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# “Deliberative Democracy” Dementia

BY JAMES BOVARD

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A specter is haunting America’s politicians and professors—the specter of illegitimacy. The political-intellectual elite fear that millions of Americans will conclude that the current democracy is a fraud—that they are being given bogus choices at the ballot box—and that the phrase “will of the people” now means as little as “the check is in the mail.”

In the era of the Founding Fathers, government was fairly simple and straightforward. But in the last 70 years government has become far more complex, powerful, and seemingly impossible to leash. Rather than a republic, we have a Leviathan Democracy. The U.S. government still has the formal trappings of the old republic—candidates, elections, congressional proceedings, judges draped in long black robes. But hollow forms offer little solace to citizens caught in bureaucratic crosshairs.

And, unfortunately, most citizens know little about the system that domineers their lives. Most Americans do not know the name of their congressman, the length of terms of House or Senate members, or what the Bill of Rights purportedly guarantees. A survey after the 2002 congressional election revealed that less than a third of Americans knew “that the Republicans controlled the House of Representatives prior to the election.” Almost two-thirds of Americans cannot name a single Supreme Court justice. Almost 60 percent of Americans cannot name a single cabinet department in the federal government.

Since voters routinely do not know what their rulers are doing, those rulers cannot claim they are following the people’s will when they impose new taxes and penalties. Instead of being a triumph of the people’s will, government action becomes old-time exploitation and

repression. The whole thing looks a bit unseemly, at least to those who see politics as potentially uplifting.

As polls have shown that more Americans distrust government, professors have searched for the holy grail—a way to give legitimacy to Leviathan Democracy. “Deliberative Democracy” is the latest fix from the halls of academia.

Deliberative Democracy is different things to different people—but the common thread is that we will gather and be coached on how to discuss politics. Supposedly, if citizens meet and use “public reason” to deliberate on the major issues of the day, government policies will achieve new legitimacy and citizens will again trust Washington.

Deliberative Democracy is a favorite of Ivy League professors and editorial writers. Sen. Barack Obama (D-Illinois), a frontrunner for the Democratic presidential nomination, is hailed as a visionary for invoking Deliberative Democracy. In his latest bestseller, *The Audacity of Hope*, Obama declared that all the Constitution’s “elaborate machinery—its separation of powers and checks and balances and federalist principles and Bill of Rights—are designed to force us into a conversation, a ‘deliberative democracy,’ in which all citizens are required to engage in a process of testing their ideas against an external reality, persuading others of their point of view and building shifting alliances of consent.”

In one sense, Obama’s comment is typical of the rhetorical clouds that blanket the landscape when Deliberative Democracy is raised. His comment has little or nothing to do with how government works in the real

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world. Many citizens don't test their views against external reality, and most people don't go beyond calling a talk radio show and shouting into the phone to persuade others of their point of view.

In their 1996 book, *Democracy and Disagreement*, Amy Gutmann and Dennis Thompson declared that the core of modern democracy should consist of lofty debates about issues such as whether abortion should be legal, whether welfare should be provided, and whether racial hiring quotas should be imposed. According to Gutmann and Thompson, "Of the challenges that American democracy faces today, none is more formidable than the problem of moral disagreement." Gay marriage is perhaps the preeminent contemporary issue for Deliberative-Democracy advocates. Discussion cures all: "Deliberation is not only a means to an end, but also a means for deciding what means are morally required to pursue our common ends."

Writing in 1993, Gutmann, now president of the University of Pennsylvania, declared, "Deliberative democracy legitimates the collective judgment resulting from deliberative procedures." Gutmann and Thompson propose that citizens should agree to be bound by certain deliberative principles, which, they suggest, "would promote extensive moral argument about the merits of public policies in public forums, with the aim of reaching provisional moral agreement and maintaining mutual respect."

"Public reason" is the key to Deliberative Democracy. What is public reason? Whatever the professors say it is. Professors "explicate" public reason, with results akin to an Iraqi sandstorm. University of Virginia law professor Micah Schwartzman, in his article "The Completeness of Public Reason," revealed: "The purpose of public reason is not to end reasonable disagreement. Rather, it is to provide a suitable framework of values and principles within which citizens may resolve their moral and political differences." Schwartzman stressed that "the indeterminacy of public reason is much less common than its inconclusiveness . . . and there are second-order decision-making strategies that may enable citizens to cope with cases of indeterminacy."

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Professor Fred Frohock, author of *Public Reason: Mediated Authority in the Liberal State*, proffered a different vision of public reason, stressing "the redemptive powers of uncoerced dialogue on both subjects and participants . . . where the norms of self governance are in the mediated speech acts of public reason rather than in a republican sense of common substantive values and ideals [are] a powerful force to unify persons. This force can make whole the citizens of a liberal democracy. . . . The final *magic* of establishing a set of processes for resolving differences among individuals and groups may be that the effort can yield a political community with benign rather than malicious powers of union." (Emphasis added.)

Thomas Jefferson warned, "In questions of power, let no more be heard of confidence in men, but bind him down from mischief by the chains of the Constitution." But the Constitution has as much restraining effect on politicians these days as Miss Manners' book of etiquette has on a drunken football fan.

And what do the professors propose in lieu of a Constitution?

The "magic" of a "set of processes." Will repeating "magic" formulas be like waving a magic wand over the rump of Leviathan Democracy?

The doctrine of "public reason" provides a pretext for professors to wag their fingers at average citizens and chastise them for "not reasoning right." The fact that average citizens often reason badly about politics is no proof that professors reason wisely.

Some Deliberative-Democracy books and articles read like medieval scholastic tracts compared to the lucidity of the *Federalist Papers*. What profound guidance can we expect from professors whose political experience may be limited to clashes in the faculty senate over the ratio of male-to-female bathroom stalls in a new campus office building?

### The Fatal Good-Faith Assumption

Deliberative-Democracy advocates stress the need to assume good motives and good faith in deliberations about government. People are supposed to begin

by assuming that politicians are honest and benevolent, and then discuss how much additional power they should receive to improve other people's lives.

To assume that politicians are acting and talking in good faith is to assume that they pose little or no peril to citizens. The Founding Fathers would have burst out laughing at such an absurd notion. Jefferson observed in 1820, "Whenever a man casts a longing eye on offices, a rottenness begins in his conduct." Citizens are somehow obliged to presume far more good faith in politicians than the government shows in how it treats citizens.

Political scientists almost always understate the perfidy of politicians. It is their occupational blindness, the pervasive error that allows them to masquerade as scientists and not as accomplices. Deliberative Democracy suffers from a white-gloves mentality. But the more important preserving propriety becomes, the easier it becomes for politicians to bury the truth.

Advocates of Deliberative Democracy sound at times as if the citizen discussions would be free-range. But a closer reading of their recommendations shows that professors or their graduate assistants would be waiting to blow their whistle at any comment or question they considered indecorous. "We don't go there" would be the response time and again to citizens complaining about government abuses.

How would a topic like Waco be properly discussed in a Deliberative-Democracy setting?

"Given that we all know that the attorney general loves children . . .

"Given that the FBI are the experts in hostage rescue . . .

"Given that guns are very dangerous except when government agents are pointing them . . .

"What lessons can we draw when people disobey the government and commit mass suicide? And how should we respond to the threats of cultists?"

The "correct" answer would be to boost the FBI budget (which is exactly what Congress did after the April 1993 debacle). The vast majority of political scientists and "public intellectuals" had no criticism of federal action at Waco. This was a problem not of democracy but of disobedience.

And how would a right-reasoning deliberation on

the IRS proceed? Can someone say taxation is theft? That would certainly ruin the evening. Instead, the group leader would guide the discussion to how reforms in the Internal Revenue code can reduce the terrible disparity between the rich and the poor. Perhaps there would be a set of questions pre-approved by the National Endowment for the Humanities.

From Social Security to farm subsidies to taxation, the U.S. government has grossly and intentionally misled the American people time and again. George Washington University history professor Leo Ribuffo noted in 1998, "Presidents have lied so much to us about foreign policy that they've established almost a common-law right to do so." Unfortunately, most political scientists are as nonchalant about government dishonesty as is the White House press corps. But no amount of deliberation can substitute for the truth.

If people cannot say that politicians or the government is lying, then "deliberations" merely make them complicit in whatever frauds their rulers perpetrate. An assumption of "good faith" is simply the triumph of hope over experience. And why would politicians suddenly cease lying because citizens are deliberating?

### Another Full-Employment Scheme

Professors would set up the rules, and anyone who breached them would be tarred as unreasonable, if not undemocratic. As Harvard professor Peter Berkowitz commented, "Since it shifts power from the people to the best deliberators among them, deliberative democracy . . . is, in effect, an aristocracy of intellectuals. In practice, power is likely to flow to the deans and the directors, the professors and the pundits, and all those who . . . can persuade others of their prowess in high deliberative arts."

Yet the political scientists who would ride shotgun on citizens' deliberations have little or no understanding of the vast majority of U.S. government interventions.

Ask the Deliberative-Democracy advocates to explain how the cotton-subsidy program works, and the result will almost surely be an awkward silence, perhaps accompanied by some paper shuffling.

Ask them the rationale for the Small Business Administration's showering money on politically connected wheelers-dealers, and they would probably offer

something that a first-year economics student could shred in a New York minute.

Ask them why the U.S. government continues giving foreign aid when studies prove that government-to-government handouts breed corruption and oppression, and their eyes may glaze over—until they recite some phrases about the duty to help humanity or similar bunkum.

But mastery of political-science jargon is all the experts need—as if the latest phrases were the same as a mystic incantation that permits them to see into the soul of the body politic.

Deliberative Democracy would be a No Political Scientist Left Behind Act. The Deliberative-Democracy fad is a reminder of the circular nature of much of political science. Someone comes up with a phrase—others watch and see that it “flies”—and then the race is on to milk the slogan for as many journal articles and books as possible—to use it to snare funding for conferences and, ideally, even for research institutes dedicated to the notion.

Deliberative Democracy is a home run on all counts. The 2005 conference of the American Political Science Association featured presentations on “The Role of Empathy in Deliberative Democracy,” “Why Deliberation? Three Fallacies of Aggregative Democracy and Efficiency,” and “Emotions and Deliberative Democracy.” Academic centers for hyping Deliberative Democracy are spreading like crabgrass, including the Center for Public Deliberation at Colorado State University, Carnegie Mellon University’s Southwestern Pennsylvania Program for Deliberative Democracy, the National Coalition for Dialogue and Deliberation, Res Publica (“a community of public sector professionals dedicated to promoting good governance, civic virtue and deliberative democracy”). The boom is also spurring derivatives—including jumbo-sized studies on “discursive democracy,” “decisionist democracy,” “deliberational democracy” ad nauseam.

Britain has gone far further along the Deliberative-Democracy path than has the United States. Though Britain has no Constitution or Bill of Rights, the government wants to make people feel they are making the

decisions—or at least approving what the government has done. Foreign Minister Jack Straw bragged last year: “We have pioneered deliberative democracy within government—and found the public crying out for more.”

In January many Brits were outraged after the government announced plans to allow its agencies to easily transfer confidential personal data on citizens among themselves to “improve the efficiency of public services and make life easier for the public,” as the *Financial Times* reported. Responding to denunciations of Big Brotherism, Prime Minister Tony Blair announced the creation of “citizens’ panels” to discuss the proposal. The *Financial Times* noted, “The government is hoping that its ‘citizens’ forum’ will see the common sense of its data-sharing project, rather than worry about the civil liberties implications, and thereby confer some legitimacy on it.” And who will likely control the information the citizens’ forum uses to judge the plan? The same government agencies doing the spying.

The British government can surveil almost whomever it pleases. At the same time, the government uses the Official Secrets Act to prohibit citizens from learning what the government is doing. (Several British government officials have been threatened with

prosecution for leaks that revealed government falsehoods about the Iraq war, as well as President Bush’s suggestion to bomb Al Jazeera television headquarters in Doha.) The British government could even wiretap the members of the panels to find out who fed them information exposing government falsehoods.

### **Deliberative Democracy in America**

Some advocates assume that deliberation by itself is Sennobling. But if deliberation was actually a panacea, then Congress would not be so contemptible. Deliberative Democracy works badly in places where people lavishly pay themselves to deliberate.

“Mutual respect” is one of the most common themes that professors would require citizens to show in deliberations. But what about the politicians? Each political party has rightfully condemned the other for severe abuses of fair play.

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In 2005 the Democratic members of the House Rules Committee issued a report entitled, “Broken Promises: The Death of Deliberative Democracy.” They condemned the Republican majority for concocting rules that “severely restrict or sometimes even totally block the minority’s ability to debate or amend” major legislation. The report condemned the GOP leadership for “stifling deliberation and quashing dissent.” Then-Minority Leader Nancy Pelosi declared that “the House Republican leadership is working feverishly to undermine democracy here at home.”

The Democrats were treading hallowed ground. A dozen years earlier, House Republicans issued their own report indicting the Democratic majority for the same crime. Republican Gerald Solomon (R-N.Y.) declared, “The Republican Leadership Task Force on Deliberative Democracy in the House is here today to expose a dirty little secret to the American people, and that is that 248-million Americans have been disenfranchised from full participation in their House of Representatives this year.” Solomon was indignant because Republicans were blocked from offering amendments to legislation: “What we are saying in this report is that when you lose the ability to deliberate in a democracy, to be fully informed, and to fully debate and amend legislation so that it is representative of this body and the country, then you have lost the very essence of our constitutional system of government.”

Both the Republican minority in 1993 and the Democratic minority in 2005 had legitimate complaints. But the fact that Republicans so quickly copied the abuses of their predecessors is a reminder that herds of politicians will trample whatever they can.

The behavior of congressmen at a typical hearing would get a juror fined and jailed for contempt of court at a trial. Most congressmen do not show up for most hearings, and those who do show up attend sporadically, wandering in and out like bus-station patrons searching for a restroom. Most hearings, especially in the House, showcase members often awkwardly reading questions written out by their aides. An intelligent, spontaneous, piercing follow-up question is as rare as a federal agency requesting a reduction in its budget.

But the hearings are like sagacious philosophic dialogues compared to floor debates. Congressmen from

different sides take turns strutting up to microphones stumbling through texts badly written by their staffers. They rarely respond to the other side. They endlessly repeat each other because almost no one attends the floor debates—they simply show up for their scheduled five minutes’ bloviating. Anyone who watches a floor “debate” easily gets the impression that Attention Deficit Disorder is rampant in Washington.

### Illusion of Control

Professors imply that Deliberative Democracy would allow citizens the chance to take the reins of state. However, Deliberative Democracy is more like the toy dashboard controls with which children pretend to drive.

If government were simply a matter of paperwork or moral calisthenics, then mere deliberations might solve political problems. But the chance to vent at public meetings is scant consolation for the havoc wreaked by government policies. The number of government agencies that can accost, prohibit, penalize, tax, impound, impede, detain, subpoena, confiscate, search, indict, fine, audit, interrogate, levy, wiretap, sanction, and otherwise harass and subjugate the citizen and/or his property has skyrocketed. Few, if any, of the advocates of Deliberative Democracy seem aware that government fires real ammunition into the lives of innocent citizens—from speed traps, to seatbelt checkpoints, to bogus child-abuse investigations, to arresting almost a million marijuana smokers a year.

It is absurd to expect that discussions will resolve differences between people who wish to live as they please and others who demand the power to bring them to their knees. The more power government possesses, the more fruitless deliberations become between aggressors and victims. And yet Deliberative-Democracy sessions are supposed to assume that people who advocate government action are disinterested—as if such issues were the equivalent of choosing among possibilities for a Boy Scout troop project. According to the professors, citizens are obliged to act as if those who want to confiscate their guns or raze their houses are merely misguided—not malicious. Suppose the teachers union takes over the local school board (as has happened in many local school-board elections). What if the school board

decrees that parents who homeschool their kids are criminals and should be jailed?

Most of the college professors who have rattled on for years about "public reason" and "deliberative democracy" did nothing to oppose the passage of the Military Commissions Act, which effectively legalized torture and suspended habeas corpus for noncitizens. If the Act had had some sub-clause potentially affecting academic freedom or gay marriage, the professors might have rushed to the ramparts. But common, garden-variety dictatorial measures have failed to hold their interest. Neither liberty nor Leviathan are "moral issues" for the vast majority of political scientists.

The town meetings of early 1800s New England, chronicled by Tocqueville and others, were effective because the sphere of government was narrow. The local governments didn't have SWAT teams to send after critics. They did not have a massive statute book that they could throw against anyone who displeased them. They could not wiretap phones and pilfer bank records on a whim. But the more power government captures, the more contempt it can show for citizens.

And how will politicians react to deliberations? At this point in American history, an election victory means whatever the winning politicians say it does. If their oath of office—if their sacred pledge to uphold the Constitution—has no effect on them, why would a committee letter from Butte, Montana, make a difference?

Insofar as government is involved in running the Deliberative-Democracy sessions, they will be as corrupting as high-school civics classes. This is where many Americans learn that government automatically serves them and that it has grown so large because people have so many unmet needs. Government involvement with Deliberative Democracy will assure that people receive one more dose of "Officer Friendly" propaganda.

William Penn, the founder of Pennsylvania, wrote in 1693: "Let the people think they govern, and they will be governed." The greatest danger of Deliberative Democracy is that it creates the illusion of popular con-

trol of Leviathan. At best, it would be another way to con people into thinking that they control the government that skewers them. "You had the chance to deliberate, didn't you?" will be the new version of the old refrain: "You had the chance to vote, didn't you?"

Deliberative Democracy is a recipe for docility masquerading as a formula for activism. Deliberative Democracy aims to pacify citizens, not leash politicians. Being permitted to talk about politics is no substitute for being free.

Dignifying the political process is one of the worst evils of the Deliberative-Democracy proponents. If some reform does not provide a useful effective means for citizens to leash their rulers, then it is worse than useless—it is a sop, not a fix. Anything that increases docility breeds oppression.

Deliberative Democracy is a good example of how pretenses of idealism can sanctify servitude. "Lofty thinking" works out well for professors while common citizens fall into the manholes their schemes leave open. The professors' latest fix is little more than "attitude adjustment" for the American people. Deliberative Democracy will not lighten their chains, but will permit them to initial-

ize their own fetters.

Deliberative Democracy aims to prop up the curtain around the Wizard of Oz—to deter people from seeing or recognizing the iron fist that increasingly domineers their lives.

Unless there is a way to curb politicians' power grabs, then all the talk in the world isn't worth a wooden nickel. The types of deliberations most likely to protect citizens are those of a jury deciding whether a politician or other government official is guilty of high crimes or misdemeanors.

A democratic government that respects no limits on its power is a ticking time bomb, waiting to destroy the rights it was created to protect. There is no substitute for more Americans with the wisdom and the courage to demand that government obey the Constitution and respect their rights.



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