

DELIBERATIVE DEMOCRACY AND THE CASE FOR DEPOLITICISING GOVERNMENT

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I INTRODUCTION

The ideal of deliberative democracy now makes an appearance in almost every forum of discussion about government. Perhaps it is the alliteration that accounts for the success, perhaps the vague note of profundity that the idea strikes. Or perhaps the reason is that encoded in the notion of deliberative democracy is a very important value that none of the other formulae of government appraisal – not, for example, the language of rights, or justice, or efficiency, or freedom – capture quite so well. I tend to this more optimistic reading and I hope that I can do something in this paper to display the critical importance and utility of the idea.

The main thesis I want to defend, and it explains the title of my paper, is that the ideal of deliberative democracy requires a serious commitment, paradoxically, to greater depoliticisation in government. The claim is paradoxical because the usual assumption is that deliberative democrats are focussed on the need to raise the level of politics by having it become more deliberative, and at the same time to expand the domain of popular and political control – active, hands-on control by the people and their elected representatives. I do think that the ideal has to do with making public decision-making more deliberative, but I do not believe that it argues for expanding the domain of control that politics as such exercises.

The paper is organised into three sections. In the first, I outline the idea of deliberative democracy, remedying an indeterminacy that figures in many presentations. In the second, I present what I see as the most persuasive case in its support – the ‘republican’ approach. And then in the third, I try to show some

* Professor of Social and Political Theory, Research School of Social Sciences, Australian National University. This paper draws heavily on my account of republican theory, and its connection to deliberative democracy, in Philip Pettit, *Republicanism: A Theory of Freedom and Government* (1997). It also draws on the discussion of the problem that gives rise to the need for the group-rationality constraint in Philip Pettit, ‘The Discursive Dilemma and Deliberative Democracy’ (2001) 11 *Philosophical Issues* 268. That problem is also discussed in Philip Pettit, *A Theory of Freedom: From the Psychology to the Politics of Agency* (2001) ch 4. Those discussions trace the problem – which I call the discursive dilemma – to the work of the legal theorists, Lewis Kornhauser and Larry Sager.

ways in which deliberative democracy, so characterised and justified, argues for greater depoliticisation.

My interest in the argument does not just arise from the appeal of the paradox. Discussion of the ideal leads to some important lessons for the organisation of the polity, and I look at those lessons with a particular focus on democracy in Australia. The centenary of Federation and of the *Australian Constitution* provides an occasion for rethinking the nature of our democracy and, I hope, an appropriate opportunity for putting forward this line. I think that the failure to appreciate the importance of depoliticisation represents a serious threat to the quality of democratic life. Let democracy be mistaken for maximally politicised self-government, as it often is, and democracy is in serious trouble.

II THE IDEAL OF DELIBERATIVE DEMOCRACY

Democracy is a decision-making process whereby individuals gain a part to play in the operation of a collective body. Democracy gives the members of an electorate a part to play in the polity, but it also gives individuals a collective role in other, more restrictive contexts; for example, politicians in a party, parliament or cabinet, shareholders or directors in a commercial company, judges in a collegiate court, workers on a shop floor, appointees on a public board, public servants in a government department, or members in a voluntary club or association.

The ideal of deliberative democracy imposes certain constraints on how the democratic process should work in any such context. Deliberative democrats differ on which forums should be democratised in the deliberative way, but they agree that wherever the ideal is to be applied, then the following constraints should be satisfied:

- *The inclusive constraint* – all members should be equally entitled to vote on how to resolve certain collective issues, or bundles of issues, with something less than a unanimous vote being sufficient to determine the outcome.
- *The judgmental constraint* – before voting, members should deliberate on the basis of presumptively common concerns about which resolution is to be preferred.
- *The dialogical constraint* – members should conduct this deliberation in open and unforced dialogue with one another, whether in a centralised forum or in various decentralised contexts.

The inclusive constraint means that deliberative democracy is to be contrasted with elitist or authoritarian schemes, even ones in which deliberation and dialogue have an important place. A regime of representative democracy will strictly be enough to satisfy the ideal, if democratic control in the relevant site – say, in the electorate as a whole – only runs to the choice of office-holders. The general assumption, though, is that where direct participation by all members is feasible, it will be preferred to indirect representation.

The judgmental constraint requires voters to deliberate about how they should vote, rather than vote in an unreflective, spontaneous or 'reflex' manner. More importantly, it requires voters to deliberate on the basis of what is best for the group as a whole – what is likely to advance those common interests that people would presumptively endorse, if only after some dialogue with others. What it counsels against is any pattern of voting in which each individual voter takes account only of what is good for his or her particular coterie, corner or circle. Thus, it rejects the idea that the best democratic arrangement would be to design things so that assuming people vote in a self-seeking way, that will tend, as by an 'invisible hand', to work for aggregate overall benefit. The kind of voting recommended is sometimes described as judgment-voting rather than preference-voting.

The dialogical constraint marks a further, important level of differentiation. It rules out the sort of plebiscitarian dispensation in which each participant privately forms his or her judgment about common, presumptively avowable interests and then votes on the basis of that judgment. The constraint requires open and unforced dialogue, whether it occur in a single assembly or in smaller groupings, even groups of two or three. The dialogue must be open in the sense that each can get a hearing and it must be unforced in the sense that no-one need fear to speak their mind; it must approximate the conditions for ideal speech that Jürgen Habermas is famous for emphasising.¹

These three constraints are concerned more with how people form their voting intentions than with how votes are put together to form a collective decision. They bear on the inputs we seek for democratic decision-making, not on the process of decision-making itself. There is an assumption in place that unanimity should not be required, on the ground that a requirement of unanimity would reduce any plausible body of people to stalemate on a variety of issues. However, nothing more is said on how votes should be put together; whether among the politicians in a party, the shareholders in a company, or the members of a public board.

This silence turns out to be problematic. We are all aware of the possibility that a large-scale electorate is capable of giving majority support to inconsistent recommendations. Opinion polls regularly report, for example, that people want more government spending and lower taxes. That is one reason why it is not a good idea to have anything approaching rule by referendum: one reason why electoral democracy has to be a representative system under which personnel and not policies – not in most cases, at any rate – are selected. What is not a matter of common awareness, however, is that a group of people can give majority support to inconsistent recommendations even when they are each perfectly rational in their individual votes; even when they decide how to vote in a judgmental and dialogical way; and even when they are few in number.

Suppose we have a group of three people, each voting on three interconnected issues, and where the decision on each issue is determined by majority vote. There can be majority support for each of an inconsistent set of judgments, even

1 See generally Jürgen Habermas, *The Theory of Communicative Action* (1984-87).

though each of the three voters is perfectly consistent in his or her own views. Table 1 illustrates this. A majority in a group of three people, A, B and C, support 'p' (two Yes's in first column); a majority support 'if p, then q' (two Yes's in second column); and yet a majority deny 'q' (two No's in third column).

TABLE 1: RATIONAL INDIVIDUAL VOTES LEADING TO INCONSISTENT OUTCOMES

	First issue: p?	Second issue: if p, then q?	Third issue: q?
Voter A	Yes	No	No
Voter B	No	Yes	No
Voter C	Yes	Yes	Yes

Since the example in this matrix is purely schematic, it may be useful to show how a group of individually rational people – and people operating under a system where the three constraints given are satisfied – may still support inconsistent policies. Take the political party, for example, that has to vote, in the course of a year leading up to an election, on issues of tax and expenditure. Even if we imagine, for simplicity, that there are only three voting members, and that they are individually rational, we can see that it is quite possible for them to give majority support to a collectively irrational set of decisions. There can be a majority against increasing taxes, a majority in favour of increasing defence spending and a majority in favour of increasing other spending. Table 2 shows why: there is a majority of two against increasing taxes (first column), a majority of two in favour of increasing defence spending (second column) and a majority of two in favour of increasing other spending (third column).

TABLE 2: RATIONAL INDIVIDUAL VOTES LEADING TO INCONSISTENT VIEWS ON TAX AND EXPENDITURE

	Increase taxes?	Increase defence spending?	Increase other spending?
Voter A	No	Yes	No (reduce)
Voter B	No	No (reduce)	Yes
Voter C	Yes	Yes	Yes

The lesson I draw from these observations is that if a group has charge of policy as distinct from personnel decisions, and if it is to be true to the spirit of deliberative democracy, then it cannot be ruled robotically by majority, issue-by-issue voting. If the group was to give complete control to such majority voting, then, regardless of the rationality of its individual members, it would be likely to support collectively irrational policies. And that would surely conflict with any plausible reading of the deliberative democratic ideal. The ideal cannot just

require that the individuals reason with one another before they go to cast their votes on what a group should do, which is all that the three constraints outlined above demand. It must also require that the decisions that the group takes should be ones that can be deliberatively defended. Not only should they issue from reasoning, they should themselves satisfy the demands of reason; in particular, they should satisfy minimal demands like that of consistency. For these reasons, then, we have to add a fourth constraint in specification of the deliberative democratic ideal:

- *The group-rationality constraint* – people should take steps to ensure that where their voting would lead to inconsistent or otherwise irrational policies, this is remedied and group rationality is ensured; if no remedy is feasible, as with a large-scale electorate, then group decisions should not extend to policy matters.

III THE CASE FOR THE IDEAL

What is supposed to be so good about having a deliberative democracy – that is, a system satisfying our four constraints – in place at any site of public decision-making? There are many arguments in the literature for why deliberative democracy is a desirable system, but they do not offer a ground for thinking that all four constraints should be satisfied. They mainly focus on the psychological and sociological merits of satisfying the first three constraints; say benefits to do with giving people an opportunity and incentive to inform themselves on public matters, to try to gain an understanding of the points of view of others, and to identify with the public good as such. And those benefits are equally attained whether or not the group enforces the collective rationality required by the fourth constraint.

There is, however, at least one style of argument that makes a powerful case for why group decisions should satisfy all four constraints and satisfy the full deliberatively democratic ideal. I think of this argument as republican in character. It fits into a way of thinking that goes back to defenders of the Roman republic; the renaissance republics of northern Italy; the English commonwealth or republic of the 17th century – and indeed the later republic that, in Montesquieu's words, was concealed beneath the form of a monarchy; and the new American and French republics of the century following.

Republican theory starts from the assumption that it is in the overall interest of each citizen to have a coercive, centralised government that pursues common avowable interests – the 'common avowable good' – and only such interests; it does not try to advance any sectional or factional preferences but deals equally with all. That assumption gives rise to a question that has been at the centre of republican thought for two thousand years. How can coercive, centralised government be stopped from representing an arbitrary power in the lives of citizens (ie, a coercive agency that has the capacity to abuse its power – even if it proves benevolent enough not to do so – by interfering with people in a manner

that is not justified by the common avowable good)? How can the state be shackled so that we, its members, do not assume the status of debtors or slaves in relation to it, so that we do not live in its power or under its *dominatio* but rather have the standing of free men and women who do not have to act in fear of, or in deference to, anyone?

In a sustained, centuries-long attempt to deal with this problem, the republican tradition generated a rich brew of ideas, many of which still rule in our political lives. The tradition argued for: introducing devices such as the rule of law, designed to ensure that state power cannot be used against an individual as such; the enactment of law by the vote of a public body or set of bodies, so that those who make the law are also subject to it; the dispersion of powers among such bodies and among other agencies of the state; limitation of tenure – and sometimes the rotation of tenure – in public, executive office; the provision of channels through which citizens can know of the decisions of the state and can effectively challenge them; and of course the popular election of various public officials, legislative and executive. These devices were all conceived as means for checking and balancing the coercive power of the state, allowing it to do its job but guarding against its becoming an arbitrary power; forcing it to be guided by the common avowable good, and only the common avowable good, in exercising any coercion over citizens.

There is one other instrumentality that should be added to this list, and it went almost without saying among most republican thinkers. This is that in making its various decisions, the state – the state in its legislative, executive and indeed judicial aspects – should always be forced to give reasons for what it does, and in particular reasons that are meant to display its decisions as justified by the requirements of the common avowable good. The decisions may be justified in the manner of policy decisions that are said directly to further some common interest recognised in public discourse like the defence of the country or its economic prosperity. Alternatively, they may be justified in the manner of bureaucratic or judicial decisions that are derived from the terms of reference given to the official or department, or the court or commission involved – terms of reference that are themselves presumptively justified by requirements of the common avowable good.

The idea, in a phrase, was that if a polity is to be one where the state is non-arbitrary – a servant of the people, rather than its master – then it has to be a republic of reasons. There has to be public discussion surrounding the selection of representatives by the populace and the determination of policies in the parliament, that helps to select, at whatever level of abstraction, the sorts of reasons that can be persuasively adduced as considerations of the common avowable good. The decisions that emanate from the various public bodies that operate in the name of the state, and with the coercive backing of the state, must be justifiable, directly or indirectly, in terms of those considerations. The decisions made must be susceptible to challenge by individual citizens or by groups of citizens. There should be channels through which those who would contest the decisions can argue that the reasons adduced are not considerations of the common avowable good, or do not provide support for the particular

decisions. There should be a forum for these arguments – perhaps a court, a tribunal, a parliamentary committee, or just a public gathering – where governmental conduct can be fairly and effectively subjected to review.

It is in this image of a republic of reasons – a republic where the state, already checked by other measures, is forced to relate to its citizens as a co-reasoner – that the ideal of deliberative democracy is most persuasively grounded. This is why it has a natural appeal to the imagination, and a compelling place in the currency of political appraisal. This, ultimately, is why it is an ideal. There is no hope of having a republic of reasons unless deliberation regulates the way people debate and vote and unless the decisions made can be represented as rational positions.

IV FROM DELIBERATIVE DEMOCRACY TO DEPOLITICISATION

Many believe that the ideal of deliberative democracy, like the ideal of participatory democracy that was more dominant in the mid-20th century, argues for greater popular and greater political control of what happens in public life. I hope to show that this is not so and that the ideal instead argues for a recognition of the importance of depoliticised government and an extension of such governance in a number of areas. Clearly, the fact that depoliticised government is important does not mean that politicised government is unimportant. The point is that each has its proper place and that both those places should be appreciated. I propose to outline three of the tensions that exist between politics and the ideal of deliberative democracy and to show for each tension why depoliticisation promises an improvement.

A The Tension between ‘Popular Control’ and the Ideal

There has recently been a good deal of enthusiasm in various parts of the world, including Australia, for the idea of giving the people more control over policy issues. The citizen-initiated referendum would increase such control, for example, by enabling private citizens who can gather enough signatures in support to trigger a referendum on any issue that they choose. At the moment, the cost of such referendums is too great to make regular recourse to the procedure feasible. That cost will probably decrease, though, given developments in technology making it easier for citizens to register their opinion. One scenario would give people the opportunity of doing this on a routine, monthly or even weekly basis. It would hold out the prospect of government that is truly by the people, in the sense that majority popular opinion rules on most important issues of policy.

Popular control of policy, whether in a moderate or extreme variety, is very problematic from the point of view of the ideal of deliberative democracy. As demonstrated above, majority, issue-by-issue voting – even when the voting is judgmental and dialogical in character – can generate irrational collective

positions. Let the people be as rational, informed and public-spirited as you like; it still remains that if they decide on policy issues as they come up over time – or even if they decide on a set of issues at the one time – there is every possibility that they will collectively support irrational policy-packages: packages that require policies as irrational as reducing taxes and increasing spending.

If the decisions of government are irrational like this, then the group-rationality constraint of deliberative democracy is breached. Furthermore, it is unclear, under a regime of popular policy control, whether going back to the electorate with evidence of its collective irrationality would do any good. There is nothing that an electorate as a whole can do to discipline itself into making only collectively rational decisions. It lacks the organisation that such self-regulation would require. A political party, commercial organisation or professional grouping would be small enough and organised enough to reconsider and resolve such irrationality, but a populace is an unarticulated aggregate of individuals and it is hard to see how they could ever develop such a capacity. The people as a whole can represent the most arbitrary and dominating form of government.

The obvious remedy for this is a regime of representative government, under which representatives have the autonomy required to take part in collective deliberations with other representatives, without always worrying about whether their judgments will be individually supported by their constituents. Representative government, in this sense, is the first requirement of deliberative democracy. It is also the first step along a path of depoliticisation.

It is going to be important, of course, for the people to be involved in government. This is an indispensable check on representatives and ensures that there will be the sort of popular political discussion that helps select those considerations which ought to influence representatives. However, if the ideal of deliberative democracy is to rule, then it is equally important that the role of the people is restricted to the choice of personnel, and only rarely runs to the determination of policy.

B The Tension between ‘Political Control’ and the Ideal

Political control is control by the representatives in parliament, or in a government with a parliamentary majority, where there is no realistic possibility of the decisions being reviewed or rejected by any other body or official. It may seem that if democracy means rule by the people, and if the people should exercise this rule through representatives, then those representatives ought to rule supreme. Parliament, in Dicey’s language, ought to enjoy legal sovereignty.²

This too is going to be problematic for the ideal of deliberative democracy, under two conditions: that the control involved means hands-on control, and that it extends to areas in which elected representatives have personal or party interests at stake. If interests of this kind are engaged in the policy-making decisions over which representatives have political control, they cannot be reliably expected to decide those issues in terms only of the common avowable

² See A V Dicey, *An Introduction to the Law of the Constitution* (10th ed, 1960).

good. The people over whom they rule cannot have any assurance in those matters that reasons dominate in the manner required for a deliberative democracy. *Nemo iudex in sua causa* – no one to be judge in his or her own cause.

One obvious area in which the principle applies is in determining electoral boundaries and the number of representatives for each area. Many countries, Australia included, have depoliticised this area. Electoral commissions may be subject to the ultimate control of parliament – parliament may have hands-off control, as it were – but they are designed precisely to meet the sort of problem we are dealing with. They take the decisions away from the direct influence of representatives and they are required to follow strict guidelines that have been accepted by those on all sides of politics. If the commissions fail to present a satisfactory justification for anything they do – to give democratically persuasive reasons for their decisions – then they will certainly face a public and political outcry.

If Australia and some other countries have supported depoliticisation on this issue, thereby advancing the cause of a deliberative democracy, they have not done so on many others. Here I mention one example that is particularly striking, since it comes up day after day in national and state politics. The example is the way governments privilege, or at least are assumed to privilege, marginal seats in the exercise of various forms of discretion. If a government faces a decision that will benefit one constituency or another and it has a powerful party-related interest for favouring one of them, then there is little or no hope that it will be guided just by considerations of the common avowable good. Once again, the ideal of deliberative democracy will be compromised.

The phenomenon I am discussing is pervasive, and is recognised without embarrassment. On 23 May 2001, *The Canberra Times* reported that the Liberal Chief Minister, Gary Humphries, thought that Canberra had done very well in the federal budget, considering that it had no marginal seats in the House of Representatives.³ No one commented on the remark. This reveals the widespread assumption that those in government will feather their own party nest, presumably at some potential cost to the common avowable good, whenever the opportunity arises.

Just as electoral commissions depoliticise boundary decisions and allow them to be made in a deliberatively democratic way, so we might envisage the introduction of a similar system that would guard against privileging marginal seats. The commission would operate at arm's length from parliament and government and might be required to review and approve any proposed government expenditures – at least expenditures above a certain amount – that benefit constituencies that are marginal in a stipulated degree. This is not the place to formulate exactly how such a commission might be constituted, but anyone who takes the ideal of deliberative democracy seriously must have an interest in investigating the feasibility of such a depoliticising institution.

3 Liz Armitage, 'No Fireworks or Bands, but ACT has Done Well: Humphries', *The Canberra Times* (Canberra), 23 May 2001, 2.

C The Tension between 'Popular-Political Control' and the Ideal

This final category is, in my view, the most important, for the tension involved leads to many abuses of deliberative democracy, in particular to many abuses not recognised as such. I mention three stylised examples: a case where popular-political control serves people's passions rather than common interest; a case where it serves people's morals rather than common interest; and a case where it serves self-concerned advantage rather than common interest. While the examples are stylised, they are close enough to everyday reality to teach obvious lessons.

1 *Popular-Political Control Serving People's Passions rather than the Common Interest*

The first example relates to crime control. Imagine that a certain pattern of policing and sanctioning is working quite well across a broad range of criminal activity, and working in such a way that imprisonment is not often imposed, community service being the sanction of first resort. The pursuit of electoral advantage might lead to politics that generate a much more severe and costly rate of imprisonment without achieving any compensatory advantage. The process may even allow the level of crime to rise.

No matter how well the criminal system is working in a polity, there will eventually be a case where a convicted offender sentenced to community service would not have committed a later crime had he or she actually been put in prison. If the subsequent crime is especially horrific, then the politician who makes a big noise about it can be sure of exciting public passion about the issue. Given that such noise sells newspapers and attracts television viewers, the politician can be sure of support from the media. We can easily see why such a politician or party, particularly one out of government, can derive substantial advantage from denouncing the existing pattern of sentencing. They can activate a politics of passion, presenting themselves as the only group really concerned about the crime in question. They can create what Montesquieu called a 'tyranny of the avengers',⁴ using knee-jerk emotional politics that work systematically against the common allowable good.

This phenomenon has marked politics all over the western world in the last decade or two. It resulted in a bidding war in New South Wales ('NSW') elections, as parties vied with one another to appear tougher on crime. Without any discernible benefit in actual levels of crime, NSW is now reported to be imprisoning offenders at twice the rate of Victoria.⁵ This is a vivid and melancholy illustration of how popular-political control – the sort of control that involves an interaction between people and politicians – can undermine deliberative democracy.

4 Charles de Secondat Montesquieu (Anne M Cohler, Basia Carolyn Miller and Harold Samuel Stone (trans and eds)), *The Spirit of the Laws* (first published 1748, 1989 ed) 203.

5 Australian Bureau of Statistics, *Prisoners in Australia 2000*, Cat No 4517.0 (2001).

How might this sort of affront to deliberative democracy be rectified? The only hope I see is in a form of depoliticisation, whereby parliament would appoint a commission representative of expert and popular opinion. This commission could establish sentencing guidelines, monitor any changes made in existing practice and judge on those changes by the aggregate benefits and costs to the community. Parliament might well retain ultimate control over such a commission, but putting its control at arm's length would better serve deliberative democracy than the current procedure.

2 Popular-Political Control Serving People's Morals rather than the Common Interest

A second example illustrates a way in which people's morality may rule in place of considerations of the common avowable good. Imagine that prostitution is legalised within quite specific limits in a community, with brothels subject to strict regulation and street soliciting prohibited. Most people in the community will think that prostitution is morally undesirable – it offends against a range of ideals, religious and otherwise – but let us suppose that it serves the common avowable good better to have a legalised, regulated system of prostitution rather than allowing it operate in the criminal underworld. In such an underworld, prostitutes would have no protection from the law against exploitation and abuse, and they would have less opportunity to guard against sexually transmitted infection.

As in the first example, it is easy to see how a politician or party might find political advantage in denouncing the government for allowing prostitution to continue in the society. The individual or party might easily appeal to perfectly reasonable ideals, challenging people to say whether or not they countenance prostitution and gaining support from the large majority who do not. They can expect to activate a politics of moralism, in which the options are presented in a false, dichotomous light: denounce prostitution or embrace it. In this light, there is no attention given to the possibility of denouncing prostitution at a moral level, while recognising that it is impossible to stamp it out by legal and political means and that it is better to have a legalised, regulated system. A politician who makes this sort of issue a central electoral question will attract many voters.

In the previous example, politicians might have hoped to attract voters to their side by focussing on a couple of horrific abuses, relying on vivid examples to arouse people's passions and to move them more than any number of aggregate statistics. In this example, they can hope to attract voters to their side by invoking widely held and quite intelligible morals. When people are asked to vote on the legalisation of something like prostitution, they are not individually asked to decide whether there should be a regulated or a prohibitionist system. They are asked to give their opinion on the issue at stake, which sounds like a request for their moral judgment. As they respond in this way to prostitution, so in general we may expect them to respond to all of those questions in public life where personal, moral ideals are intimately engaged. The best current example arises with respect to 'softer' addictive drugs. Those politicians who take the

high moral ground on that issue can do so in the assurance that it is good politics – good politics but not necessarily good government.

As in cases that ignite people's passions, there is good reason to consider the formation of a depoliticised forum, at arm's length from parliament, which can offer guidelines on the legalisation of activities that conflict with popular morals. This body could represent different sectors of popular opinion and professional expertise and would be able to take a long-term view of the costs and benefits of different approaches. While subject to the ultimate control of parliament, its distance would surely give a boost to the rule of deliberative democracy in public life.

3 Popular-Political Control Serving Self-Concerned Advantage rather than the Common Interest

A third category where popular-political control can jeopardise the ideal of deliberative democracy arises where politicians actively canvass and obtain the reactions of people to various government proposals and then defend the position that they take on the basis of which lobby group represents itself most effectively. The problem here, familiar to students of public choice, is that if an overture advantages a large number of people in a small measure but disadvantages a small number of people in a large measure, then the disadvantaged will have both a stronger incentive and a better opportunity to organise themselves into an effective lobby. The problem bedevils popular-political discussion of many public issues, ranging from where to establish main roads to where to build prisons, public utilities, or airports. It reduces the operation of democracy on such questions to a process of overblown rhetoric and mutual abuse, in which there is nothing remotely resembling deliberation about the demands of the common avowable good. Here, it is neither popular passion nor morality that undermines the rule of reason but good, old-fashioned self-interest.

This problem might also be solved by depoliticisation. There is a proposal currently in circulation, which has now been trialled in a number of countries, including Australia, that attempts such a solution. James Fishkin, of the University of Texas, introduced the idea, which he describes as a deliberative opinion poll.⁶ It involves taking a random, statistical sample of the population – perhaps a group of about three hundred – and bringing them together for a period of discussion and information-gathering before polling their opinions. Such a deliberative opinion poll would surely serve deliberative democracy well in many areas mentioned in this third category, for it would give those in government an excellent sense of the balance of informed opinion in the society. It would enable political debate to operate at a significant remove from the intensity of lobby politics.

6 James S Fishkin, *The Voice of the People: Public Opinion and Democracy* (1997).

V CONCLUSION

I argued in the first section that, understood properly, the ideal of deliberative democracy imposes four constraints. It requires in any democratised, decision-making body that all members be included in the decision-making; that those members vote on the basis of their judgments about what is in the common interest; that they form those judgments in the course of dialogue with one another; and that the votes they cast on issues of policy be aggregated in such a way that collective rationality is ensured. I went on in section two to make a case for the ideal of deliberative democracy, arguing that it derives from the need to make coercive government non-arbitrary: the need to ensure that so far as possible the government is forced to act in a way that is directed by considerations of avowed or readily avowable common interest, and only such interest. One of the requirements of non-arbitrariness in government is, plausibly, that its various bodies operate to the specifications of that ideal, establishing an effective republic of reasons.

We have seen in the last section that if the ideal of deliberative democracy is understood and justified in this way, then it makes demands that will strike many as paradoxical. It argues for increasing the depoliticisation of government that is exemplified in Australia by the role given to professional commissions in determining electoral boundaries. I looked at ways in which popular control, political control and popular-political control need to be restricted, and measures of depoliticisation introduced, if deliberative democracy is to thrive. The lesson is that democracy is too important to be left to the politicians, or even to the people voting in referendums.

Democracy requires modes of popular and political control, of course, but it also requires a regime under which people and politicians are willing and able to trust in various depoliticised bodies to make decisions on certain matters of common interest. Democracy needs to be deliberative in character and there is no hope of its achieving that character unless decision-making is routinely subject to depoliticised checks and controls. The democratic society which leaves the exercise of power to popular majorities and political elites may easily become the worst of despotisms.