversaries in its own pursuit’ (Young, 1990, p. 190).

The neo-liberal model does not then engage the associations into deliberatively democratic decision-making, therefore they do not have to provide public regarding reasons to justify their interests and aims, nor do they necessarily hear the arguments, experiences and interests of other associations, which could impact upon how they perceive their own interests. Secondly, the neo-liberal model is vastly unequal and makes no attempt to readdress this inequality by equalising resources, guaranteeing representation of excluded groups, and protecting the democratic process from economic media, where possible. Thirdly, the neo-liberal model does not seek to engage the members of each association in internal democratic debate, whereas in the dualist model this is the basis for deliberatively democratic participation, allowing for the transformation and formation of political preferences. Consequently, in the neo-liberal model the interests represented have not been deliberatively formed by the members and therefore are not as autonomously formed as those in the dualist model. Finally the dualist model makes the inclusion of associations into decision-making a transparent, public and open process. It is then through combining the associational model with the norms of deliberative democracy that enables us to avoid the mischief of factionalism. The dualist model of associationalism therefore seeks to meet



Mansbridge's normative requirements for improving interest representation to 'maximise the deliberative benefits...' and 'minimise the rent-seeking costs' (Mansbridge, 1995, p. 133).



## **CHAPTER 7: THE STANAGE FORUM: ASSOCIATIONAL MEDIATING FORUMS IN PRACTICE**

### **7.0 Introduction**

In this chapter I intend to review deliberative democracy in practice, the case study being the Stanage Forum. It provides a suitable example because, as will be argued, the decision-making structure approximates the norms of deliberative democracy and the institutional design resembles that of the associational mediating forums advocated, previously, as a suitable location for deliberatively democratic decision-making. In the preceding chapters I have reviewed the potential of associations as locations for deliberatively democratic participation within the public sphere and advocated mediating forums as devolved locations for representatives from these associations to make decisions based upon the norms of deliberatively democracy. The claims made were not to be taken as a blueprint for the institutionalisation of deliberative democracy, but as suggestions and possibilities and a discussion of requirements that must be aimed for if real-world democratic decision-making is to approximate to the deliberative ideal. The case was made however, that an associational democracy, based upon a dualist strategy was a promising method to achieve this. However, such suggestions were themselves part of a normative ideal, and it is important to turn our attention to how such a system might actually operate in practice where practical realities require trade-offs between the practice and the ideal.

Following Eder, Blaug highlights the fact that deliberative democrats have paid little attention to how groups might actually deliberate and make decisions in practice. However, as he further notes, if such forums are to provide the arena for deliberative participation, and to provide greater legitimacy to the liberal democratic state, then this lack of attention is a real problem (Blaug, 1999, p. 131). This is not to say that this one case study can make amends for this lack of empirical research, only that such empirical studies are essential to a genuine understanding of deliberative democracy and its implications.

Environmentalists such as Eckersley have similarly appreciated the normative potential of deliberative democracy to achieve decisions that reflect the common good such as environmentalism and sustainability. However she criticises the theory arguing that 'the



idealising force of the deliberative model as blueprint is not especially helpful when it comes to real-world institutional design and political decision-making where time, information, knowledge and other constraints abound...' Consequently, she suggests that:

'if we are to achieve feasible outcomes, then political procedures and institutions must not be formulated in the philosophical laboratory (where power disparities are absent), but in the real world, where power disparities, distortions in communication and other pressures are ever-present' (Eckersley, 2000, p. 125; see also Blaug, 1999, p. 134).

This is a point that I am completely aware of and agree with, even if the thesis so far has tried to do precisely the opposite. This is why I am taking an example such as the Stanage Forum to see what happens with deliberative democracy in practice, which should then inform the institutional theory for deliberative democracy. It will show us where conflicts between theory and practice will occur and where and what type of trade-offs between the theory and practice of deliberative associational democracy are necessary. However, this is not to say that what has occurred in the Stanage Forum is necessarily the best practice available to us now, but it should hopefully shed light upon such problems. Furthermore, the ideal of deliberative democracy must still inform our analysis of the practice, otherwise there could not be any normative critique of democracy in practice or a theory to provide inspiration for citizens to try and approximate (Eckersley, 2000, p. 125).

In order to make the empirical analysis I have participated in all of the forums and several steering group meetings. I have also conducted two interviews with Matthew Croney, the forum organiser. The first preliminary interview was conducted by electronic mail on the 20<sup>th</sup> June 2001, about one year on from the first forum. The second was held face-to-face on 5<sup>th</sup> February 2003, after the final forum had taken place. Another two interviews were conducted with Steve Smith, from the ICARUS collective, the forum facilitator. The first was face-to face on 7<sup>th</sup> April 2001, with a follow up interview on 31<sup>st</sup> May 2001, by electronic mail.

Blaug has outlined five elements that occur in a decision-making process. The first is the recognition that there is a problem that requires a collective decision. The second element is the process of deliberation. Third is the making of the decision. In the fourth, the decision is implemented and the fifth and final element is the evaluation of



this whole process (Blaug, 1999, p. 141). In this chapter attention will also be given to exactly how and why these five elements have been executed in the Stanage Forum. As Blaug suggests, 'if the process of decision-making as a whole is to be legitimate, all these moments must be as fair as possible under the circumstances' (Blaug, 1999, p. 141).

Another central theme of this chapter is to test the hypothesis that within forums, based upon deliberative democratic principles, participants' preferences will change due to new information and opinions. The Stanage Forum is a suitable example to test this claim in terms of environmental claims, because environmental issues are at the heart of the conflicts in the Stanage area, so we should be able to see if a greater level of environmental preferences will be generated, leading to more environmentally sensitive decisions, a claim that was considered in Chapter Two. It also tests the claims made in the previous chapter that we cannot presume a common good and moreover that there will usually be competing conceptions of the common good. As participation in the Stanage Forum predominantly comes from secondary associations, we can also review the effectiveness of such forums as a venue for associational representatives to make decisions in a deliberatively democratic manner. Finally, the example of the Stanage Forum will enable us to review the possibility that consensus can be achieved through rational argument, and review the importance of consensus to autonomy. Again the Stanage Forum is a suitable example to test this hypothesis because it employs a consensus building approach to decision-making.

### 7.1. About Stanage and the Purpose of the Forum

Stanage is an area in the Peak District, and is six miles from the centre of Sheffield. The Peak District National Park Authority (PDNPA)<sup>1</sup> has been devolved the power to manage the Peak District National Park. As it is the part of a National Park, the Stanage area can be classified as a common pool resource, which are resources that are 'subtractable, but jointly used' (Singleton, 2000, p. 3). Sara Singleton in 'Co-operation or Capture?' (2000), notes that in the case of,

"stakeholder participation forums" and other attempts to increase community involvement in environmental decision-making... the general motive behind the devolvement of power by the state and the forming of 'experiments in community-based management' has been due to failures

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<sup>1</sup> The PDNPA, has the status of a local government organisation (Croney, PDNPA, 05/02/03).



of traditional state policies in these areas or at least based upon 'a perception that such approaches are likely to fail' (Singleton, 2000, p. 2).

This then fits in with the argument made in Chapter Three that state centred administration is inadequate in many cases of governance and therefore there is a requirement for devolvement based upon the principle of subsidiarity.

Decisions within the PDNPA are made by its thirty-eight members. These members consist of representatives from local councils 'whose boundaries fall within the Park', whereas others are 'appointed by the Secretary of State because they understand and have specialist knowledge about the issues that affect the park' ([www.peakdistrict.org/pages/auth.htm](http://www.peakdistrict.org/pages/auth.htm), 08/22/00, p. 2). Local Agenda 21 has specified consensus building as a suitable method of decision-making to promote sustainable development effectively, which derives from an ideological assertion of consensus in the Third Way. This ideological discourse seeks consensus building to take place in institutions that seek members of the state and participants in civil society to try and reach consensual decisions together (Connelly and Richardson, 2002, pp. 7-8). Following this, the PDNPA intends to increase its legitimacy by attaining a more democratic structure, 'of openness and accountability. The members are here to make sure the park is protected and to represent the people who live and work in it, as well as those who visit it for enjoyment' ([www.peakdistrict.org/pages/auth.htm](http://www.peakdistrict.org/pages/auth.htm), 08/22/00, p. 2). To achieve this aim, the PDNPA have opened up all their meetings to more direct participation from the public, and implemented several public participation initiatives. One such initiative is the Stanage Forum.

One of the great strengths of organisations like the PDNPA for environmental decision-making is that it is 'capable of mapping onto the complex and variable contours of ecological problems and the human and non-human communities they affect' (Eckersley, 2000, p. 120). Ecological decisions need to be made at 'the appropriate scale', and I suggest that the PDNPA could be such an organisation if it continues to pursue decision-making through deliberatively democratic forums. Not all environmental problems can be solved at a small scale local level, but I propose that the key environmental conflicts in the Stanage area can be solved at this level and is therefore consistent with the principle of subsidiarity. One of the main criticisms



levelled at mediation as a method to resolve environmental conflict is that 'it encourages us to see environmental problems as unique, isolated phenomena abstracted from social relations', but in this particular instance I claim that they are (Smith, 2001, p. 78).<sup>2</sup> However, Matthew Croney does accept the boundaries of the PDNPA's authority could be more flexible to deal with some of the environmental problems facing the National Park, consequently negotiation and co-ordination with other authorities is essential (Croney, PDNPA, 05/02/03).

The purpose of the Stanage Forum, as set out by the organisers themselves, is to produce an effective management plan for the North Lees Estate (an area within the Peak District National Park), allowing all stakeholders to participate. The first element of the decision-making process i.e. the realisation for the need for a collective decision to be made therefore came the PDNPA. Stanage Edge is a cliff feature that is central to the North Lees Estate and attracts hundreds of thousands of visitors each year to appreciate its natural beauty, to climb, to walk, to cycle, to hang glide, boulder, to run, horse ride, and to camp. 'The Estate is also internationally important for wildlife' as it provides a range of habitats e.g. flower-rich pastures, hay meadows, woodlands, crags and boulder slopes. According to the PDNPA 'the moorland and raised bog of White Path Moss above Stanage Edge is of particular importance. It supports as dense a breeding population of rare wetland birds as anywhere else in the U.K' ([www.peakdistrict.org/pages/stanage/stanage.htm](http://www.peakdistrict.org/pages/stanage/stanage.htm), 08/22/00, p. 2).<sup>3</sup> Consequently, certain parts have been designated a Special Protected Area under the EU Birds Directive. There are also areas of archaeological and cultural history interest e.g. a Catholic chapel, a Roman-British settlement, Bronze Age sites and a Grade II listed 16<sup>th</sup> century hall. There is a tension between recreational use, cultural, economic and environment concerns of the Stanage area and conflict between the various users. However, the forum aims to build consensus upon a management plan.

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<sup>2</sup> This is not to say that there are no outside influences, restrictions and causes to the environmental issues outside of the Stanage area. For example part of the reason that Stanage is so important as an environment for rare species is because habitats for these birds have been destroyed elsewhere. Nevertheless, I still maintain that the key conflicts are occurring over the Stanage area and so should be dealt with at this level.

<sup>3</sup> The notable bird species in the area are Golden Plover, Curlew, Snipe, Ring Ouzel, Whinchat, long and short eared Owls, Pied Flycatcher, Reed Bunting and Linnet.



A management plan needs to fulfil two main functions of strategy and operation which include the following tasks: *Strategic Plan*: Provides information about the site, identifies the value and significance of the site, sets out aims to be achieved by management. *Operational Plan*: Outlines how these aims are to be achieved, stipulates who will fulfil the tasks and when they will be fulfilled, and considers what resources will be required to achieve this, provide criteria for checking the effectiveness of site management (Croney, PDNPA, 2000, 'Forum Handout'). Despite the PDNPA being a state institution, the management of Stanage is to be a project of co-management, which again will increase the legitimacy of the process and make the users more likely to abide by the resulting management plan (Singleton, 2000, p. 6). Previously, the ten yearly management plan, was drafted by a representative from the PDNPA, and then the process of consultation with the Park's users would be consulted and given the opportunity to get feed back on it. There are obvious problems with the legitimacy of this method, but it also considered a poor method to resolve the conflicts that existed between the users, and this provided part of the incentive to hold the forum to create the new management plan (Croney, PDNPA, 05/02/03).

## 7.2. Approximation of the Associational Mediating Forums

I suggest that the Stanage Forum is an approximation of the associational mediating forums outlined in Chapter Five. 'Approximation' is a scalar value so it is possible to have varying degrees of approximation. Nevertheless, approximation is not a completely relative value. In which case, a practical example still requires significant evidence that the principles of the ideal are embedded. However, in real life, practical exigencies mean the ideal can never be fully realised. Trade-offs between the ideal and practice are therefore inevitable and these trade-offs will vary in relation to the practical situation, to regulate between legitimacy and efficiency (Blaug, 1999, p. 140). The Stanage Forum is no exception, and trade-offs have been made. However I still maintain that it is an approximation of the associational mediating forums I have advocated for several key reasons. Firstly that consensus building has been the mode of decision-making, which fits in with the idea of mediation. Secondly, the forums have been facilitated by an, 'independent' organisation that is an expert on consensus-building procedures, which again fits with the idea of mediation. Thirdly, the majority of participants have been members of associations and finally the decision-making approach approximates the norms of deliberative democracy.



### 7.2.1. Consensus Building

A consensus building approach to decision-making has been employed, and the forum is not just a partnership or a method of information gathering and consultation, but a location for the making of decisions and resolving conflict and disputes. As Petts explains, this is important because:

‘consensus building represents a move up the ladder of public participation from information provision and formal consultation to proactive involvement in influencing decisions. Traditional participatory methods are primarily reactive in that they require the formulation of plans and proposals prior to public involvement, and can be viewed as a means of legitimising decisions. By contrast, consensus-building approaches seek to involve people in the decision formulation process itself’ (Petts in Richardson and Connelly, 2002, p. 7).

For Stephen Connelly and Tim Richardson in ‘Exclusion: The Necessary Difference Between Ideal and Practical Consensus’ (2002), the distinguishing characteristic of a consensus building procedure as a method of decision-making is that it embodies ‘the norms of common goals, inclusiveness, and absence of coercion...’ rather than ‘who the parties to the decision are. This implies that consensus building may take place across widely divergent constellations of actors of different types, including members of the public, organised groups from civil society and the business community and actors from agencies of the state’ (Connelly and Richardson, 2002, p. 6). It is a consensus between precisely such divergent actors from the public, civil society, the business community and state agencies that the Stanage Forum is trying to build.

### 7.2.2. Facilitation

The PDNPA appreciated that the above consensus building approach requires a skilled facilitator. ICARUS<sup>4</sup> was chosen as forum facilitator out of tenders from five companies that were ‘independent’ and skilled in using participative decision-making techniques in countryside management.<sup>5</sup> The principle motivation behind the procedures for the forum, designed by independent ICARUS, is to build consensus between the stakeholders. It is my contention that the forum, co-ordinated by the procedures

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<sup>4</sup> ICARUS is a community development collective based in the north of England. The collective was formed with the aim of achieving excellence in the facilitation and delivery of training, research, evaluation and developmental work. Steve Smith, main facilitator for the Stanage Forum from ICARUS, has had fifteen years experience in community development and regeneration sector, with his main strength being innovation and creativity in procedures to build consensus in multi-stakeholder environments.

<sup>5</sup> ICARUS was selected, because it was felt it had the necessary skills and experience of co-ordinating this type of decision-making and furthermore it offered a tender with what was considered a realistic time frame and budget (Croney, 05/02/03).



designed by ICARUS, is based upon deliberatively democratic principles and therefore is an approximation of the deliberative ideal.

When selecting a facilitator there are two general principles that can inform this decision, either they should be process experts or alternatively experts on the issues that are under debate. Buttoud<sup>6</sup> is in favour of the latter, as process experts 'cinch down' the debate. However, I would agree with Forester<sup>7</sup> and Edward-Jones<sup>8</sup> that it is not the role of the facilitator to substantively influence the debate, but only provide influence through the enforcement of agreed upon procedures that are compatible with the norms of deliberative democracy. Otherwise too much power and influence would be in the hands of the facilitator. Fortunately then it is the latter approach that the PDNPA opted for (Richardson and Connelly, 2002, p. 40).

### 7.2.3. Associational Participation

The third claim is that the participants in the Stanage Forum are predominantly representatives from voluntary associations. Participation in the forum is based upon stakeholder theory; however, stakeholders in the forum are self-selecting as the aim is to achieve open participation. However, prior to the commencement of the forum, 'relevant actors' were identified and these associations were categorised, into three broad groups of 'interest' or 'stakeholder'. A plurality of associations is necessary because there are still significant differences between and within these stakeholder groups and it is a central principle of democratic deliberation to ensure a wide diversity of opinions and preferences are included (Connelly and Richardson, 2002, p.17). The aim of the ideal deliberative democracy is to ensure that all relevant opinions are included:

- *Environmentalists:* These either aimed for the conservation, enhancement of the natural beauty or cultural heritage of the area as priority. Not all these aims are necessarily compatible and certainly not all could be prioritised equally. Key issues for these stakeholders are the preservation and enhancement of localised and rare species of animal and plant, protection against excessive erosion and in general keeping the environment as natural and undisturbed as possible. The associations

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<sup>6</sup> Buttoud (1999), pp. 11-28.

<sup>7</sup> Forester (1999).

<sup>8</sup> Edward-Jones, (1997).



representing these issues included the British Trust for Conservation Volunteers, Council for the Protection of Rural England, Countryside Alliance, Countryside Agency, Derbyshire and Notts Entomological society, Derbyshire Bat Group, Derbyshire Ornithological Society, Derbyshire Wildlife Trust, English Heritage, English Nature, Greenpeace, International Union for the Conservation of Nature, Peak Wildlife Advisory Group, Royal Society for the Protection of Birds, Sheffield Bird Study Group, Sheffield Wildlife Action Partnership, South Peak Raptor Study Group, St. Michael's Environmental Centre, Yorks Wildlife Trust and Yorkshire Naturalists Union.

- *Recreationalists:* This group generally sought the promotion of opportunities for the enjoyment of the special qualities of the area by the public, but in different ways and to different degrees. The disputes within this group involved cost free and easy access by car and public transport, unrestricted access to the whole estate, an opportunity to learn about the countryside, opportunities for recreational pursuits e.g. walking, climbing, motor-cross, hang gliding and convenience for local facilities. The associations representing these interests included Aereomodellers Club, All Wheel Drive Club, British Horse Society, British Mountaineering Council, Castle Climbing Centre, Climb, Climber, Corporate Pursuits, Cycling and Touring Club, Dark Peak Fell Runners, Derbyshire Association of Residential Training, Derbyshire Soaring Club, Disabled Off-road Association, Edge Climbing Centre, Hope Valley Riding Club, O-Zone, Peak and Dukeries Land Rover Club, Pedal Pushers, Ramblers Association, Ride to Roam, Rock Lea Activity Centre and Sheffield Area Youth Centres.
- *Locals:* These Stakeholders were seeking to foster the economic and social well being of the local communities. Much of the local economy is generated by the tourism of the area. However farming has been threatened by tourism.<sup>9</sup> Locals also want to preserve the area as a nice place to live and to ensure convenient commuter links. Again these interests can be in conflict and certainly not all can be prioritised equally. The associations representing these interests included Bamford with Thornhill Parish Council, Black Community Forum, Derbyshire County Council, Derbyshire Dales District Council, Grindleford Parish Council, Hagg Farm, Hathersage Parish Council, King Edward VII Secondary, Outseats Parish Council,

<sup>9</sup> Particularly sheep farming, as commuter and tourist traffic is killing many sheep.



Parson House Farm, Peak Park Moorland Owners and Tenants Association, Sheffield City Council, Silverdale Secondary School, St. Michael's Primary School and Tapton Secondary School.

There is then much crossover of interests between the stakeholder groups, but also clear tensions. Unrestricted access is incompatible with the preservation of some birds and plants. Easy access by cars is incompatible with local sheep farming and maintenance of the beauty and lack of pollution of the area and the area being a nice place to live. Use for all recreational pursuits is incompatible with peacefulness, wilderness and environmental considerations of the area. These stakeholder groups are not mutually exclusive. It is possible to be in all three at once. For example a local resident could use the area for recreational pursuits, e.g., walking, but like walking there because of the natural environment birds and plants. The question then arises as to whether an individual association e.g. environmental association could represent the multi-faceted interests of people when they cross over like this, e.g. their local residents interests and the answer is not clear. In principle, it could be possible if the individual in question were able to democratically participate in the formation of the opinions and preferences of the association, that were then to be voiced in the forum. It is easy to imagine examples where internally democratic associations could not represent the multi-faceted needs because only one/a few members had these crossovers and they had been unable to provide sufficiently convincing reasons. In such cases these members may feel they also need to be a member of another association.

However, from the list of associations provided it should be clear to see that there is a huge variety of associations, with different sizes in scope, scale and membership and the associations are invested in very different media with differing opportunities for exit, so there are different potentials for an internal democratic structure. The vast majority of these associations do not have an internal democratic structure, many of those representing the associations have not been elected or are doing so in an unofficial capacity, so there are no real lines of accountability to the rest of the associations' membership. Some of the representatives have claimed some consultation with their membership, but many admit to undertaking none. These facts then seriously undermine the democratic credibility of the forum and demonstrate the necessity for associations to be internally deliberatively democratic, if mediating forums like the



Stanage Forum are to add to the deepening of democracy in Western liberal societies. It can also restrict the effectiveness of such forums to make and enforce decisions because if the associations are not internally democratic then it becomes less likely that the representatives can commit and bind their members (Connelly and Richardson, 2002, p. 17). However, this is a problem with the current state of civil society and is a phenomenon for which the PDNPA cannot be blamed. In the dualist model, outlined earlier, it was argued that the transformation of civil society as it now stands is a necessity, yet the problems outlined here for the Stanage Forum do shed light on what we might expect if decision-making power is devolved to associational mediating forums before, or while civil society is under transformation. Nevertheless whether it is the fault of the forum organisers or not, it is still an important aspect in which the Stanage Forum does not closely approximate the associational mediating forums.

There are also significant inequalities of power and resources between the associations listed and although they have all been involved in some manner, they have participated in different ways and to different extents. As will be discussed below, some associations were involved in both the design group and the steering group, some associations have only acted as invited technical advisors and attendances in the forums themselves have varied considerably. Whereas representatives from certain associations have been in attendance in all forums, others have retracted their participation, and there have been notable absentees from particular interests specifically from the motorised recreational section.

The funding for the Stanage Forum was £14,000. This was made up from £5,000 from the PDNPA's Estate budget, £1,000 from their traffic management budget, £1,000 from the British Mountaineering Council and £7,000 from the Countryside Agency. All the fundees are then participants in the forum process and all have interests in the outcomes and decisions of the forum. In the previous chapter, I argued the importance for such democratic forums to be insulated from the market and the economic media, but certainly in the current economic and political climate, sufficient levels of state funding will not be made available, so agencies like the PDNPA must look to alternative sources, even if this does compromise the democratic process. This then is another



significant trade-off between the ideal and reality and another way that the Stange Forum does not approximate the associational mediating forums.<sup>10</sup>

There have been participants from each of these stakeholder groups at all four of the forums, although some stakeholders have participated more than others. In the first forum, there were sixty-seven participants (eighteen locals, twenty-four recreationalists,<sup>11</sup> two tenants, five conservationists, fourteen PDNPA, four evaluators/process advisors). In the second forum, there were forty-three participants in total (seven locals, three local economy, nineteen recreationalists,<sup>12</sup> one conservationist, eleven PDNPA and two evaluators). In the third forum, there were forty-four participants (eleven local residents, one local economy, fourteen recreationalists,<sup>13</sup> six conservationists, eleven from the PDNPA and one evaluator). In the fourth forum there were thirty-five participants (seven local residents, one local economy, ten recreationalists, two conservationists, five from the PDNPA and one evaluator).<sup>14</sup> In total approximately one hundred and fifty different people have participated in the forums.

There has been a genuine effort made to advertise the forum, and to contact easily identifiable stakeholders. The forum was advertised in the Guardian, on Radio 4, all local radio and newspapers, specialist national magazines e.g. Climber and the Great Outdoors and on television on Countryfile (Matthew Croney, PDNPA, 20/6/01). The time and day of the week (i.e. weekend, weekday, evening, daytime) for the forums has been altered with the hope of enabling all stakeholders to participate if they wished. However, the level of advertising dramatically reduced after the first forum, meaning those who were unaware of the first forum were given less opportunity to participate at the later forums. Associational democracy helps overcome this problem to some extent

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<sup>10</sup> The problem of insufficient financial resources of the PDNPA has been intensified due to 92% budget cuts, due to foot and mouth. This demonstrates the necessity for the state to provide sufficient funding to such agencies as the PDNPA if they are to be able to democratise their decision-making processes. Holding a series of forums is obviously much more costly than appointing one person to make decisions. However, it also demonstrates that in practical circumstances sufficient funding will not be made available and consequently trade-offs will be made and decisions must be prioritised to be made democratically because it will be too costly to make all decisions in this manner and other sources of finance will need to be sought.

<sup>11</sup> Six of these were climbers.

<sup>12</sup> Nine of which were climbers.

<sup>13</sup> Seven of these were climbers.

<sup>14</sup> Nine attendees did not register.



because if people are unable to attend decision-making forums for whatever reason, another member of their association can still represent them. In contrast, individuals, if unable to attend, are not included in the process. However, in the Stanage Forum those unable to attend the forums can participate in the on-line discussion on the website. There have been a distinct under-representation in the forums of females and younger age groups and there have also been other notable groups missing, including four-wheel drive and trail bikers and archaeologists. People from these groups have been invited to the forums, but did not attend. In general then, I think it is fair to conclude that all relevant actors have had a chance to participate, but not necessarily an equal opportunity to participate to the same extent.<sup>15</sup> Certain associations have had several participants at each forum, in particular the British Mountaineering Council. This then is another way that the Stanage Forum fails to approximate the associational mediating forums outlined previously, as that system advocated the same amount of representatives from each association to ensure equality of participation and representation.

As with all democratic arrangements, who does participate and to what level and who does not participate and why, is of central importance and essentially connected to the distribution of power. The organisers are not neutral and PDNPA have therefore been able to exert significant influence on the process, but this is perhaps an inevitable element of mediating forums:

‘The interest group mediator is an active participant in the political development of the community. By recognising ‘established’ groups and leaders, and subtly encouraging others to participate, the mediator effectively shapes public understandings of what is at stake, perceptions of who has power in the community, and assumptions about what subjects merit public concern. In this way he alters the political future. To view him merely as a neutral mediator dramatically understates his true role’ (Reich, 1988, pp. 140-141).

A key issue for democracy in settings like the Stanage Forum is whether decision-making has been limited to ‘acceptable issues’, which is a particularly acute concern when trying to build consensus, as is the case here. Ideal consensus, as outlined in chapter two, is where all relevant participants are included to reach a consensus based upon rational argument with no exclusion or power inequalities, but this is an unobtainable ideal that forums such as the Stanage Forum should aim to approximate, in

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<sup>15</sup> I acknowledge the fact that in society all citizens do not have an equal chance of participating in democratic arrangements due to inequalities of access, skills and resources e.g. time, money and transport. These inequalities will have had the same effects on participating in the Stanage Forum. However, these are problems for liberal democracies themselves and although pertinent it is unfair to have expected the forum to address them.



trying to build a practical consensus. The search for this consensus often motivates those designing and co-ordinating the process to exclude, either people, issues or possible outcomes (Connelly and Richardson, 2002, p. 11). This can be achieved by individuals acting separately or collectively or by not acting at all, and within Stanage there are cases of failed penetration. Richardson and Connelly argue that if consensus is to be achieved some level of exclusion is inevitable, but that decisions on exclusion should be 'explicit and accountable' (Richardson and Connelly, 2002, p. 44).

We must therefore examine power relations in settings like the Stanage Forum to establish if, how and why it favours certain groups (Lukes, 1974, p. 37). There is the very real problem of the 'framing decision effect', which depends upon which associations have been sought to be included by the PDNPA (Rippe and Schaber, 1999, p.82). Due to the agenda setting potential of the organisers of mediating forums, the 'mobilisation of bias is at its highest' prior to the commencement of the forum' (Smith, 2001, p. 84). However, as Connelly and Richardson appreciate, which participants are involved in the process is not completely under the control of the organisers. Part of the reason for this is the greater the level of exclusion the greater the deficit in legitimacy and potentially the harder it is to enforce the decisions (Connelly and Richardson, 2002, pp. 16-17).

One certain threat to democracy in arenas such as the Stanage Forum is that powerful groups can operate, 'from points outside the range of observable political behaviour...' without actually intervening 'directly in the deliberations' of those participating (Crenson in Lukes, 1974, p. 43). Moreover in contrast to pluralists such as Dahl, Crenson argues that policy issues are not interconnected, so the establishment of certain policy issues on the agenda does not lead to the promotion of other policy issues. In fact by 'promoting one political agenda item, civic activists may succeed in driving other issues away' (Crenson in Lukes, 1974, p. 44). It is as important to consider who has not participated, as to who has. However, it is not necessarily due to faults with the organisation of such mediating forums that certain groups are excluded but with broader inequalities of civil society.

The diagram in Appendix 1 outlines the organisational structure of the Stanage Forum, and the various roles of each organisation. The forum's decisions are also restricted by



decisions taken elsewhere in the PDNPA authority, for example all decisions must be 'subject to a "sustainability appraisal" and the Stanage management plan is no different ([www.peakdistrict.org/pages/stanage/management.htm](http://www.peakdistrict.org/pages/stanage/management.htm), 15/02/2002, p. 4). However, in the case of the management plan that emerged from the forum, no changes were made following the sustainability appraisal (Croney, PDNPA, 05/02/2003). In order to ensure that the PDNPA did not exert excessive control at the initiation, a design group was constructed by ICARUS and Matthew Croney from the PDNPA to help with the forum design: 'They were chosen at short notice for availability and to give a broad range of views of the Estate' ([www.peakdistrict.org/pages/stanage/newaletter1.htm](http://www.peakdistrict.org/pages/stanage/newaletter1.htm), 08/22/2000, p. 2). The design group had two meetings, the first helped design a process and a set of procedures for the first forum meeting; the second selected members for the steering group from the applications. Representation in the design group was therefore based on interest representation. However, it is certainly debatable whether the design group did fully represent the full range of views and interests: There were ten members on the design group altogether. There were three representatives from the PDNPA, two from the British Mountaineering Council, a representative from the Parish Council, one from the Ramblers Association, a representative from Sheffield Bird Study Group, a representative from a local Youth Hostel and the facilitator from ICARUS. It appears here that certain interests (climbing, PDNPA) are over-represented, and other recreational pursuits (hanggliding, cycling), environmental interests and local residents were under represented. There were representatives from all three stakeholder groups that were identified, and the design group was not discussing any substantive issues, however, it becomes apparent that the design group did exercise considerable power when we see that of the 10 members of the group, all of them made it into the 17 member strong steering group.

A steering group was seen as necessary due to limitations of time, money and number of participants, which meant that the forum was not able to cover all issues in sufficient detail, particularly specific details. Steve Smith from the ICARUS collective accepts that ideally, the steering group would have had much less power and influence than it has enjoyed, and that in similar local governance forums on which he has facilitated, the steering group has had a reduced role in comparison to Stanage. However, this is a key example of how there is a trade-off between theory and practice. The theory that guided the procedures, although not being explicitly one of deliberative democracy, was



committed to ensuring open and equal participation between the stakeholders, with the participation being based upon talk aimed at consensus. If there had been more time for the forums and more money available to hold more forums then the steering group would have had a reduced role. It was then practical constraints, which led to a movement away from the deliberative ideal in this situation (Steve Smith, ICARUS collective, 07/04/2001).

The steering group was made up of seventeen people, which were selected to achieve 'a broad representation of the wide cross section of interests which are present in the forum' (Steve Smith, ICARUS collective, 07/04/2001). People were selected onto the steering group by the design group based upon the following criteria: commitment, detailed knowledge of interest they are representing and of the estate, and communication skills. The steering group was then based upon symbolic and interest representation. The steering group was definitely more inclusive in its representation of groups and interests than the design group. The recreational interests were represented by members from the following groups: one from 'Ride to Roam' (a cycling association), two from the British Mountaineering Council, one from the Ramblers Association, one from Derbyshire Soaring Club and a disabled visitor (not affiliated to any association). Local residents were represented by: a local Parish Councillor, a local resident (not affiliated to any association) and a District & County Councillor. The local economy was represented by a local farmer and local youth hostel owner. Environmental interests were represented only by a member from the 'Sheffield Bird Study Group'. However, there were also three representatives from the PDNPA whose main concerns are producing a workable management plan, but some of who have environmental interests beyond that (Croney, PDNPA, 05/02/2003). The final two members were the facilitator from ICARUS and an evaluator from the University of Sheffield, who is also a member of the BMC so there is possibly a conflict of interest if he is participating. Although the steering group is more representative than the design group, there is still the over-representation of recreational interests in comparison, especially climbing and especially the BMC. Matthew Croney justifies this by pointing out that climbers are the greatest number of visitors to the Stanage area (Matthew Croney, PDNPA, 20/6/2001). However, I still do not feel this justifies their overrepresentation. The main problem is that if compromise or aggregation is required to make a decision, this over representation can lead to significant advantages. If it was



felt climbers needed more representation than other groups, perhaps other climbing associations should have been included in the steering group and not just the BMC.

The steering group's role can be bracketed into two broad areas. *The Stakeholder Engagement Process:* This involved the participation with facilitators in designing and monitoring the procedures for engagement in the forum. To help keep the forum to task i.e. focused upon the objectives and to provide feedback to the various groups/organisations that they are representing. *Management Plan Process:* This included five functions: A) Discussion and clarification of issues covered in the forum. B) The power to select technical groups to act as advisers to the forum (i.e. identified the need for a representative from the Highways Authorities as many of the concerns aired in the first forum were connected to action by Derbyshire County Council's Highway Authority). C) Setting of deadlines for the various stages of the management plan process, (which were not met). D) Approving and commenting upon the draft of the Management Plan. E) Providing representation of interests in the steering group.

The following steering group meetings were generally used to review what has been discussed and achieved in the forum and agree the next course of action. One of the keys to the whole process is feedback between all the various groups, involved in the process. Issue-based technical groups would also be used to provide information on any areas on which information is lacking, but have no decision-making powers. The steering group selected these. Ecology and traffic management have been two areas where technical groups were brought in. These groups will not just be experts as a range of views is required to ensure 'potential solutions are discussed in depth' (Steering Group Meeting Report, [www.peakdistrict.org/pages/stanage/steering\\_2.htm](http://www.peakdistrict.org/pages/stanage/steering_2.htm), 01/31/01, p. 3). The advice and technical expertise provided by the technical groups was by stakeholders themselves, so is certainly not independent, non-biased and neutral advice. I think it is a real fault of the system that the forum did not receive the information from the technical groups directly. This information could have had a real impact on their preferences. Matthew Croney defended this by arguing that there was insufficient time for the technical groups to report all their information to the forums and did not feel it was entirely necessary anyway as the technical group reports were made available on the website. Again then there is a trade-off between the ideal and the practical need for



efficiency and I do accept that displaying the information on the website is a good method to provide a balance between these two aims.

The specific division of labour of tasks between the steering group and the forum was as follows: The steering group has decided upon the outline (i.e. chapter plan) of the Management Plan, but the actual content of it was decided by the forum. This specifically involved:

1. Outlining the environmental capital of the North Lees Estate. This was achieved in the first forum. The topic of 'what is special about Stanage?' and 'At what scale is it important?' (i.e. local, regional, national or international) was discussed and decided upon.
2. A Mission Statement for the management plan. In the second forum it was debated what people want from the area for the future, and this was combined with the material from the first forum on what is special about the area and broken down by the steering group to form three general principles. The steering group fulfilled this role because there was no overall direction to the ideas suggested by forum, so the steering group prioritised these. However, from that neither the steering group or the forum were able to reach agreement on the emphasis and wording of this Mission Statement, which meant people had to vote on a choice of three.
3. Objectives, or broad policies of how the vision is to be achieved. Again this was discussed and proposals put forward from the forum. Again because of the lack of co-ordination and direction amongst these proposals the steering group provided this co-ordination and prioritisation.
4. Methods, or details of how each objective will be achieved. Solutions to problems and methods to achieve objectives, was the main topic of discussion in the third forum.
5. Operational Plan, work programme and financial plan which involves specific detailed requirements i.e. who, when, how, where will carry out the methods and what financial resources will be required (Steering Group Meeting Report, [www.peakdistrict.org/pages/stanage/steering\\_2.htm](http://www.peakdistrict.org/pages/stanage/steering_2.htm), 01/31/01, pp. 5-8).

In one of the steering group reports, it is accepted that although most of the objectives that arose from the steering group were originally agreed upon in the forum (or at least received majority support when voting occurred in the third forum) some of the recommendations were supplemented by technical group advice and from website



suggestions. In this sense it should be apparent that the steering group has actually been sovereign and not the forum, as the steering group is not completely bound by forum decisions; they have the power to override them ([www.peakdistrict.org/pages/stanage/management.htm](http://www.peakdistrict.org/pages/stanage/management.htm), 15/02/2002, p. 1 & [www.peakdistrict.org/pages/stanage/landscape.htm](http://www.peakdistrict.org/pages/stanage/landscape.htm), 15/02/2002, p. 1). It is claimed that proposals not agreed on in the forum were added only if all steering group members agreed that they 'obviously added to the package of proposals' ([www.peakdistrict.org/pages/stanage/newsletter5.htm](http://www.peakdistrict.org/pages/stanage/newsletter5.htm), 15/02/2002, p. 2).

It is the steering group that has decided that it should 'remain central to assist implementation, monitoring, evaluation and revision of the plan' and that 'steering group membership should be based on the existing members and their representation. Each year, the steering group will assess whether it is still representative of the wider forum' ([www.peakdistrict.org/pages/stanage/newsletter5.htm](http://www.peakdistrict.org/pages/stanage/newsletter5.htm), 15/02/2002, p. 3). The steering group has therefore given itself the power to re-elect itself and to determine the terms of how they will be accountable to the forum. This makes it unlikely that the steering group will achieve its objective of being 'transparent, open and receptive, have ability to co-opt members and be accountable to the forum and the groups it is representing' ([www.peakdistrict.org/pages/stanage/newsletter5.htm](http://www.peakdistrict.org/pages/stanage/newsletter5.htm), 15/02/2002, p. 3). We also see with this last statement that even the representatives in the steering group are not clear to whom they are to represent and be held accountable, the forum or the associations of which they are members. If the principles of deliberative democracy are to be approximated the steering group must be held accountable to the forum rather than the various associations, as this is where open participation has been sought, in concurrence with democratic principles. Granted, those participating in the forum should be held accountable to their associations, but the steering group is meant to coordinate the decisions made in the forum so must be representing the forum and not associations. Matthew Croney thought that they might be able to represent both (Croney, PDNPA, 05/02/03), but this seems untenable if conflicts of interests arise. There does seem to be a need for clear lines of accountability and representation. However, this does highlight the problems that associational mediating forums may face when there are tiers of representation within the forum, as there has been in the Stanage Forum, as it is apparent that the representatives in these tiers will want to ensure the protection of the interests of their associations as well as represent the forum



participants. This was clearly demonstrated by an example from one of the steering group meetings, where a member from the BMC criticised one of the objectives that had received majority support in the forum. Moreover he wanted it to be abandoned because he felt it went against the BMC's interests. However, to the credit of the other steering group members this person was told that it was not the role of the steering group to question the principles behind objectives that arise from the forum, but only to decide the best way to co-ordinate them, prioritise them and make practical recommendations to their achievement.

In this particular case study, the steering group has had excessive power, but again this has been much to do with limited resources of money, time and participation. This has caused a trade-off between the ideal of all participating in a deliberative arena and the need for representation due to problems of size and time. It indicates that if the associational mediating forums are to become central locations for decision-making as I have advocated, innovative methods of representation and co-ordination, such as steering groups may well be required. By fulfilling the co-ordinating role between all the proposals to evolve from the forum, the steering group helps overcome Pettit's discursive dilemma, discussed in Chapter Five. The resulting management plan is not entirely responsive to the forum's participants' preferences, but does provide the rational co-ordination necessary. For this purpose alone, representative groups within each forum may be necessary.

However, this is not to say that the division of labour between the forum and the steering group has been right considering the circumstances. The steering group's role has mainly been justified because of the output from the forum is uncoordinated and has little or no direction, so the steering group must prioritise. The co-ordination problems have been enhanced due to some of the procedures in the forum, which have divided participants into small mixed stakeholder groups. (I do feel that) the procedures could have been designed in such a way as to allow for debate between the groups, where the suggestions could have been co-ordinated and prioritised to a greater extent. For example, a member of each group could have come together to form another group and then discussed what each group decided. These suggestions could then be prioritised. This would not have eliminated the need for further co-ordination and direction from



the steering group altogether, but provided them with a clearer idea of what the collective decisions from the forum were indicating.

In the Stanage Forum the steering group, acting as representatives to the rest of the forum, have established their own roles, remits and purposes from the start. Steve Smith thinks that this combined with team building exercises has enabled the group to act as a team with common tasks to deliberate on, as opposed to individuals representing specific interest groups with positions to defend. It has given them 'ownership of their own remit.' They are held accountable due to 'clear roles, remits and lines of communication' and because the steering group members have to report back and justify their decisions to the forum (Steve Smith, ICARUS, 31/05/01). This reporting back has certainly occurred, but is something that could have been increased to ensure greater accountability. Also after the steering group had drafted the management plan and it was presented at the final forum, the participants were not given the opportunity to raise any issues as to whether it accurately encapsulated the decisions made at the forum. Steering group members were given an opportunity to justify their decisions, but forum participants were not given the opportunity to challenge them.<sup>16</sup> In this sense the 'clear lines of communication' that were meant to hold steering group members accountable to the Forum were one-way, and therefore not consistent with the norms of deliberative democracy. If there is to be a steering group to provide co-ordination to the decisions that arise from associational forums, I would therefore suggest that there needs to be clearer lines for two way communication between the represented and representatives, and procedures to ensure accountability to the forum. Nevertheless I still feel the Stanage Forum embodied sufficient norms of deliberative democracy for it to be classified as an approximation of this ideal.

#### **7.2.4. Approximation of Deliberative Democracy**

It is not a coincidence or an act of spontaneous communication between participants that has led to the Stanage Forum approximating the ideal of deliberative democracy, but in contrast the forum has been carefully managed to achieve this, even if the theory

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<sup>16</sup> In the last forum, when one steering group member was challenged during one of the small group debates, she became indignant, as she and the steering group had obviously invested much time and energy into the process, she therefore felt that she was owed gratitude rather than appreciating that her actions did need to be held to account. This shows the necessity to have formal procedures to hold representatives to account.



of deliberative democracy has not been consciously pursued, its norms have been: 'The idealised and demanding conditions of deliberative democracy are aspirational and therefore can only ever be approximated (rather than fully realised) in everyday politics' (Eckersley, 2000, p. 127). Following Dryzek, I would suggest that the Stanage Forum and its connection to deliberative democracy is, 'less than model institutions but something more than undesigned real world approximations' (Dryzek, 1990, p. 48).

It is essentially the procedures introduced by the facilitator ICARUS that has enabled the Stanage Forum to approximate the ideal of deliberative democracy. In Chapter Two we considered Cohen's set of normative procedures for deliberative democracy, and they are worth referring to again:

- Participants should be bound by the decisions made from the deliberative process.
- Participants must offer reasons for their opinions and perspectives.
- Participants must be formal and substantively equal.
- Deliberation should aim at a rationally motivated consensus.

(Cohen, 1991, p. 22-23).

We can see here the similarity here between Cohen's normative procedures for deliberative democracy and the procedures of the Stanage Forum, which is necessary for the approximation of the ideal to occur. In the first Stanage Forum the meeting started with all members having to accept the following principles, which were outlined by ICARUS. It is clear to see that these principles embody the ideals of deliberative democracy:

- Participants speak directly to each other and reach agreement openly. Everyone will have a say and their opinion will be valued.
- Everyone who has an interest in the management of the North Lees Estate can participate.
- Every effort is made to reach agreements acceptable to everyone, rather than by voting.
- People will work from an open position, where their interests are stated and understood, even if not agreeable to others.
- People accept, and are willing to work with, each group's differences in order to reach a consensus that benefits all.



- An independent facilitator will be used to design and facilitate the work and activities of the forum.

Embodied in these principles are the ideals that problems should be resolved through discussion, aimed at consensus as opposed to aggregation, that all should have a chance to participate, and that all views should be listened to and included in the debate. I believe that these are the same principles at the heart of democratic deliberation. The Stanage Forum is therefore an example of democratic deliberation in practice and therefore a suitable example on which to test democratic deliberation empirically. Now it is not exactly clear what 'accepting' and 'abiding' exactly means here, but all these principles do seem reasonable, there were no complaints about them, and as far as I could tell they were generally abided by. The only questions were whether people were willing to work with each other's differences, and if all felt they had an equal chance have their say.

Procedures create the conditions for equal access to the deliberative arenas at both the agenda setting and decision-making stages. The design of fair procedures is a very complicated process. In the Stanage Forum the procedures have been designed by Steve Smith from the ICARUS collective, and through debate in the design group initially and then the steering group. It is important that the procedures are the subject of democratic debate themselves, for the same reasons decisions should be. In the forum participants had an opportunity to contest and reject the procedures (all procedures were accepted by everyone). Steve Smith justified this by arguing that democratic decision-making and debate 'must start somewhere.' He questioned 'what procedures would regulate the debate on procedures.' Again we see practical necessity forcing a trade-off between the ideal and practice but Steve Smith thought this was 'inevitable', a claim that does seem to be the case (Steve Smith, ICARUS, 7/4/01). This indicates that despite the relevancy of the normative justification that trade-offs should be made discursively and democratically between all participants, empirically this may be impossible to attain.

The procedures have been designed with a consensus building approach in mind. Due to pluralism there will be people with many different interests, opinions, priorities and preferences on the Stanage area, and these will conflict with each other. The aim of the procedures is to deflect the focus from the areas of conflict, so that people are not



simply 'defending their position', but deliberating about common solutions to common problems. This phenomenon probably takes on even more importance in deliberative arenas where the participants are representing voluntary associations, because there could be a temptation for associational representatives to avoid co-operation. Blowers goes as far to suggest that 'involving disparate interests to achieve consensus invariably leads to an averaging of divergent points of view and an assertion of the status quo' (Blowers in Richardson and Connelly, 2002, p. 24). As was argued in the previous chapter, the status quo will usually favour already dominant groups and their perceived interests. Following Govan et al's analysis of national park management, Richardson and Connelly realised that one problem to the consensus building approach is that certain stakeholder groups may be unwilling for authority to be democratically shared, and think that a continuation of conflict is a better strategy to further their interests than through striving for consensus (Richardson and Connelly, 2002, p.21). As argued in Chapter Five, this is particularly the case with vested associations who can often achieve the promotion of their interests without having to gain access to public forums, where they would have to justify these interests.

The approach to overcoming these factors in the forum has been to adopt an 'evidence-driven' deliberation style. Connelly and Richardson suggest that it is the evidence-driven style of deliberations that are on the increase in Britain especially in natural resource management (Connelly and Richardson, 2002, p. 13). In Chapter Two I advocated 'evidence-driven' deliberation as the most compatible with the norms of deliberative democracy, but it is worth reviewing these arguments again. Following on from social psychologists' research on juries,<sup>17</sup> Sanders distinguishes between evidence-driven and verdict-driven deliberation styles. In verdict-driven deliberation styles certain participants are associated with certain proposals early on in the process, (sometimes taking an early vote). In this method few preferences change and the decision usually reflects the initial views of the majority. In evidence-driven deliberation certain options and opinions are discussed without people being categorised or formerly associated with any particular perspective: 'Verdict-driven deliberations reduce the chances of a broad consideration of all views on the evidence, reduce the likelihood of a rational discussion, and increase the pressures to conformity' (Sanders,

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<sup>17</sup> Brown (1986); Hans and Vidmar (1986).



1997, p. 367). 'Evidence-driven deliberation' is also more inclusive than 'Verdict-driven deliberation'. Evidence-driven deliberation encourages all views to be expressed and so more participants speak and this in turn causes more people to change their opinions. As Miller (2000, p. 146) also appreciates these are the characteristics of 'good political deliberation.' The 'verdict-driven' style approximates more closely the aggregative model of decision-making as it accepts the validity of pre-political preferences. Furthermore, I think verdict driven deliberation concentrates more on conflict. The evidence-based approach can still incorporate difference,<sup>18</sup> but there is a greater emphasis of all participants trying to reach an acceptable decision for all, rather than having one view winning out, however they do aim at restricting the assertion of differences at the beginning of the decision-making process.

In contrast, Tim Richardson and Stephen Connelly in 'Building Consensus For Rural Development and Planning in Scotland' (2002) claim the evidence-driven approach introduces the danger that conflict is suppressed (Richardson and Connelly, 2002, p. 41). Such a process has been criticised as it can 'disarm participants of their legitimate feelings of outrage and frustration' (Amy, 1987, p. 126). It is further suggested that a genuine transformation in preferences requires the conflict that the verdict-driven style embodies as the evidence driven method can just give the 'illusion of common ground' (Connelly and Richardson, 2002, p.19). For example, some participants at the Stanage Forum criticised the forum's procedures, questioning when they would get to talk about the real issues (Richardson and Connelly, 2002, p. 41). In general I would still favour the evidence-driven approach for the stated reasons, however, it might well be the case that different deliberation styles are required for different types of conflicts.

In all the forums, participants were split into mixed stakeholder groups, with seven in each group to ensure that people still heard new and rival views. This has enabled more efficient discussion of the issues within each of these groups. Working upon the idea that debate works best with numbers between seven and twelve. This allows each individual a reasonable amount of opportunity to participate, and with the mixture of

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<sup>18</sup> In fact Sanders argues that it is more equipped to do this as it avoids people conforming with majority opinion due to the power of majority and the force of conformity. (Sanders, 1997, p.367)



groups, still allows people to hear a range of views.<sup>19</sup> However, again there is a trade-off between the ideal of deliberative democracy in which all participants are involved equally in the same debate and the practical necessities of real life decision-making. One of the deficiencies of the methods used here in the Stanage Forum is that there is a lack of communication and debate between each group meaning all participants do not get to hear all arguments, which could potentially affect their preferences. Each group was set the same general questions to discuss e.g. 'What is special about Stanage?' 'At what scale is it important? (i.e. local, regional, national and international), 'What are the visions for the future of Stanage?' and 'What conflicts will arise from these visions?' Again we see how innovative procedures can help overcome the practical exigencies that restrict the potential for practical deliberation to completely mirror ideal deliberation. However, I still feel the Stanage Forum's procedures could still have been improved. As mention in the previous section a member of each group could have come together to form another group and then discussed what each group decided so that everyone gets to hear what the other groups have discussed, but I also appreciate that this makes an already long process of participation even longer.

In Chapter Four, I suggested that the more time required for participation, the less equal participation is, and as Blaug notes, the motivation of participants is democracy's most 'significant' resource.' It is important therefore not to make too excessive demands upon participants as this could result in 'reducing the energy available to the group by failing to preserve their moral, and thus endangering their motivation' (Blaug, 1999, p. 145).

From the evidence of the procedures of debate, it seems as though the Stanage Forum is an approximation of deliberative democracy and has then made decisions more legitimate. However, the forum is not the only decision-making mechanism involved in forming the management plan. The institutional framework has also incorporated mechanisms of representation in the design group, steering group and technical groups.

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<sup>19</sup> Steve Smith argued this was the optimum number of participants from his experience of running community governing initiatives (7/4/01). Literature on focus groups and citizen juries also supports these figures as being the optimum number for discussion. See Kruger, Richard (1994, p. 78); Stewart and Shamdasani (1990)



It is important that the decision-making processes of the representatives approximate deliberative democracy. The steering group set up their own procedures for their meetings, in the first meeting. These were bracketed under three principles; 'Freedom to Speak', 'Decision-Making' and 'Accountability':

Freedom to Speak procedures were:

- Everyone has a right to speak and have their views respected.
- Everyone has a right to their own opinion.
- The group should be prepared to listen to the views of others.

Decision-making procedures were:

- The group will aim to reach decisions by consensus where possible.
- If consensus is not reached preferences will be aggregated, but differences of opinion will be recorded.
- The group will guard against getting 'bogged down' in detail.
- The group will work as a team to a single purpose, not just as individuals representing specific interest groups.

Accountability procedures:

- Written record of proceedings/ decisions will be produced for each meeting and put on the website.
- The group will work in an open and transparent manner and will expect others with whom it works to do the same.

(Steering Group Meeting Report, [www.peakdistrict.org/pages/stanage/steering\\_1.htm](http://www.peakdistrict.org/pages/stanage/steering_1.htm), 01/31/01, pp. 2-3).

Again we see that embodied in these principles is the ideals that problems should be resolved through discussion aimed at consensus as opposed to aggregation, that all should have a chance to participate and that all views should be listened to and included in the debate. I believe that these are the same principles at the heart of democratic deliberation and Cohen's normative procedures. In terms of the second element of decision-making process outlined in the introduction, deliberation has occurred between participants from associations in the forum and between the forum's representatives in the steering group.



The Stanage Forum also raises the question; 'what should be the nature of representation in deliberative arenas?' There seems to be two main options; are the representatives to be bound by mandates agreed by those they represent? Or are they to be left with a relative free reign so they can be influenced by the arguments expressed in the debate? The choice is between a delegate and a fiduciary, and as I argued in Chapter Five, the fiduciary form of representation is the one most compatible with the principles of deliberative democracy. One of the most significant features of deliberative democracy is that it is thought to lead to increased judgement on participants' preferences. The deliberative process in the steering group may have been off-set by the fact that the representatives felt bound to represent the interests of specific associations or stakeholders, making the steering group members less likely to change their preferences, and possibly constraining their input into debate. The Stanage Forum may not then be based upon the form of representation, most compatible with deliberative democracy. However, it is important to deliberation, to have a full range of opinions and views, as no person or view should be excluded and it is the hearing of new information and views that is likely to cause a change in preferences. The representatives must be bound to a certain extent by the interests of the groups from which they derive, otherwise the groups who are under-represented will still not have their interests represented, and so will remain excluded from the decision-making processes. However, if they were bound too tightly by previously agreed ideas and interests, then many of the benefits that arise from discussion would be prevented from occurring. None of the representatives would change their preferences in light of new information and perspectives and debate would cease to be an exploratory process in which new possibilities were created, new issues would therefore not get on the agenda, and the established norms of dominant groups could go unchallenged. In short, deliberative democracy would lose its advantages. It is problematic that the representative who participated in the debate and helped form the outcome would have to justify this to those they are representing, who were not participating in the discussion. Therefore representatives must be held accountable and be bound to some degree by the preferences of their groups, and open to dismissal if it is felt they have represented their people poorly, but they must also be free to participate fully in a discussion, and that means changing preferences and goals with which they started. As I argued above, if democracy is to be deepened, these associations must form these



collective interests and opinions based upon deliberative democratic decision-making processes. The representatives from these associations will then be legitimately representing deliberative formed opinion, which is a much more inclusive process, but this has not been the case with the associations in the Stanage Forum.

Now we have reviewed the processes of decision-making in the forum we must now turn our attention to the decisions. Due to this pressure to achieve consensus, or the envisioned desirability of consensus to legitimacy, there is a temptation to 'make' rather 'build' a 'consensus'. This involves another movement away from the deliberative ideal of rational consensus and resembles bargaining and compromise where the decisions can favour the interests of more powerful groups, often coercion is involved or only weaker participants change their preferences (Connelly and Richardson, 2002, pp. 13-14).

### 7.3. Critical Appraisal of the Results and Decisions

From reviewing various American examples of public deliberation, the Environmental Protection Agency in 1970 and the issue of clean air in Tacoma being two in which environmental considerations were paramount, Reich concludes that public deliberation inevitably takes up 'inordinate time and resources', with absolutely no guarantee that a consensus will be achieved (Reich, 1988, p. 154). This has also been apparent in the Stanage Forum. The first forum was held in August 2000 where it was predicted that the management plan would be completed in a year, but in actual fact the last forum when the management plan was launched did not happen until October 2002, so it took more than twice as long as originally predicted. The levels of participation required by those in the steering group were very demanding over these two years with twenty-two meetings in total, each lasting about three hours. However, Matthew Croney claims that this is not necessarily an excessive amount of time for the drafting of a management plan, and the budget of £14, 000 was not exceeded (Croney, PDNPA, 05/02/03).

There certainly has not been consensus upon all the specific policies within the management plan, but perhaps there has been a broader consensus upon general principles. The approach taken in the Stanage Forum seems to be to gain agreement on the broader principles, but not on the specifics of the management plan as Richardson and Connelly explain: 'In the case of the Stanage Forum the steering group was the



arena within which explicit principles of consensus building were followed, though the wider forum itself was originally intended as the consensual arena' (Richardson and Connelly, 2002, p. 59). This is a principle, which is accepted in the management plan itself: 'This plan has been agreed in principle by all stakeholders who have taken part in the forum process and in detail by all steering group members' (Management Plan Summary, 2002, 2.4). What this actually means then is that in general, the objectives were generated in the forum and suggestions upon how to achieve these aims. The steering group has decided those partners that should be responsible for implementing the proposals, provide a timescale for implementation and set out which objectives should have priority (Management Plan Summary, 2002, 4.2).

Therefore, despite the majority of the participation in the Stanage Forum being debating, voting was also necessary to make the final decisions and complete the third element of the decision-making criteria. However, consistent with the ideal of deliberative democracy, this voting occurred following deliberatively democratic debate, therefore the aggregation was of these transformed, political preferences. However, the fact that voting did have to occur for decisions to be made, does indicate the necessity for participation to be evenly spread across all interested associations. It was unfair that the BMC would have had more votes than any other association. Matthew Croney and Steve Smith defended this by claiming it should not be viewed as voting 'but indicating support', but this seems to be ignoring the reality (Smith, ICARUS, 07/04/01 & Croney, PDNPA, 05/02/03).

The topic for debate for the third forum was to generate solutions for the problems that had arisen from the previous forums. The steering group had taken the problems generated from these forums and framed the problems to be solved. The intention was for the mixed groups to provide solutions which all could accept, which is in line with the consensus building approach of the forum and deliberative theory which suggests participants in democratic deliberation will generate public arguments and decisions. As there was not complete agreement on all the sixty possible solutions, all had a vote on the possible solutions. Everyone could vote for as many or as few solutions as they wanted, but could only vote for each proposal once. The preceding democratic debate had ensured that the original issues and conflicts over Stanage had now become 'unpacked', therefore increasing the likelihood of single-peaked preferences among the



participants. The nature and scope of the disagreements between the participants were also clearer, which allowed for the most appropriate aggregative mechanism to be selected. Evidence from the Stanage Forum therefore supports Miller's defence of deliberative democracy against the social choice theory critique, discussed in Chapter Two.

The solutions that received majority support would then be taken up and incorporated into the management plan by the steering group. These involved co-ordinating the individual recommendations into a plan and placing them in an order of priority. The solutions are not exclusive to the problems under which they are listed, with many having the potential to contribute to the resolution of several problems. I have highlighted the solutions, which indicate that preference changes have occurred in favour of environmental rationality. In total there were a hundred and fifty strategic objectives that were agreed upon and co-ordinated in the steering group. The key problems, outlined above, can be categorised into five broad problems; vehicular access, recreation, ecology and wildlife, landscape and sense of wilderness and the formation of a coherent vision statement. These problems and the solutions that received majority support will be examined in turn.

### **7.3.1 Vehicular access to and through Stanage**

*'How do we provide access for all the people who want to visit and drive through Stanage by car without impacting in a negative way on: the ecology (flora & fauna); the landscape (open, rural, sense of wilderness); local residents and farmers; local business (including income to the Estate) and special needs groups (e.g. Disabled/elderly visitors)?* The solutions that received majority support were concerned with the establishing of:

- An integrated public transport system, with improved transport links from local villages. There have been many objectives in the proposal to increase and integrate public transport, including new bus routes, a shuttle bus, park and ride schemes, the aim of which has been to protect the local environment and improve access.
- Free and hidden parking outside the Estate, with public transport connections.
- Restricted parking and pay in the Estate, and drop off points for special needs i.e. disabled, elderly visitors and those with heavy equipment. (This was significant



because it goes directly against the original interests and preferences of many of the recreationalists, yet many of them voted for it). One of the problems in achieving this has been trying to get local bus companies to carry roof racks or trailers to transport recreational equipment. This is a prime example of how certain groups can restrict the effectiveness of decisions while not participating in the forum. However, the restriction of parking will be one of the first things to be implemented, and money raised from parking will go towards funding any necessary public transport improvements.

- Cycle access with cycle lane.
- Traffic calming measures. (Again significant as many participants were against any unnatural landmarks, as they would spoil the aesthetics of the area and goes against the preferences of some of the environmentalists).  
([www.peakdistrict.org/pages/stanage/report3.htm](http://www.peakdistrict.org/pages/stanage/report3.htm), 5/09/01, pp. 1-2).

### 7.3.2 Recreation

*'How to provide easy open access for all people and many types of recreation, whilst: protecting & enhancing the ecology/ wildlife; protecting the landscape and 'wilderness experience' - including controlling erosion; avoiding conflict within and between user groups; avoiding disturbance to local residents; avoiding disturbance to farming and avoiding damage to archaeology/ cultural history?'* The solutions, which received majority support, were:

- The stopping of 4-wheel drive and motor bike use. (This was significant because it goes completely against the interests of those who participate in this recreational activity, but there were no representatives from such groups. This suggests that deliberative arenas will generate public regarding solutions, providing the full spectrum of interests and preferences are included. However, it is these recreational pursuits that cause the most environmental damage. Nevertheless some compromise over motor-vehicle recreation is hoped to be achieved. Having realised that by refusing to participate in the forum they were effectively excluding themselves, it is thought that associations representing these interests will participate in future forums and are to be included in the steering group).



- To ensure access for hang-gliders and paragliders, but to ensure that it happens in appropriate places. (This is a trade-off/ compromise between the ecological protections of bird breeding areas with ensuring access for all).
- Encouraging people to use recreational paths through improved education and information. (A suggested solution that was more environmentally friendly was that footpaths should be used to channel visitors away from sensitive areas, but this did not receive majority support, probably because it restricted access too greatly) ([www.peakdistrict.org/pages/stanage/report3.htm](http://www.peakdistrict.org/pages/stanage/report3.htm), 5/29/01, pp. 3-4).
- Provision of extra camping facilities due to large demand from recreational users. This goes against certain environmental concerns, however this measure is also going hand in hand with the prevention of camping outside campsites, which is in the interest of environmental concerns.
- To the aim to improve the rights of way network where appropriate, in general is in favour of recreational interests rather than environmental concerns, however the where appropriate means it will be restricted where ecological damage would be too excessive. This objective also goes hand in hand with encouraging people to keep to the recognised paths. However, there is another trade-off here between maintaining the unspoilt landscape and the provision of notice boards and leaflets explaining where and why people should not walk.

### 7.3.3 Ecology/ Wildlife

*'How do we reduce disturbance to wildlife, enhance habitats and provide pollution-free air and water, whilst: maintaining public access; increasing Rights of Way; allowing through traffic; having camping facilities in the area; providing an educational resource; providing income to local business and the Estate and maintaining a commercially viable farm? Solutions that received majority support were:*

- Designated areas for nature conservation.
- Dogs must be on a lead during the bird breeding season.
- Very localised temporary access restrictions. Voluntary restriction on access to certain less visited areas during the bird breeding season (April-July). The voluntary nature of this proposal was to be achieved through discrete maps and information boards showing preferred paths and indicating particularly sensitive areas for wildlife.



- Temporarily fence key areas of bilberry, which provide essential food source to birds.

(These four measures are significant, because it demonstrates a change in preferences of the recreationalists, who are now prepared to restrict their own access in favour of environmental considerations). Nevertheless this change in preferences towards environmental goods is limited, as a proposal that did not receive majority support was the active discouragement of hang-gliders from using a sensitive site during the breeding season ([www.peakdistrict.org/pages/stanage/report3.htm](http://www.peakdistrict.org/pages/stanage/report3.htm), 5/29/01, pp. 4-5).

- Aim to restrict or stop tyre burning at the Blue Circle Cement works. As with the other proposals to restrict the actions of Blue Circle cement works the main problem is that the PDNPA does not have sufficient powers devolved to legally bind the cement works.
- The spot spraying of the edges of bracken patches, where it is encroaching into other moorland vegetation. This proposal demonstrates that there are conflicts over which environmental factors to protect.
- Fell the trees in Dennis Knoll plantation to prevent damage to adjacent archaeological feature. Here we see that cultural interests have been promoted over environmental ones.

#### 7.3.4 Landscape/ Sense of Wilderness

*'How do we enhance the wild, open, rural landscape, whilst: maintaining/improving access, including more rights of way, protecting off-road driving routes and path maintenance; protecting and enhancing ecology; making sure special needs groups have access (e.g. disabled, elderly); providing a camping site, maintaining a commercially viable farm?'* Solutions that received majority support were:

- Farming's main role should be to maintain the landscape above commercial profit, redefining the farmers' role as landscape managers.
- Significant pressure will be placed upon Transco to change the fluorescent gas piping and to address the detrimental effect to the landscape that the Blue Circle Cement Works provides. In both these two objectives commercial interests are being restricted by environmental concerns.
- Outdoor industries to subsidise management of the area and public transport. (Again we see the recreationalists agreeing to a proposal that goes against their



immediate and economic interests, as well as acknowledging responsibility for environment damage and taking on the duty of environmental protection) ([www.peakdistrict.org/pages/stanage/report3.htm](http://www.peakdistrict.org/pages/stanage/report3.htm), 5/29/01, p. 5).

### 7.3.5 Vision Statements

Of the three vision statements, it was the one with the greatest environmental emphasis that received the highest (although not majority) support: *'To care for and enjoy the North Lees Estate in a way which respects and enhances, heritage and landscape.'* Another statement, which put more emphasis on recreational pursuits also gained significant support: *'To enable people to use and enjoy Stanage in a way which respects and protects the Wildlife and Landscape for our own and future generations'* ([www.peakdistrict.org/pages/stanage/report3.htm](http://www.peakdistrict.org/pages/stanage/report3.htm), 5/29/01, p. 6). At present it is impossible to tell if people were voting based upon their perception of their individual utilities or upon what they thought was best for the Stanage area as a whole.

The PDNPA and many of the stakeholders involved in the forum will undertake the implementation of these decisions, the fourth element in the decision-making process. Suggestions as to who should implement what were decided upon in the steering group. As the management plan was only ratified in the last forum, held in October 2000, the implementation is very much in its initial stages.

Importantly though, this is not the end of the democratic deliberative process, as there will still be an annual forum held to evaluate the management plan and its effectiveness, providing the fifth element of the decision-making process. This means that all decision made are only provisional and potentially subject to change. This is important to the autonomy of those in the minority, as it still means they have an opportunity to offer reasons as to why an adopted strategy should be abandoned or amended.

In general I think there is evidence to suggest that peoples' preferences have changed due to participation in the deliberative arena and that they have become more environmentally aware. However, this change is also limited, people were not willing to overly restrict their access to Stanage. The participants haven't so much discarded their own interests in favour of environmental interests, as realised how their interests and actions affect the environment and how their interests are connected to the



environmental well being of the area, which is what Eckersley predicted democratic deliberation on environmental issues might produce (Eckersley, 2000, p. 120). However, access has been seen as a common good in itself by the participants. There will usually be more than one common good in any situation as there is here at Stanage, particularly with environmental concerns. Democratic deliberation will aid people in focusing on and accepting the common goods, but different common goods will still conflict, but the Stanage forum shows that these can be resolved to a certain extent through deliberation, but it is compromise that is still a feature of democratic deliberation in practice rather than a consensus upon the common good. This confirms the suggestions made in Chapter Two, that in a process of democratic deliberation, when preferences have not been transformed in a manner that leads to consensus, compromise will be necessary. However, the important aspect is that these compromises be made under an approximation of deliberatively democratic procedures, which I have argued was the case in the Stanage Forum.

In Chapter Two I suggested that consensus is unlikely to be achieved in practical circumstances due to diversity of values, identities and interests and consensus on what was the common good was not formed in the Stanage Forum. Aggregation of preferences did occur, but importantly after the process of deliberation had altered peoples' preferences. However, as mentioned earlier, Dryzek recognises that interpretations of the common good will vary, but insists that individuals can still aim for consensus on what to do, without achieving agreement on why (Dryzek, 1990, pp. 16-17 and pp. 42-43). I think a consensus close to this was created. What the Stanage Forum decisions do highlight is that perhaps Gutmann and Thompson were accurate when they argued that democratic deliberation would not end in consensus, but that it would lead to greater understanding and respect for the position of others, and I believe that there is evidence to suggest that this is what has occurred here (Gutmann and Thompson, 1996). However, the fact that a consensus was not achieved, is in many ways a good. In the discussion of consensus in Chapter Two, I maintained that, due to the fact of pluralism, a consensus is often evidence of power discrepancies, exclusion and therefore compliance rather than rational motivation. The Stanage Forum suggests that there are some differences that will simply be irreconcilable. In such a situation I claimed it was essential that it was important that majority decisions were not tyrannical



towards those in the minority and that there was not a fixed minority on every decision. I think the resulting strategic policies that emerged from the forum meet these criteria.

Reasons given in the forum were not always public reasons.<sup>20</sup> However, it was because they were not public that they were not accepted and the decisions made were public. Except that is for the decision banning all 4 wheel drive vehicles and motorcross bikes. This could be taken as evidence that environmental rationality was increased, because this pursuit causes the most environmental damage out of all the recreational pursuits. Alternatively it could be taken as evidence that deliberative democracy must be fully inclusive. If participants from a certain interest are not present (as was the case with 4wd and motorcross groups), their interests will not be protected by the other participants. Public reason only works therefore, if and only if those whose interests are subject to a comment/decision are present.

Certain commentators might think that the Stanage Forum highlights problems with subsidiarity, in the sense that certain issues cannot coherently be devolved to units like the PDNPA. One of most apparent examples seem to be the Blue Circle Cement works, which the PDNPA does not have powers to control, despite proposals coming from the forum aiming to do this. Consequently, the cement works cannot be forced to abide by these proposals and the PDNPA is left to try and persuade, negotiate and compromise with the company in order to implement these proposals. However, I do not think this proves the inadequacy of subsidiarity as a concept, but rather indicates the PDNPA has not been devolved sufficient powers, as the powers to control companies like Blue Circle, have not devolved but still retained by the state. Furthermore, Blue Circle did not participate in the forum; if the PDNPA had the power to restrict their actions then it is more likely that they would have done. It is impossible to say whether their participation would have meant different proposals would have been agreed on in the forum. Similarly, many of the proposals from the forum advocated a more regular and comprehensive public transport system to combat some of the environmental problems in the Stanage area. Once again, the PDNPA has no power over transport companies and do not set transport policy in the local area. Consequently, these proposals are proving very difficult to implement, due to uncooperative transport companies. Again

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<sup>20</sup> For example, one view stated that cyclists 'should be hit with a stick' to keep them off certain tracks. Another comment was that 'the road should be torn up' to reduce traffic.



this might indicate that the PDNPA have not been devolved sufficient powers to deal with the relevant issues rather than prove the inadequacy of the principle of subsidiarity.

#### **7.4 Conclusion**

To conclude then, I have tried to test whether democratic deliberation on environmental issues will lead to greater environmental rationality. I have investigated the empirical example of the Stanage Forum, which is a real life example of decision-making. I have tried to establish that this is an approximation of the ideal of deliberative democracy. There are areas where the forum could have been organised differently for the ideal to be approximated closer, for example there was too much representation and not enough connection between representatives and represented. However, many of the trade-offs between ideal and practice are to do with empirical necessity, which vary from situation to situation. Even though on a normative basis the participants themselves should make these trade-offs discursively and democratically, the Stanage Forum indicates that this is very hard to achieve and is not always possible. The initiation of the process of deliberative democracy must start somewhere.

Environmental issues are central to the decisions that need to be made in the forum, and therefore it is a good test of the environmental rationality hypothesis. What I have found is that 'environmentally sympathetic' people have represented environmental issues in the forum. This has led to people hearing opinions and information that they were previously ignorant of and consequently preferences have changed and become more environmental. However, the environment was seen as only one common good amongst others. Therefore environmental proposals that went against these other goods too excessively were not accepted. Neither was consensus on environmental proposals achieved, with some members not changing their preferences at all. However, there was general agreement on what should be done, if not on why and I would argue that the participants have become more sensitive and understanding of the positions and the interests of others.

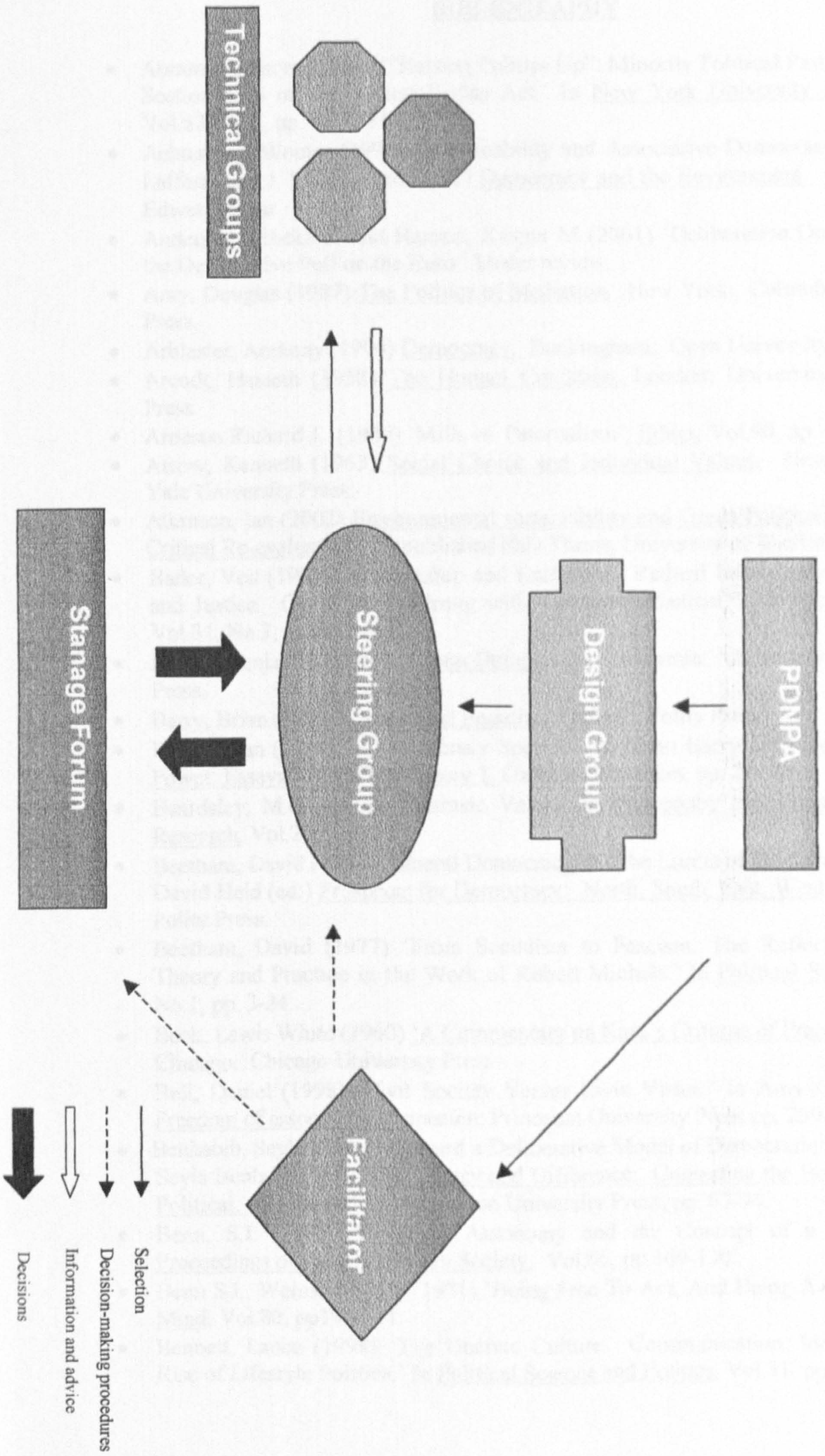
The example of Stanage also indicates that the associational mediating forums advocated in this thesis are not a utopia, and practically irrelevant. It is a workable suggestion that can be approximated, providing the relevant powers are devolved consistent with the principle of subsidiarity.



Overall though, the Stanage Forum demonstrates that political theory can learn much from observing how groups deliberate and make decisions, and consequently there needs to be many more empirical studies on relevant examples if the ideal of deliberative democracy is to gain practical as well as normative force.



**Appendix 1: Organisational structure and roles of the Stannage Forum**





**PAGE**

**NUMBERING**

**AS ORIGINAL**



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