Democracy and City Life

by

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Submitted to the Department of Political Science
in partial fulfillment of the requirements for the degree of
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Abstract

The deliberative turn in recent political theory ties legitimacy to public deliberation about reasons, offered for and against exercises of authority by informed and sincere citizens, who share a commitment to finding mutually acceptable terms of social cooperation. But even such reasonable citizens may disagree on important matters, and some citizens will only rarely, if ever, see their sincere reasoned judgements reflected in democratic outcomes. I argue that, to be widely perceived as legitimate in plural settings, fair deliberative procedures must not only be inclusive and self-evidently grounded in a commitment to reasonableness and mutual respect; they must further ensure that dissenting parties have a reasonable expectation of eventually transforming features of the public sphere to better accommodate their distinctive values and interests. The result is a fair deliberative pluralism that reflects the cacophonous and variegated character of the public sphere in modern democracies. But I caution that this ideal requires conditions that can sustain spatial patterns of wealth and control over land uses that undermine the interests of certain spatially fixed groups. I draw on the experiences of U.S. cities to illustrate this tension. These cities feature profound and enduring inequalities of wealth and political influence, and urbanization generates patterns of industry and habitat that reinforce these inequalities. Municipal and state politics rarely alter the prevailing incentives for home and industry location that perpetuate these patterns, and when efforts are made to do so – for instance, urban growth boundaries, or new taxation schemes to fund public services – the result is often increased antagonism between central cities and their regions. I suggest that these problematic features of cities emerge from political processes that determine how urban spaces are valued, resulting in boundaries and behaviors that undermine the democratic credentials of much political activity in urban settings. I evaluate two classes of solutions to these urban pathologies in light of class-specific constraints on mobility that originate in political strategies of control over urban spaces.

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for Kim

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Introduction

An Outline of the Work

When is democratic authority legitimate? What conditions are favorable to ensuring legitimacy? Do favorable conditions exist at present? If so, where? and are they in fact conducive to legitimate democratic governance in practice? My aim in this work is to answer these questions by defending a deliberative and vigorously pluralist account of democratic legitimacy that is sensitive to both a republican concern with virtue, and a liberal concern with fair procedures and outcomes.

The chapters of Part I elaborate the deliberative account of legitimacy, its characteristic principles and associated procedures, in light of the diverse values, interests, associations, and aspirations that characterize modern plural societies. Public deliberation – that is, open discussion and argument among, and eventual judgement by, informed and sincere parties – has featured prominently in recent political theory, and a common theme is that, to be legitimate, government actions must be grounded in public deliberation about the acceptability of reasons offered for the exercise of political authority. On this view, the relevant parties to such deliberations ought generally to be citizens themselves. I contrast this reason-giving account of democratic legitimacy with republican and proceduralist approaches, showing the characteristic strengths of the turn to deliberation about reasons. But the reason-giving account assumes that citizens are reasonable and committed to reciprocity and mutual respect. I examine the requirements that these motivational assumptions impose on a plural republic in which authority is grounded in the practice of offering and evaluating reasons.

Of particular concern in Part I is the problem of public deliberation being characterized by persistent disagreement among reasonable citizens, and the associated possibility of persistent minorities whose shared values, sincere interests, and reasoned judgements are rarely if ever reflected in democratic outcomes. Several theorists have argued that, when
reasonable values and interests conflict, legitimacy requires reasons that are at least in accord with principles of reasonableness and reciprocity. I elaborate the moral-psychological and institutional demands of this claim.

I suggest that, to be widely perceived as legitimate in plural settings, fair deliberative procedures must not only be widely inclusive and self-evidently grounded in a commitment to reasonableness and mutual respect; they must further ensure that minority beliefs, opinions, traditions, and interests are not persistently excluded from effective influence over features of the public sphere. The result is an ideal of democracy – *fair deliberative pluralism* – that reflects the cacophonous and variegated character of the public sphere in modern democracies. I then evaluate and interpret a range of institutional proposals from recent democratic theory, generating a coherent account of associative and deliberative governance that is in accord with the ideal of fair deliberative pluralism, prescribing networks of associations, formal and informal, within which citizens can have extended voice in public affairs.

Fair deliberative pluralism promises to give citizens the effective means to form, articulate and, if necessary, modify their ideas and interests, in cooperative associations with other citizens. This ideal is also sensitive to the limits of citizen participation in large and complex societies, in which considerable time and expertise is required to make informed evaluations of many public matters. Given realities of scale and complexity, the ideal prescribes deliberative strategies of voice and representation in the informal public sphere: a range of associations and assemblies, combined with a diversity of expressive and imaginative activities, allow citizens to hold representatives and other officials accountable, and to shape features of the public sphere.

This is not an ideal of consensus: spaces of dissent and resistance must be maintained for those citizens whose distinctive interests and aspirations have been confounded by democratic decisions and practices, or whose lifestyles and expressive norms have not yet been sufficiently incorporated into public deliberative procedures and associated practices. Fair deliberative pluralism thus makes strong demands on citizens and institutions: as dissenting citizens resist status quo norms and practices, and as proponents of the status quo confront dissenting parties, there must be a widespread commitment to reciprocity, which must include a widely shared desire to at least try to understand the thoughts, convictions, and aspirations of others.
What conditions might foster such an outlook among citizens, while sustaining fair deliberative procedures in the formal and informal public spheres? In a large and diverse population, we cannot rely on strong ties of family or village membership, ethnicity, language, religion, or class to guarantee that citizens tolerate and respect one another in the ways that deliberative fairness requires. What, then, could sustain fair deliberative pluralism in such settings?

The chapters of Part II address this question by examining the spatial and organizational features of modern industrial cities, and I focus in particular upon the experiences of central cities and their regions in the United States. I argue that, by virtue of their characteristic density and diversity of interests, lifestyles, technologies, and economic activities, these regions are promising sites for fair deliberative pluralism. And yet these same cities are generally also sites of extraordinary poverty, inequality, and exclusion. I clarify this puzzling contrast, explaining how the same spatial and organizational features that seem so promising from a democratic standpoint can instead sustain attitudes, behaviors, and outcomes that undermine democratic intentions. Central to this explanation are political strategies through which boundaries are constructed and maintained in urban space. More generally, my analysis suggests that a range of formal and informal strategies of control over space have important consequences for democratic fairness and accountability. Political theorists need to understand and evaluate these consequences, and the distinctly spatial practices that give rise to them.

Although my analysis in Part II counsels some degree of scepticism with respect to deliberative and associative democracy, I conclude with an examination of two broad strategies of reform that may work to realize the democratic promise of modern cities. A central theme in Part II is the tendency of prevailing democratic institutions and associated practices to exclude or under-value the interests of lower income citizens in land use and resource allocation decisions. In light of this feature of cities, and given the attention in Part I to deliberative transformation of the informal public sphere by dissenting minorities, I emphasize both (i) the potential virtues of efforts to enhance effective mobility for lower-income urban residents, and (ii) the possible role of community development initiatives in helping lower-income citizens reshape the public spaces around them, thus transforming elements of the informal public sphere even as existing democratic institutions in the formal public sphere remain largely unresponsive to their particular interests.
Such, then, is the general thrust of my analysis and argument in the following chapters. But before turning to the substance of that analysis, let me first introduce the relevant themes in greater detail, and in light of longstanding ideas in political thought about authority, legitimacy, virtue, and fairness.

Democracy and Legitimacy

Part I examines the idea of legitimacy in modern democratic theory. An account of legitimacy explains when the exercise of political power is acceptable.

A venerable tradition in the history of political thought holds that consent is necessary for legitimacy: the exercise of political power is acceptable when citizens have agreed, or could reasonably be expected to agree, to the terms according to which such power is exercised. Theorists have, of course, differed greatly in their accounts of what motivates consent; the specific terms that would be consented to; whether consent must be in some respects ongoing; whether all parties must give their consent; and whether there must be actual consent, or whether tacit consent may be inferred, for instance, by a person remaining in a territory and enjoying benefits provided by political institutions. For each of these theorists, however, the acceptability of political authority requires a convincing account of how individuals might be motivated toward unanimous consent on the fundamental features of political order. And although consent is necessary for legitimacy, it has not generally been thought to be sufficient: it matters what ends political authority works toward.

Consider the argument offered by Plato’s Socrates in the Crito, perhaps the earliest theory of consent in the western philosophical and political tradition. In refusing to disobey the judgement of the Athenian assembly that has condemned him to death, Socrates cites his tacit consent to the laws: he has spent most of his life in Athens, the city that raised him and allowed him to flourish, and this amounts to a willingness to be bound by those laws, even if particular judgements seem unjust (Crito 51d-53a). But this argument does not stand alone; instead, it is buttressed by Socrates’ insistence that it would be wrong for him to leave the city without having persuaded his fellow citizens of “what the just is by nature” (51b-c). For Socrates, consent is an important consideration in determining the legitimacy of the law and particular judgements, but so too is commitment to an ideal of political authority grounded in rational persuasion.

For early modern thinkers, such as Hobbes (1651), legitimacy is in important respects a
function of consent, just as it was for Socrates of the Crito. But here the aims are somewhat different. For instance, Hobbes makes no appeal to rational persuasion and what is just by nature. Rather, legitimacy is secured by a founding compact among free and equal persons in a state of nature, a compact that has particular aims, and which ought to be attractive to rational self-interested agents. Hobbes suggests that free and equal individuals will consent to an absolute authority so as to achieve and sustain social order. Indeed, we might discern in Hobbes the first stirrings of a modern democratic concern that legitimacy be grounded in the will of free and equal individuals.

Beyond this nascent concern with consent, however, the sovereign authority Hobbes endorses is not democratic: the founding compact is motivated by the peace and bodily security that an absolute sovereign is expected to provide, not a desire on the part of citizens to be the collective authors of authoritative judgements. Free individuals would consent to be bound by such a sovereign, Hobbes thinks, because of the miserable state they find themselves in when a common authority is absent. But once citizens have agreed to be bound by a common authority, they give up their freedom to use coercion to secure their interests. If they come to disapprove of the sovereign, they have no effective recourse.

In Locke's view, the Hobbesian approach to legitimacy is insufficient. Free individuals would only consent to a governing authority that better preserves the freedoms they already enjoy in a state of nature. We would give up our natural right to interpret and execute the natural law, but we would not give up the freedom and property that the natural law grants us – indeed, requires that we have. With Locke (1690) we find the beginnings of a liberal government limited in authority, originating in and sustained by the consent of the governed, and authorized only to act within the bounds of a prepolitical, preconventional law of nature. For Locke, political authority is legitimate when it is in accord with the natural law, securing the life, liberty, and property of citizens.

With Rousseau (1762), in contrast, we find the first modern democratic voice: the founding compact is not best understood as a contract among self-interested individuals merely for bodily security or protection of personal property. Rather, it is an act of mutual alienation through which we give ourselves completely to a collective, thus ensuring our fundamental equality of holdings and expectations. Under such conditions we can find a unity of purpose such that we are, each of us, the authors of the laws we obey. When members of a polity so constituted deliberate and legislate together, the sovereignty of the
people is most authentically expressed. Legitimate authority is, then, democratic authority, emerging from the people themselves, embodying their general will, and therefore serving the public interest, not merely the will of all.

In chapter 1 I evaluate two prominent ideas about legitimacy and democratic authority that find their roots in Locke and Rousseau. Since Rousseau, republican theorists have tended to understand legitimacy in terms of whether authority rests with a public the citizens of which are capable of reflecting on shared interests, and who desire to pursue these interests together. In contrast, procedural accounts tend to understand political authority as legitimate to the extent that it emerges from procedures that citizens have consented to, or can reasonably be expected to consent to. And these procedures are constrained by standards of justice, the validity of which can be determined without appeal the procedures themselves. Where the republican emphasizes shared interests and the possibility of virtue, the proceduralist promises fair outcomes, even in the face of profound disagreement on questions of morality, virtue, or simply how best to achieve whatever shared interests can be found among citizens with diverse values and aspirations.

I suggest that, alone, both accounts are insufficient. The republican attention to the common good obscures the degree to which political conflicts can persist, even when citizens share many values and interests, as well as a conception of the common good. If citizens do not agree on the nature of the common good or how best to achieve it, then the republican must provide us with ways of forging a sufficiently unified and virtuous citizenry, members of which are willing and able to pursue shared interests together. Rousseau understood as much, suggesting that, if a community were not already united by convergent beliefs, values, abilities, and expectations, then a mythical legislator would be required to forge a unity of purpose among citizens, so that each would desire to pursue the common good together. Rousseau further understood the importance of shared customs and mores to the likelihood of a coherent general will being discernible, and he thought that a civic religion might be essential to preserving a polity united by a general will and committed to the common good.

Modern republicans reject the coercive features of Rousseau's account, but emphasize his attention to civil freedom and the possibility of virtue. These contemporary theorists stress the importance of a virtuous citizenry: that is, citizens who are capable of reflecting carefully on moral and political questions, and who desire to take part in public discussions and
arguments about matters of shared concern. Such citizens may be able to cooperate across diverse beliefs, values, interests, and aspirations, and find shared ends worthy of pursuit. We can, these theorists suggest, separate civic virtue from a reliance on communities united by shared values and traditions.

I argue that republicans of an Aristotelian or communitarian orientation, such as MacIntyre (1981) and Sandel (1996), fail to give sufficient attention to the range of personal freedoms that must be preserved if citizens are to become virtuous in a republican sense. Republicans of a neo-roman orientation, such as Skinner (1986) and Pettit (1997), remedy this failing by demonstrating how personal and political freedoms are mutually sustaining, and by conceiving of virtue without appealing to a community united by shared ethical ends. But having done this, I suggest that their republican account of legitimacy comes to resemble liberal proceduralist approaches in certain critical respects. The republican and proceduralist approaches converge further when we consider that the freedoms of thought and association necessary for civic virtue can undermine the possibility of a political community ever becoming united by shared values and aspirations. In such cases, the common good which citizens seek must be civic, rather than ethical in character.

The republican and proceduralist are similar in a deeper and more problematic respect: both are committed to an ideal of legitimacy ultimately grounded in consensus, about either the common good and duties of citizenship; or what count as fair procedures, and how such procedures ought to be constrained to avoid undesirable outcomes. Neither account can adequately explain why dissenting parties ought to accept dominant conceptions of virtue, the common good, procedural fairness, or just outcomes as the basis of legitimate political decisions.

Both approaches do, however, provide conceptual resources vital to a deliberative and pluralist account of legitimacy, one that attends to the possibility of agreement on the basis for fair procedures and acceptable outcomes, even in the face of manifest differences in values, expectations, interests, and aspirations. The idea is that fair democratic procedures can be constrained by principles of justice that are acceptable to bearers of diverse values, interests, and aspirations. For theorists such as Rawls (1993) and Gutmann and Thompson (1996), the ideas of reasonableness and reciprocity are central to this reconstructive effort: citizens must accept that some other beliefs and interests are such that sincere and competent individuals could consistently hold them, and they must be committed to
finding mutually satisfactory terms of social cooperation given this fact (reasonableness). Furthermore, citizens must agree to abide by these terms of cooperation, so long as others do so also (reciprocity). This suggests that citizens so conceived will desire to find terms of cooperation that other similarly motivated citizens can be expected to find satisfactory, even if they differ considerably on matters of religious belief, moral principle, and worthy aspirations.

Reasonableness and reciprocity thus understood lead to a distinct approach to legitimacy, one that emphasizes public deliberation about reasons. This account is the subject of chapter 2. A deliberative approach grounds legitimacy in cognitive and linguistic capabilities that seem intuitively more general and less contentious than more substantive claims about the moral or philosophical status and historical etiology of collective judgements and political power.

According to this deliberative account of legitimacy, an exercise of authority is legitimate if it is supported by reasons that are acceptable to those ruled. This approach ends up affirming fundamental motivations of both republicans and proceduralists. The deliberative account is procedural, in that it identifies conditions that a legitimate democratic procedure must satisfy. Legitimacy demands public deliberative processes, through which reasons can be scrutinized, debated, and either revised or rejected in light of available evidence and argument. No arguments or perspectives are to be systematically privileged or marginalized in such exchanges. But as both Cohen (1996) and Gutmann and Thompson (1996) emphasize, the deliberative account is not merely procedural: it is also sensitive to the republican concern with virtue, insofar as citizens must possess a degree of reasonableness, and a commitment to reciprocity. Fair deliberation requires both procedures and citizens of a specific sort.

Reasonable citizens may, of course, disagree on what count as acceptable reasons in specific cases. A virtue of the reason-giving approach is that reasonable persons may accept some democratic procedures as fair, and their outcomes legitimate, even if they disagree with the reasons that are decisive in specific cases. On the reason-giving approach, legitimacy is best understood as a property of appropriately structured procedures, and only secondarily a property of specific reasons offered in particular cases: if we doubt that moral and political debates can realistically admit of correct answers, or that democratic institutions can forge substantial and enduring consensus on such matters, then we may reasonably conclude
that legitimate democratic procedures are those that citizens agree upon just because they allow a variety of facts and opinions to receive an open hearing; they do not systematically discount or privilege any particular perspectives; and they ensure that persistent minorities can eventually transform critical features of the public sphere through their dissenting activities.

Or so I argue, deriving from the deliberative account of legitimacy an ideal of democracy as *fair deliberative pluralism*. In chapters 3 and 4 I elaborate the demands that fair deliberative pluralism places on citizens and institutions. I suggest that legitimate democratic procedures must sustain reasonableness and mutual respect among citizens, ensure a fair equality of access to public processes of mutual reason-giving, and sustain spaces of resistance, in which dissenting activities can be reasonably expected to bring about eventual change of at least some features of the public sphere that dissenters deem unacceptable. This last point is essential to the perceived legitimacy of democratic procedures and outcomes to those who often find themselves in the minority on a range of issues. To be clear: this is not a requirement that minority values and interests be decisive on some critical number of occasions in legislatures or referenda, or that members of a majority agree to accept arguments that they find unpersuasive. But it is a requirement that dissenting parties have a reasonable expectation that their sincere deliberative efforts will eventually transform some features of the public sphere to be more accommodating of their distinctive values and interests.

This argument is complicated by the complexity of the public sphere in modern democracies, particularly the ambiguous and contested status of various spaces and activities that make up this sphere. In the formal public sphere – of campaigns and elections, legislative assemblies, administrative agencies, and judicial offices and activities – there is arguably equality of access, insofar as equal freedoms of expression and association allow formal voice, opportunity to hold public office, and access to elected officials and judicial redress. Furthermore, in this formal sphere, norms of civility and acceptable argument ensure a degree of mutual respect among deliberating parties. Given this, I suggest that fair deliberative pluralism in these settings requires that (i) something like fair equality of access and influence, as well as a degree of mutual respect among citizens, are achieved in the informal public sphere of modern democracies, and (ii) that the play of competing arguments and perspectives in this cacophonous and variegated sphere can eventually transform
features of the informal public sphere itself, and also influence the more restrictive norms of authoritative public deliberation in the formal public sphere.

I explain in chapter 3 what mutual respect involves in the informal public sphere: a willingness to transgress a range of spatial and discursive boundaries, and openness to the possibility that one's own privileged boundaries may be transgressed, and our favored spaces and activities transformed through various encounters with others. Then, in chapter 4, I evaluate and integrate a range of recent institutional proposals in light of this analysis, showing how deliberative institutions may achieve fair contestation in the informal public sphere; provide stable linkages between these contests and formal public institutions; and sustain spaces of dissent and resistance.

Space, Place, and City Life

The attention to deliberative institutions that are both formative and regulative, and yet also suited to ensuring extensive personal and political freedoms in plural settings, leads to Part II, where I turn to the experiences of modern U.S. cities to consider the problems and prospects of deliberative democratic governance.

Cities should be of great interest to political theorists: modern urban regions hold the promise of organizing democratic institutions and inculcating democratic citizens in the face of population density, economic interdependence, and a diversity of beliefs, traditions, interests, and aspirations. But I suggest that cities are also of great concern to theorists because of their obvious democratic failings: modern urban regions are often sites of extensive environmental degradation; they exhibit deep conflicts among bearers of divergent interests and traditions; and more generally, they are the sites of extreme and enduring inequalities of resources and life chances among citizens.

Furthermore, the logics of commerce and economic development seem to be ensuring that the problems of cities are less and less unique, and less clearly circumscribed in physical space: cities and their regions increasingly mirror the demographic and organizational features of the modern world under industrial capitalism and market exchange. To understand the prospects for an inclusive and vigorously pluralist ideal of democracy in modern urban regions is, then, also to understand the hopes for such a vision more generally in a world of increasingly permeable borders and vast inequalities, populated by bearers of diverse interests and traditions who are often in conflict, but for whom cooperation across
differences could yield considerable gains for all.

Several theorists have recently returned to the study of modern cities to explore democratic themes. I have in mind here recent work by Iris Marion Young (1990) and (2000), Alan Ryan (1998), and Susan Bickford (2000). The works of two famous urbanists, Jane Jacobs (1961) and Richard Sennett (1970 and 1990), have featured prominently in these explorations. Indeed, Sennett himself has always been sensitive to relationships between the spatial forms of cities and the character of citizens, and his recent work (1999) affirms this commitment. But I suggest that a careful examination of the urban themes explored by Jacobs and Sennett ought to make political theorists less sanguine about the democratic prospects of cities, and so in chapter 5 I try to clarify some of the complexity and ambiguity of cities with respect to democratic virtues of deliberation, fairness, and pluralism.

I think political theorists have good reason to suspect that modern cities may be suitable sites for an especially inclusive and deliberative vision of democratic citizenship and governance. After all, features of everyday life in modern capitalism: cities seem to favor deliberative and associative democratic institutions: cities tend to be characterized by considerable density and diversity of values, interests, traditions, and economic practices; these conditions tend to foster a degree of practical interdependence among citizens. We may reasonably expect such interdependence to foster tolerance of difference, and a willingness to engage across differences when cooperation is necessary, as it so often is in the daily life of city residents. Furthermore, when density and diversity prevail in concert with certain technologies of communication, information-processing, transportation, and surveillance, we can expect a range of citizen associations to be connected and monitored in just the ways proposed by recent theorists of deliberative and associative democracy.

But in reality, of course, most modern cities fail to live up to their democratic promise: in general, urban regions throughout the world tend to exhibit profound inequalities of wealth and opportunities, and they are the sites of persistent political and economic exclusion, generally along lines of socioeconomic class, which in U.S. cities most often converge with historical injustices and resulting antagonisms associated with differences of race and ethnicity.

Historical and ongoing trends in urbanization have generated patterns of industry and habitat that reinforce the inequalities characteristic of most cities, but especially those in North America, and the United States in particular, the cities I focus on in chapters 5
and 6. In these settings, municipal, state, and even federal politics rarely try to alter the prevailing incentives for home and industry location that perpetuate these patterns.

Of course some efforts are made to disrupt enduring patterns of inequality in urban settings. For instance, certain cities have established urban growth boundaries, while others have proposed taxation schemes that better distribute burdens in the provision of municipal services such as extensive highway networks, sanitation systems, and social welfare programmes. But the result of these initiatives is almost always increased antagonism between central cities and their regions, suggesting that affluent citizens in urban areas are only rarely motivated to look beyond their own interests when engaging in political deliberation on issues of immediate concern to them. Worse still, several forms of association in these urban settings that are participatory and arguably deliberative – such as grassroots neighborhood advocacy groups, community development banks, and related borrower training programs – seem to have at best a modest impact on specific neighborhoods, and ambiguous consequences in broader spheres of concern.

These tendencies should be of grave concern to democratic theorists: if the proximity, persistent interaction, and interdependence characteristic of city life do not foster a degree of mutual respect among citizens, then we need to know why. Is human nature simply such that, even when we live near to – and come to depend upon, in myriad subtle but important ways – those with different beliefs, interests, and aspirations, we nonetheless feel little or no sense of solidarity with these fellow citizens, nor a willingness to engage with them in efforts to identify and pursue shared interests? Or do spatial patterns of wealth and power, and associated legal and political institutions, instead lead to outcomes that hinder the mutual respect and empowerment endorsed by recent democratic theorists, even given apparently favorable conditions?

My analysis in chapter 5 supports the latter explanation: in the major cities of the United States, urban politics and planning sustain prevailing incentives for home and industry location that have, to varying degrees, undermined the economic viability and political coherence of many urban communities, by creating strong incentives for capital and middle-class flight into either exclusive urban enclaves, or sprawling suburban communities that are poorly serviced by public transit. This has undercut not only the effective tax base and economic vitality of central cities, but also, and as importantly, the social bases of mutual respect both within and among many urban neighborhoods.
But why have urban regions evolved in this decidedly undemocratic fashion, particularly in affluent liberal democracies such as the United States? What is it about city life that sustains such practices and institutions? The chapters of Part II can be read as an attempt to answer this question by attending to political strategies of control over urban space.

Any satisfactory account of democratic legitimacy must be sensitive to how space is controlled, and how specific places are constructed and maintained. A place is more than a mere location in time and physical space: it is space imbued with meaning, the site of widely shared rituals, or historical events of great importance to a specific group of persons. More generally, places can be imagined and constructed: they may be regions of entirely fictitious or abstract spaces; or they may be regions we aspire to create or transform through our own activities, in ways that reflect particular values, interests, and ambitions.

In some fields of the social sciences, researchers have sought to avoid the artifactual nature of place by assuming, as an analytic convenience, that space and time are unproblematic background conditions – brute facts of our experiences that set the fundamental context against which all human activities take place. This is a reasonable assumption, and it has supported analytic approaches of considerable explanatory power and empirical scope.1

But normative political theorists cannot rest content with the assumption that prevailing metrics of time and space are uncontentious priors. Although time and space are typically experienced as brute facts about the world, the significance of these facts changes, often dramatically, over time and across cultural, political, and economic settings. For instance, advances in transportation and communication technologies make possible a range of activities and relationships among persons – spanning periods of time and expanses of land, sea, and air – that were simply impossible in earlier times. The metrics prevalent in a particular society are thus deeply implicated with specific cultural histories and economic practices, and their characteristic technologies of production, transportation, and communication. In this respect, the spaces of our varied experiences are rarely neutral contexts: the environments we find ourselves in are to varying degrees shaped by human activities,

1Consider, for instance, early work on central places and industrial location in urban geography (Losch 1954; Christaller 1966; see King 1986 for a review); research on spatial competition and locational decisions of firms (Hotelling 1929; Osborne and Pitchik 1987; Bester 1989); jurisdictional boundaries for public service provision (Tiebout 1956; Lowery and Lyons 1989; de Bartolome 1990; Percy and Hawkins 1992; Schneider and Teske 1992; Teske et al. 1993; Economides and Rose-Ackerman 1993; Schneider et al. 1997); and congressional district boundaries and electoral outcomes (Gelman and King 1994).
and indeed many of these environments (modern cities, for instance) are made up almost entirely of constructed spaces.

Henri Lefebvre (1974) has suggested that the philosophical and scientific conceptions of time and space prevalent at particular points in history can serve to buttress the legitimacy of particular forms of social organization and control. This is a reasonable hypothesis: the Cartesian and Newtonian conceptions of an absolute space-as-context, although presented as the basis for a particular natural philosophy, coincided with historical relations of exchange and control that were ideally suited to the conception of space as homogeneous, divisible, external to, and independent of, the activities taking place within it. Consider the ideas of the sovereign nation-state, private property, and market exchange: both the meanings and utility of these concepts depend on a clear demarcation of the territories, materials, and persons over which control may be legitimately exercised. Furthermore, the very ideas of contract and money require the coordination of activities in time and across physical spaces. As Harvey (1989, 170-80) and others have noted, the imperatives of market exchange based on a system of money have not only allowed transactions over space and time that were infeasible in barter economies; they have also demanded a coordination, across space, of how time is measured. Time – once a local measure of the cycle of day and night, work and rest – was transformed into a standard measure, comparable across the physical spaces over which money exchanges took place.

Specific conceptions of time and space – claims about what they are, and how they ought to be measured – are, then, arguably at least in part consequences of specific cultural, political, and economic values and interests. If this is the case, then what can we say about the nature of time and space as described by those who measure (and value) duration and distance in different ways? Can our respective metrics be compared without favoring some (perhaps implicit) values and interests that may not be shared by all parties? Are there plausible reasons why one specific conception, and corresponding set of measures, ought to be privileged over others? Can these reasons ever be convincing to those who adhere to different conceptions, different metrics?

Notice that the question of whether competing metrics can be mutually justifiable without privileging specific ideas, values, and interests is distinct from the question of whether different metrics and attendant concepts could ever be incommensurable, i.e. whether it might be impossible to articulate some of the concepts from one scheme in terms of the
other. Donald Davidson (1974) has provided a strong argument against such incommensurability. First, Davidson takes commensurability to be equivalent to translatability; he then invokes Tarski to argue that truth is a function of how beliefs, words, and sentences cohere, not how they correspond with external objects and relations. For Davidson, empirical reference is an inscrutable posit, not a determinant of truth value (Davidson 1977). Given this view of meaning and truth, if a concept can be meaningfully articulated within one set of concepts and meanings, then it is – with time, sincere effort, and some shared points of empirical reference – translatable into any other set of concepts and meanings. An implication of Davidson’s argument is that no culturally and historically specific conception of time and space can be genuinely incommensurable with some other conception, so long as there are translatable languages and common points of reference. But because prevailing metrics of time and space are implicated in specific economic practices and attendant social relations, the issue of justification is not resolved by any such commensurability argument: competing metrics may be commensurable as a point of translation, certainly. This does not, however, mean that specific terms and concepts will be acceptable to those with interests vested in a different metric.²

I think a persuasive account of democratic legitimacy should be sensitive to the ways in which specific ideas and interests shape the significance of time and space, and the construction and control of specific places: specific interests and institutions legitimate particular metrics, according to which time and space are measured and valued. These processes are fundamentally political: politics presupposes boundaries in time and space; but political principles and practices also define and enforce boundaries, and shape the places they demarcate.

And so, in chapters 5 and 6, I try to give substance to this abstract concern about the political valuation of space and place, by examining the ways in which the politics of contemporary U.S. cities sustain markets that value spaces and activities in ways that are problematic with respect to deliberative and associative democracy. In U.S. cities, political strategies of control over space and place determine the values of urban spaces and activities.

²Also, Davidson's rejection of correspondence as the basis of truth claims, although powerful, is not unproblematic: some have argued that translatability does not exhaust the concept of commensurability: see Hacking (1982); and also, Lackoff (1987, 306-37); but see Newton-Smith (1982). And Davidson's position is itself open to distinct interpretations, such as Rorty's anti-foundationalist pragmatism: see Rorty (1991, 5-12, 93-110, and 136-50).
therein, and these strategies tend to undermine the democratic credentials of much local participation in urban settings. Under these prevailing evaluative practices, democratic outcomes in cities tend to be such that the sincere interests and reasoned judgments of lower-income citizens are only rarely influential in decisions about land use, resource allocation, and service provision.

In light of this analysis, and given the attention in chapters 3 and 4 to the requirements of perceived legitimacy in a deliberative republic, I conclude in chapter 6 by outlining two broad classes of solutions to the problems of inequality and exclusion in cities: first, those solutions that attempt to transform infrastructure and incentives to improve conditions faced by residents of isolated and impoverished neighborhoods; and second, those solutions that accept the prevailing spatial forms of residence and employment in and around cities, but seek to create incentives for residents to leave distressed central city neighborhoods. Both approaches have intuitively appealing elements, and yet both pay insufficient attention to the ways in which political strategies of control over urban space limit the mobility of some citizens, and distort the markets according to which fair compensation is negotiated when these citizens are imposed upon by businesses and city government. Although my analysis is largely sceptical, I offer the following observations: first, efforts to increase the mobility of lower-income citizens may mitigate objectionable inequalities in urban regions; and second, certain forms of community association may allow lower-income citizens to reshape their own public spaces, thus influencing features of the informal public sphere even as they are effectively excluded from prevailing institutions in the formal public sphere of legislatures, courts, and administrative agencies.
Part I

Democracy
Chapter 1

Democracy, Legitimacy, and the Deliberative Turn

When are democratic decisions legitimate? The problem of legitimacy arises whenever claims of authority are made. To govern is to exercise authority, to make and enforce binding decisions. And this in turn suggests a standard of legitimacy whereby authority is justified. What, then, justifies claims to authority? In this chapter I evaluate two prominent democratic answers to this question.

Since Rousseau, republicans have tended to assess the legitimacy of democratic authority with reference to a common good that citizens are willing and able to reflect on and pursue together. In contrast, procedural accounts of legitimacy tend to avoid appeals to virtue or shared values and interests. Procedural theories suggest that democratic decisions are legitimate when they emerge from procedures the fairness of which may be determined without appealing to specific outcomes; that is, fairness is a constraint upon, rather than a function of, the outcomes of the procedure being evaluated.

Each account has attractive features: the republican emphasizes shared interests and the possibility of virtue, while the proceduralist seeks fair outcomes, even when citizens disagree on matters of morality, virtue, and the good life. But both accounts are insufficient: the republican account of virtue is contestable, and so too is the procedural appeal to fairness. Both the republican and the proceduralist are ultimately committed to an ideal of legitimacy grounded in consensus, about either common goods, the content of virtue, or the demands of procedural fairness; neither can adequately explain why dissenting minorities
ought to accept dominant conceptions of the common good, virtue, or fairness as the basis of legitimate procedures.

Both approaches do, however, provide some of the resources to be salvaged towards a more promising account of legitimacy, one that attends to the possibility that citizens with diverse backgrounds and interests may be motivated to seek reasoned agreement on fair procedures. Reasonableness and reciprocity are central to this reconstructive effort, and both concepts lead to deliberation as a democratic fundamental.

1.1 DEMOCRACY AND THE PROBLEM OF LEGITIMACY

A longstanding assumption throughout much of human history is that legitimacy is implicated with virtue: there are some persons who, because of their greater strength, wisdom, insight, or courage, should rule over others. Authority is legitimate when it is exercised by those who, by their natures, ought to rule. This is an instance of a more general view, again historically prevalent, that legitimacy inheres in standards that are taken to be in fundamental respects prior to human reason. Authority is legitimate when it conforms to a natural order of things, or to divine edict. A critical difficulty, however, is identifying the natural order or divine will: methods of identification inevitably depend on contestable claims about which accounts of nature and divinity ought to be taken as authoritative.

In earlier times, the prevalence of belief in divine intentions at work in nature could buttress the claims to authority of those who found themselves possessing greater strength and more resources than others. Favorable endowments could be cited as evidence of the legitimacy of authority. Tradition could be the basis for authoritative understandings of nature or divine will, and these understandings could in turn buttress existing claims to authority over others. But once the assumed authority of monarchs, priests, and sages was questioned, the powers and privileges that their interpretations justified were also called into question. When modern thinkers began to doubt the authority of traditional accounts of what is ‘natural’ and ‘just’, they were led to question the prevailing structures of authority and obedience that were justified in terms of those accounts.

Democracy is an ideal of popular sovereignty, of the people governing themselves, and as such it has often been in tension with traditional or revelatory strategies of legitimation. Democracy is ‘rule of the people’, and to say that ‘the people rule’ is to assert that the authority of collective decisions is legitimate insofar as they are decisions and actions of
'the people'. Popular sovereignty ties legitimacy to the interests and judgments of those governed, and so threatens the presumption that standards of legitimacy are simply given by tradition, divine edict, or rational reflection. Even if tradition, revelation, or reason do in fact provide standards of legitimacy that are in some sense 'correct' or 'good', democracy demands that they be in some way affirmed by citizens themselves, not merely imposed upon them.

But 'rule of the people' is an ambiguous formulation, open to a number of interpretations of who 'the people' are, how their collective judgements are to be arrived at, why such judgements ought to be authorititative, and over what issues. Two important constraints on such interpretations are participation and equality: if democracy is the rule of the people, then some form of citizen participation is obviously required. And as an ideal of government, democracy has generally been egalitarian in its conceptions of who constitutes 'the people', and in what ways citizen participation renders collective decisions legitimate. Equality has been understood both as equal terms of participation in deliberation and legislation; and as demanding that each citizen's interests be given equal weight, either in actually making collective decisions, appointing representatives to make decisions on their behalf, or some combination of direct participation and representative rule.

1.2 SHARED ENDS AND REPUBLICAN LEGITIMACY

A venerable account of democratic legitimacy takes the first sense of equality to be fundamental to legitimate procedures and outcomes: citizens must be able to participate, on equal terms, in deliberation and subsequent collective decisions on public matters.

Advocates of this republican account envision a common good that citizens can articulate and pursue together, from positions of moral equality and mutual respect. When citizens come together on equal terms to discuss, reflect, and legislate with the aim of articulating and realizing the common good, then they are genuinely self-governing, and the will of the people is most authentically expressed. Several proponents of this view have thought that such participation requires a convergence of values, interests, and expectations among citizens. Equal participation in public affairs results in equal consideration of interests just because a great many values, interests, and aspirations are already shared among citizens.

Something like this interpretation finds eloquent expression in Rousseau's *Social Con-
When, among the happiest people in the world, bands of peasants are seen regulating their affairs of state under an oak tree, and always acting wisely, can one help scorning the refinements of other nations, which make themselves illustrious and miserable with so much art and mystery?

A state thus governed needs very few laws; and in proportion as it becomes necessary to promulgate new ones, this necessity is universally understood. The first to propose them merely says what everybody has already felt; and there is no question of either intrigues or eloquence to secure the passage into law of what each has already resolved to do, once he is sure the others will do likewise (SC IV:i).

It is no accident that Rousseau casts this vision in a pastoral setting: the community of peasant farmers he imagines are all living close to the land, each similar to one another in terms of wealth, strength, intellectual powers, personal interests, life experiences and expectations. These individuals share a common language, and they meet together in the shade of an oak tree to discuss matters of shared concern. Their numbers are implied to be relatively few, at least no greater than could realistically meet in such a setting and still engage in fruitful face-to-face discussions. But more than this, these conditions favor a close identification with one another as part of a community: such individuals are very likely “to consider themselves to be a single body,” thus having “but a single will, which is concerned with their common preservation and the general well-being” (SC IV:i).

Rousseau suggests that, in such circumstances, there is a convergence of interests and opinions about what constitutes the common good. There are no competing interpretations of public goods; no acrimonious debates about how such goods ought to be provided; and no opportunity for private interests to sway opinions and generate factions. There are, then, no opportunities for some citizens to lead others into acting against shared fundamental interests in security and well-being. In such settings, public decisions are legitimate because they are oriented toward a common good that is clear to all.

1.2.1 Disagreement and Majority Rule

What if citizens disagree about what constitutes the common good, or how best to achieve it? For Rousseau, a lack of consensus makes voting necessary. Upon voting, the will of

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1 Hereafter SC, references are to book and chapter of Rousseau (1762).
the majority can, Rousseau thinks, be trusted to reveal the general will, so long as citizens understand voting as an effort to identify the common good: "when a law is proposed in the people's assembly, what is asked of them is not precisely whether they approve or reject, but whether or not it conforms to the general will that is theirs. Each man, in giving his vote, states his opinion on this matter, and the declaration of the general will is drawn from the counting of votes" (SC IV:ii).

Should we accept Rousseau's account of voting? In the event that consensus does not obtain among citizens regarding the common good, should we trust that the majority judgement is more likely to be correct in the way that Rousseau suggests?

Suppose that we somehow know, or have good reasons to suspect, that some public action (the provision of a particular good or service, for instance) will unambiguously serve the common interest, according to any reasonable standard of individual and collective welfare. If such a public action can be identified, it follows that there would be widespread agreement, perhaps consensus, about the value of this action, if all relevant information were available to all parties, and if all parties were sincere in their respective judgements. But further suppose that there is no certain way to identify this action, or the best means to carry it out. In this case, we might interpret decisions by vote and majority rule as collective judgements about whether a policy or course of action is the correct one or not.

This interpretation finds some support in certain properties of information aggregation: under some conditions, majority decisions should converge on correct solutions to shared problems. The relevant result is generally attributed to Borda and Condorcet, contemporaries of Rousseau, although the underlying intuition is ancient.\(^2\) Suppose that \(n\) voters are addressing a shared problem that admits of a better and worse solution. Each voter has some level of competence, \(p\), that is the probability of them choosing the better solution. Suppose also that the better solution is unanimously preferred by all voters, but that the quantity and quality of information vary across voters, as does competence. Suppose further that voters are relatively independent, in that they discuss facts and arguments together, and perhaps are often persuaded by opinion leaders, but they do not show unquestioning deference to certain prominent persons or prevailing opinions.\(^3\) Under these conditions, if

\(^2\)For instance, see Aristotle Politics 1281a40-1282a25 and 1286a30-35.
\(^3\)On this see Grofman and Feld (1988), who interpret Rousseau's account of the impact of factions as a claim about voter dependence; also, see Estlund et. al. (1989, 1318-20), and Estlund (1994).
the average voter competence is \( \bar{p} > 0.5 \), then a simple majority decision rule should identify the correct answer, the majority competence being \( P > \bar{p} \) and \( P \) increasing with \( n \).\(^4\)

We might, then, be tempted to think of deliberation and voting as primarily epistemic mechanisms (Coleman and Ferejohn 1986; Cohen 1986) that together provide an estimate of likelihood concerning the common good (Young 1988, 1235-36). If we are swayed by this reasoning, then we would agree with republican theorists that public institutions ought to be arranged in ways that foster competent citizens, encouraging participants to think carefully about the common interest, and to understand voting as a vital duty oriented towards shared ends. We would further want to ensure that a variety of facts, opinions, and arguments are widely heard, so as to enhance the quality of individual judgements about the common good, thus raising average voter competence.\(^5\)

Notice that, if we are impressed by Condorcet’s result, then we might reasonably question Rousseau’s own belief that “the more important and serious the deliberations are, the closer the prevailing opinion should be to unanimity” (SC IV:ii). Consider Rousseau’s example of citizens with similar abilities and interests, meeting to identify the general will. Following Condorcet, we conclude that, in such settings, a majority decision is likely to identify the better proposal. If we think this, however, then we ought to worry about rules that allow a relatively small minority to thwart the majority judgement. After all, the same logic that leads us to favor the majority judgement ought to lead us to conclude that, the smaller a dissenting minority is, the less likely it is to be correct. Given this, we would presumably reject a procedure that allowed a (probably incorrect) minority judgement to trump the (probably correct) majority judgement.\(^6\)

Certainly there are good reasons for scepticism about the relevance of the jury theorem to electoral politics in modern representative democracies. Obviously the theorem can only plausibly apply in cases where an uncontentious, procedure-independent standard of correctness applies, or where a good exists for which preference is unanimous, or very

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\(^4\)The result follows from the law of large numbers. For concise demonstrations, see Young (1988), and Ladhna (1992, 632-33). The condition of unanimous preference can be weakened somewhat; see Miller (1986). Ladhna (1992) weakens the assumption of uncorrelated voter errors, although the superiority of majority decisions requires that the correlation be modest; see also Berg (1993).

\(^5\)On this point, see Waldron (1990, 63-64) on the epistemic potential of public argument, given Rousseau’s account of voting and Condorcet’s theorem.

\(^6\)Dahl (1989, 141-42) outlines an argument to this effect. A similar conclusion could be arrived at after reflection on the incentives that unanimity requirements may create for strategic reasoning; on this see Feddersen and Pesendorfer (1998). Supermajorities in electoral and legislative settings may, however, be valuable for other reasons; see Schofield, Grofman and Feld (1988).
nearly so. Also, there are reasonable concerns in existing democracies about the amount and quality of information that is generally available to participants; the competence of participants in evaluating complex technical matters; and the degree to which deference to prominent parties, commercial interests, established opinions, and passionate rhetoric will interfere with the epistemic quality of personal judgements. Furthermore, an implicit assumption in many epistemic accounts is that voters act sincerely, but it remains a matter of some theoretical and empirical dispute whether and how strategic reasoning affects the epistemic character of voting. Finally, there is the obvious concern that inclusive public deliberation takes a considerable amount of time, even for relatively small groups. For many public decisions, citizens must delegate authority to representatives, who in turn must be trusted to appoint experts when necessary to evaluate technical problems, and implement complex policies.

These sceptical concerns do not deny the epistemic potential of deliberation and voting. They do, however, suggest that some rather stringent conditions are necessary to achieve epistemic gains from these public activities.

To reap such gains, we would have to ensure that public deliberation and collective choice are applied to problems for which it is meaningful to talk about a correct answer. This is not as stringent a constraint as it might at first seem: even for large groups whose members have diverse values and preferences, it is likely that some common good exists. For instance, whatever the composition of interests, identities, and associations in a given society, there will be common interests in constitutional essentials – personal rights; collective security; responsible governance; communications and transportation infrastructure; widely shared standards for communication technologies, financial exchanges, environmental impact assessments; etc. – even if there are problems of coordination in realizing such shared benefits through voluntary contributions by rational agents (Olson 1965). These goods serve the common interest according to any reasonable standard of personal and collective welfare.

It follows that the common good in such cases is implicated with the identification and

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7See Bartels (1996) on consequences of uninformed voting in U.S. elections that do not support a Condorcet interpretation. And see Page (1996) on how mediation of public deliberation through the mass media can distort facts and arguments.

8For instance, Austen-Smith and Banks (1996) suggest that, in jury settings, sincere voting may not be rational under plausible conditions, and that perverse outcomes could result; but see McLennan (1998).
provision of specific public goods, and it is plausible that the best means for providing these goods may often be uncertain: the amount and quality of information available to citizens may vary considerably; and some persons may, for whatever reasons, simply be better than others at reasoning about the provision of public goods, and how these goods contribute to a more abstract common good. Indeed, public issues in modern democracies tend to be rather complex, and as Downs (1957) has famously argued, it is often relatively costly for citizens to gain the information necessary to make informed decisions on a range of public issues. Under such conditions, the judgements of many citizens, both about their own interests and the common good, may be be unreflective and ill-informed, or worse yet, the product of manipulation by those with the skill and incentive to sway public opinion for their own narrow interests. In the absence of inclusive public deliberation, we might suffer under the tyranny of passionate majorities, themselves swayed by persuasive minorities who are not interested in advancing the public interest by pursuing the common good. In these cases, a pooling of information, and public scrutiny of that information and associated arguments, may lead to more effective public decisions. Furthermore, as contemporary republicans suggest, we would want to foster in citizens a desire to become more competent in reasoning about the common good, and a willingness to participate in informed voting about shared ends.

Reaping epistemic gains in democratic settings does not require extensive citizen involvement at every stage of legislation and administration. Nor does it require widespread expertise in technical matters, such as economic policy analysis, public health, or environmental risk assessment. Rather, inclusive public deliberation and voting can be limited to two sorts of decisions: first, judgements about what policies are in the common interest, and how they might best be achieved in terms of specific public goods; and second, whether relevant representatives and experts are performing satisfactorily as they formulate and implement specific policies given this public mandate. And to perform these epistemic duties, we need only require that citizens be able to evaluate the persuasiveness of arguments, based on a shared body of facts and uncontroversial rules of deduction and inference. It does not seem unreasonable to think that, under plausible conditions, many citizens will

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9 For instance, consider Neuman (1986).
10 Although consider McKelvey and Oreshek (1986, esp. 927-31), and Popkin (1991).
11 For instance, Sandel (1996) argues to this effect.
be able to apply these basic skills to a range of facts and arguments, so as to evaluate the suitability of candidates and proposals, and the performance of elected representatives and appointed experts.

These requirements seem modest. But there are other conditions required for epistemic gains, and these are more problematic. To reap epistemic gains, public deliberation and voting must be structured so that the following conditions are met: voters must have access to reliable information, and become reasonably well-informed; representatives and experts must present facts and arguments in clear, unbiased, and non-technical terms; and voters must not be inclined to show uncritical or merely strategic deference to prominent persons or opinions. These turn out to be rather demanding conditions.

Public funding and various regulations might succeed in forging a public culture in which a wide range of facts, beliefs, perspectives, and arguments are made widely available to citizens. But however expensive such efforts might be, and however odious they might seem to those sceptical of government-mandated diversity in the public sphere, fostering such diversity seems relatively straightforward compared to the task of ensuring that citizens themselves sincerely and carefully examine a wide range of facts and arguments when deliberating and voting on public matters.

How might we encourage sincere and thoughtful reflection by citizens about diverse and conflicting views, while discouraging unreflective or merely strategic deference to certain opinions? We might hope, with Mill (1859), that a vibrant public culture of diverse ideas and 'experiments in living' will prevent certain habits and opinions from becoming accepted without critical thought. Mill hoped that extensive personal freedoms of thought, expression, and association would sustain such a public culture. In practice, however, the combination of deliberation and free association has often fallen far short of Mill's vision: in a range of actual deliberative settings, group discussion seems to generate homogeneity within groups, and polarize opinion across groups. This is especially so for self-selecting groups based on shared values or opinions; but the result may hold for any assembly or committee, especially if membership is relatively stable, or if new and current members are similar in training and outlook. Under these conditions, a distinct institutional culture often emerges.

In many such settings, the actions or attitudes of certain prominent persons may influence others, by giving informational cues on how one should act or think in certain
situations. Participants may think their social standing to be contingent on agreement with others on certain matters, and so they may be tempted to modify their public statements to conform with those made by relevant others. These informational and reputational effects can lead participants to show extraordinary deference to the opinions of one or a few authoritative speakers.\textsuperscript{12} Furthermore, even when diverse sources of information are available outside of the group in question, the pool of information and arguments drawn on by participants often becomes distorted in favor of a particular point of view, resulting in a degree of ideological conformity that is sometimes enforced by aggressive attacks on those who attempt to enter the group with other facts and contrary arguments.\textsuperscript{13}

Whether driven by informational or reputational factors, the very real possibility of deliberative conformity suggests that, even if a public culture is characterized by a diversity of information and opinions, the mere fact of such diversity may not be sufficient to avoid uncritical or strategic deference. In such settings, freedom of association can be used by citizens to counter the heterogeneity of the public sphere, by forming and policing deliberative groups based around particular beliefs and perspectives. Furthermore, as Sunstein (2000) notes, deliberation under reputational pressures and informational distortions seems to lead participants, and the groups they deliberate within, to settle on more extreme positions than were held prior to deliberation, suggesting that the differences between various groups in such a society may become more pronounced if public deliberation is mediated through a range of associations.

But suppose that we could somehow moderate public deliberation so as to discourage uncritical or merely strategic deference, and instead encourage informed and sincere public deliberation and voting by citizens, carried out in a timely fashion, and framed in terms of providing public goods that promise to serve the common interest according to any rea-

\textsuperscript{12}On this see Sunstein (2000), who notes that these are arguably deliberative variations of the cascade phenomenon: when information is scarce and many actors are not sufficiently confident in the information they do have, they may use the actions of first movers as informational cues; see Scharfstein and Stein (1990); Banerjee (1992); and Bikchandani, Hirshleifer and Welch (1992). But even if there is sufficient reliable information available, cascades can still occur if actors assess social standing in terms of public agreement with particular opinions. And as Axelrod (1986) suggests, threats of violent sanctions by extremists can reinforce such reputational cascades. Reputational cascade processes are not necessarily objectionable, but they can be: such cascades may be an important factor in several recent ethnic conflicts; see Kuran (1998). Consider the events leading to the Hutu-led genocide of Tutsi Rwandans during the 1990s: a great many officials and citizens voiced public agreement with increasingly extremist statements of Hutu ethnic superiority, including many claims about Tutsi Rwandans that were obviously false and contrived; on this see Gourevitch (1998).

\textsuperscript{13}Again, see Sunstein (2000). On such processes in computer-mediated political discussion groups, see Hill and Hughes (1997).
sonable standards of personal and collective welfare. Even under such favorable conditions, there will often be alternative strategies for providing public goods, each Pareto-improving, but each characterized by different spatial and temporal distributions of secondary costs and benefits.

For example, a strong military may provide collective security that benefits everyone under its domain; but certain industries and their localities will reap disproportionate benefits (increased profits for firms with defense contracts, increased employment for communities surrounding these firms). Meanwhile, other localities will bear disproportionate costs (increased noise from ground and air traffic near bases, pollution from factories and test sites). Another example is highway construction: a new highway makes an urban center easily accessible to rural farmers, suburban workers, and a variety of other users. But high-speed traffic raises levels of noise and atmospheric pollution in the immediate vicinity, and rainfall runoff from paved surfaces may contaminate nearby water and soil. Upon entering the city, the highway divides some urban neighborhoods, changing property values and dramatically altering the aesthetic character of these areas: old residential and commercial sites are destroyed; or their location next to a noisy, bulky, and dirty over-pass creates unhealthy home and work environments.

These examples make clear that the provision of specific public goods cannot be justified simply in terms of collective gains to sincere and informed citizens: sincere reasoned interests will conflict so long as there are competing strategies for pursuing a Pareto-improving good, with each resulting in different distributions of subsequent costs and benefits. To be clear: the problem here is not one of competence and insufficient information. Citizens may well be able to identify the common good and associated public goods, and they may sincerely desire to pursue these goods together; but they may still be unable to make mutually acceptable collective choices among competing strategies for providing specific public goods.

To be sure, winners in such cases may be able to compensate losers, and sincere and informed public discussion can help make these negotiations fair; this is an epistemic virtue, certainly. But such negotiations are fundamentally about conflicting preferences, i.e. we would rather pursue the common good in ways that impose the fewest costs, and the most benefits, on ourselves and those we care about. And in modern settings, these costs will often be complex and contested, making deliberative resolution difficult, if not impossible.

We might reasonably argue that Rousseau in particular, and republicans more generally,
do not promise a general will in such difficult cases. A sincere, engaged, and informed citizenry may be essential for identifying and affirming overarching principles of justice; but we should not expect to find a general will in every case where a public good must be provided, or conflicts settled. Indeed, Rousseau is careful to distinguish between “the laws” and “public business” (SC IV:ii), suggesting that the laws must emerge from a will that is “general in its object as well as in its essence” (IV:iv). The sovereign, which embodies the general will, cannot render a decision on specific issues in which particular interests are in conflict. In such cases, the laws must set out the terms by which competing claims are to be resolved. There is, then, no need to demand of citizens themselves – or elected representatives, for that matter – that they treat every dispute among competing interests as a problem of identifying the general will. All we require for legitimacy is that such disputes be framed within a basic structure of principles and procedures that are faithful to the general will, and therefore serve the common interest.

But the existence of such a basic structure, and more importantly, the likelihood of reliably identifying features of this structure if it does exist, are precisely the points at issue. If common goods are simple, and their connection to the general will reasonably clear, then we may plausibly interpret voting and majority rule as an epistemic procedure, and use this interpretation to buttress both Rousseau’s account of majority rule, as well as modern republican efforts to forge virtuous citizens who desire to reflect on the common good and pursue it together. But if such goods are instead characterized by complicated and contested strategies of provision, and if their connection to the common good is unclear, then we are easily led to ask whether there exists a general will that can provide acceptable terms of negotiation and reconciliation when particular interests are in conflict. And even if there is a general will in these cases, complexity and controversy with respect to particular goods and interests should motivate scepticism that majoritarian procedures can be trusted to identify the general will, or policies that are reliably in accord with it.

Rousseau suggests that legitimacy is satisfied when government acts in accordance with laws that are faithful to the general will. This may be a necessary condition for legitimacy; but in a polity of any significant size and complexity, it is unlikely to be sufficient without a fuller account than Rousseau provides of just how we can reliably identify the general will, and how we ought to choose among competing policies that each seem consistent with the general will. Given size and complexity, legitimacy does not seem to follow in a straight-
forward fashion from majority judgements about the common good. This is not to deny
the desirability of epistemic gains associated with widespread participation by members of
a sincere and informed citizenry; but it is to suggest that the scale and complexity of public
matters in most modern settings make the epistemic approach incomplete without an ac-
count of what constraints are required to achieve epistemic gains, and why these constraints
are themselves acceptable.

What is unsettling about these considerations – at least for anyone swayed by Rousseau’s
account of democracy – is that the majority principle appears insufficient to secure legit-
imacy even in cases where a unanimously desired common good arguably does exist, and
where citizens are reasonably competent, sincere, and well-informed in their deliberations
about that good. If the majority principle is problematic in these settings, how can it
be justified in the absence of consensus about the nature of the common good, and how
best to achieve it? This problem seems especially pronounced when citizens also disagree
on fundamental ethical, religious, and philosophical matters. Why would we accept the
legitimacy of majority judgements in settings where a diversity of values and and inter-
est prevail among citizens, leading to conflicting visions of the common good? A sincere,
informed, and engaged citizenry may succeed in rooting out mere error and prejudice in
public discussions and collective judgements; such citizens might even succeed in agreeing
upon fair terms of compensation when reasonable interests conflict. But if these sincere,
informed, and engaged citizens hold divergent values and interests, why should we expect
them to change their deeply held convictions and aspirations?14

1.2.2 Solidarity and Transformation

Given this dilemma, we might hope to limit democratic authority to communities whose
members are already inclined to seek the common good, even if this involves unequal burdens
and benefits in some cases. For instance, if a political community is characterized by deep
eties of culture, religion, or nationality, then we might expect that many citizens would be
willing to bear burdens for the sake of a greater good, although perhaps expecting that
others will do the same for them when the time comes.15

14On this point, consider Knight and Johnson (1994), and Christiano (1997, 249-50).
15Thus, for instance, Miller (1995, 90-98) argues that national unity promotes a culture of trust, which is
vital to implementing redistributive policies demanded by social justice. A shared national identity fosters
‘loose reciprocity’: many citizens will accept certain burdens, such as higher taxes for welfare and training
programmes, without requiring strict reciprocity and close monitoring; they are willing to make some sac-
If such deep ties are not already present, then perhaps political institutions can be structured so as to foster this sort of solidarity? Rousseau suggests such a solution: if a community is not characterized by shared values and roughly equal abilities and similar expectations, then individuals may not be willing to discover and pursue the common good together. In such cases, citizens must be transformed in certain ways. Thus the founding act in Rousseau’s account of political association is unanimous consent to be bound by the general will, and this requires complete alienation, by all parties, of our entire selves to the community we have formed through our compact (SC I:iiv). Complete alienation ensures fundamental equality, and makes clear those fundamental interests that are shared by all; against this setting, Rousseau’s mythical legislator can shape the natures of individuals to forge a widespread sense of common purpose (II:vii), resulting in a political community that may then be characterized by citizens authoring the laws they obey.

For Rousseau, the prescription of law for ourselves is fundamentally a public act: autonomy, the freedom of self-governance, is civic, not natural freedom; it is freedom to participate on equal terms with fellow citizens in creating the laws that bind each of us, laws that serve shared fundamental interests. But if members of the political community do not already possess a willingness to pursue such interests together, then that motivation must be forged. It is this possibility that has disturbed some critics of Rousseau. After all, Rousseau seems to accept that political institutions may transform individual beliefs and aspirations through the promotion of particular customs, mores, and opinions (SC II:xii), and the establishment of a civil religion (IV:viii). Such state actions seem to challenge the priority granted to personal freedoms by contemporary liberal political theorists.

Although contemporary republicans and communitarians are sensitive to the coercive potential of Rousseau’s vision of politics, they nonetheless follow Rousseau in emphasizing sacrifices for the sake of shared fundamental interests, but also for widely shared beliefs about what fairness demands of the better-off in society. It is, however, an open and important question whether appropriately structured institutions can forge their own social ties, generating the solidarity that sustains them. Consider Tendler (1996) on the impact of institutional structure on worker commitment and performance in northeastern Brazil; and see Fox (1996), who applies and extends the argument of Putnam (1993) to account for the construction of ‘social capital’ in Mexico. Miller himself is somewhat equivocal on this point: although he accepts Sandel’s communitarian critique of Rawls’s liberal theory of justice, a: times he seems to mean by ‘national unity’ and ‘shared sense of community’ something resembling the ‘constitutional patriotism’ of Habermas, rather than Sandel’s republican ideal of virtuous citizenship. If so, then Miller really means by ‘nationalism’ something akin to ‘learned trust in shared institutions, even in the face of diverse values and interests’, rather than ‘deep affective bonds among citizens founded in a long history of shared stories, symbols, and traditions’. Miller makes a good case that the latter sorts of ties often seem to generate the former sort of civic ties; but he does not provide convincing reasons for thinking that affective historical ties are the only plausible source of strong civic ties.
civic freedom, the liberty "to share in governing a political community that controls its own fate. Self-government in this sense requires political communities that control their own destinies, and citizens who identify sufficiently with those communities to think and act with a view to the common good" (Sandel 1996, 202).

But contemporary republican theorists differ in their accounts of the common good, and their thoughts on whether a diversity of values, traditions, and aspirations are compatible with citizens who are willing and able to pursue such a good together.

Communitarian Republicanism

Communitarian republicans, such as MacIntyre (1981) and Sandel (1982), have emphasized the importance of shared values, beliefs, traditions, and aspirations in fostering the sort of citizen who both desires and is able to participate in pursuing shared interests, together with fellow citizens possessing comparable abilities and motivations. In a community characterized by diverse values and traditions, citizens may share certain fundamental interests in liberty and security that amount to a common good; but communitarians are sceptical that such citizens could ever be sufficiently motivated to pursue such ends together as a genuinely self-governing political community. After all, if substantive traditions and aspirations are not shared, then citizens seem intuitively less likely to accept unequal burdens in pursuit of broader or more fundamental interests that are shared.

Communitarians are further sceptical of liberal preoccupations with individual freedom, fairness, and state neutrality with respect to ideas about morality and the good life. The liberal approach is said to reflect an understanding of autonomy as little more than the ability of citizens to formulate and pursue distinct values and interests, unhindered by others. This is surely self-government of a sort, but Sandel in particular objects to the essentially private character of autonomy thus understood. In his view, political arrangements ought instead to reflect the public character of autonomy; and democratic theory and practice should focus on identifying and implementing those policies that promote the virtues associated with citizens governing themselves. In Sandel's judgement, the procedural republic that has grown out of modern liberalism undermines any such formative project by venerating individual ends and seeking neutrality with respect to values and interests, rather than creating citizens who can argue constructively about which ends are in the common interest, and how best to pursue them together.
But Sandel faces a difficult problem: the freedoms central to the procedural republic of liberalism seem to be vital components of the civic virtue he hopes to foster in citizens. And what is worse, these liberties may well undermine a community defined by the shared moral values and traditions that Sandel thinks vital to securing a virtuous citizenry.

To see why Sandel’s civic virtue depends on features of the procedural republic he rejects, consider that the freedom to participate in the shared fate of a political community demands a great deal from citizens by way of investigation, judgement, and engagement with others. These skills may well be hampered if the state tries to forge and sustain shared values and ends in the hope of securing a virtuous citizenry. There are two reasons supporting this concern. First, if the pursuit of virtue and solidarity leads to government-sanctioned restrictions on information and argument in the public sphere, then citizens may not be able to reflect and discuss issues in sufficient breadth and depth to be genuinely autonomous. Second, such restrictions may not allow subsequent generations to develop the breadth of experience and range of skills necessary to become virtuous citizens. If, for instance, laws require that a certain version of history be taught to all students, or that artists and journalists restrict their expressions and investigations to particular religious, cultural, or political themes, then citizens raised into such a community cannot meaningfully be described as capable of reflecting on a range of facts, opinions, and traditions when deliberating about shared ends. For such citizens, the common good is simply defined for them through their upbringing and life experiences. Virtue is not fostered, but merely imposed.

Sandel recognizes this concern, and attempts to avoid it by denying that civic freedom must involve the imposition of an authoritative conception of the good. Politics can, Sandel thinks, be formative without being inimical to difference and disagreement. Public institutions ought to favor a particular sort of personal character – one disposed toward careful reflection and civil discussion, and a concern for the common interest – but not impose a comprehensive vision of the good life and moral truth. This line of argument turns Sandel toward Tocqueville and his concern with associations, rather than Rousseau and his imagined legislator (Sandel 1996, 319-21). Civic engagement through a range of associations can inculcate a concern with public life and shared ends, without seeking to transform values and interests toward consensus. Citizens remain self-interested, but this becomes an en-
lightened self-interest, working within broader spheres of concern.\textsuperscript{16} Whereas Rousseau’s mythical legislator sought to create a general will by transforming our natures, civic associations merely favor the sort of citizen who can disagree with others in productive ways. This may still be transformation of personal character, but it is transformation guided by an ideal of citizenship, not a comprehensive vision of the good life.\textsuperscript{17}

But the separation of civic virtue from shared values and aspirations is difficult for Sandel to sustain. Politics must promote in citizens the capacity to deliberate, and to engage in civil exchanges with others, and also a tendency to identify with the political community, and an interest in promoting whatever shared interests can be found. But how is it possible to foster these virtues without inevitably settling upon a particular vision of the good life? After all, the point of a virtuous citizenry, on Sandel’s account, is to achieve the sort of political community that can discuss shared ends, and presumably this is desirable to Sandel insofar as shared ends are eventually settled upon, and sacrifices made by citizens thus united, so as to achieve a common good.

Sandel senses this tension, but cannot avoid it: his complaint with liberal politics is not simply that it fails to inculcate virtue, but that it refuses to sustain public debate about the good life. Indeed, for Sandel these are not separate concerns: the failure to allow public debate about, and eventual endorsement of a particular view of the good is bound up with the liberal insistence that we separate our identity as citizens from our identity as bearers of life plans and conceptions of the good. Sandel wants to endorse a republican politics that can forge citizens without imposing ends, but his refusal to distinguish carefully between citizen and person does not allow him to separate his formative politics from an ideal of politics as the process of settling upon a particular conception of the good. Although Sandel need not himself advance a particular conception of the good, he accepts that such conceptions will be the subject of deliberation and debate by virtuous citizens, presumably with a mind to settling upon one such conception as worth pursuing, and thus authoritative in public affairs.

Is a formative politics of virtue possible without also accepting that politics will in-


\textsuperscript{17}Sandel’s contrast between Rousseau and Tocqueville may be overstated: after all, Rousseau’s imagined legislator might well choose to transform individuals into citizens by fostering the sorts of associations that Tocqueville praised. The goal of forging citizens who can disagree fruitfully, while pursuing whatever shared interests they may find, seems to be entirely consistent with Rousseau’s general ambition to reconcile freedom and authority. I owe this observation to Stuart White.
evitably converge on a particular conception of the good? Sandel might just as easily have
turned to Mill, who largely agreed with Tocqueville on the point that Sandel emphasizes.
Mill understood civic associations and local civic duties as arenas in which persons become
citizens. Civic duties teach us to identify with public institutions, and to be concerned with
the fate of our fellow citizens (Mill 1861, 195-98).18

Mill, however, also argued that freedoms of personal conscience and expression are vital
to a flourishing democracy. Without such freedoms, citizens will not encounter a diverse
range of competing claims to truth; nor will they be forced to engage with contending
arguments, thus better understanding the reasons behind their own beliefs. Without a
public contest of ideas and ‘experiments in living’, prevailing habits and opinions become
accepted without critical thought, and then imposed as authoritative dogma and tradition
(Mill 1859). While such a political community might be said to rule itself insofar as members
express their shared convictions in public activities, this is not the ideal of citizenship that
Sandel has in mind.

Indeed, Sandel’s critique of Rawls is precisely that his vision of the political subject is
too thin, too far removed from constitutive attachments and traditions to allow serious self-
knowledge through careful reflection. Sandel wants a public philosophy that acknowledges
the depth and complexity of our attachments, our histories: real self-knowledge requires
the ability to reflect carefully, alone and with others, on our formative attachments and
traditions (Sandel 1982, 180-82). Sandel does not think we ought merely to affirm the values
and traditions we are raised into. Rather, we should come to know ourselves by reflecting

18 Also, compare Pateman (1970), who argues that opportunities for creative contributions in the workplace
may foster more sophisticated political attitudes and analytic capabilities of citizens in their activities outside
of the workplace; on this, see also Bachrach (1967, ch. 7), and compare the reading of Mill offered by
Macpherson (1977, 60-2). Empirical tests of Pateman's conjecture are limited and somewhat ambiguous.
Controlling for other factors, cooperative workers who participated more in the workplace did seem to
participate more in local political affairs than workers from comparable conventional firms. But these
workers did not appear to be motivated by a heightened sense of public-spiritedness: they persisted in
holding strongly individualistic beliefs, and did not seem to extend their concerns to “the material interests
of others” (979). Greenberg concludes that, although workplace participation does, in these cases, tend to
enhance participation in local political affairs outside the workplace, “the participation encouraged by the
experience of industrial democracy in the cooperatives is motivated less by public spiritedness than by the
pursuit, for better or worse, of self-interest” (979). Of course ‘public spiritedness’ can be understood as
an awareness that we pursue our private interests in a world shared with others, who may call on us to
justify the burdens we impose on them through our activities. If heightened participation in the workplace
can encourage this sort of awareness in citizens, then this may be of some consequence with respect to
democratic theory. But even on this more favorable reading, Greenberg only found increased participation
in local politics, and his findings were limited to a rather small sample of citizens.
carefully on our identities and interests, given our formative influences. Self-knowledge of this sort obviously requires both a capacity and a willingness to reflect carefully and critically on our formative traditions and present beliefs. We cannot be the unreflective creatures Mill fears, and yet still be self-governing in the sense Sandel means.

But without secure freedoms of conscience, expression, and association, and without exposure to a diversity of practices and beliefs that such freedoms allow, citizens cannot learn the virtues of deliberation and civil disagreement that would allow them not only to gain self-knowledge, but also to cooperate across diverse beliefs and traditions in pursuit of whatever shared ends can be found. These are, of course, the very virtues Sandel praises, and that he seeks to promote through political institutions and associated practices. It seems, then, that Sandel’s politics of virtue depends in important ways on features of the procedural republic of liberalism that he himself rejects.19

If citizens disagree on profound questions of the good life and moral truth, then why would we expect citizens to settle on shared ends? Why would citizens themselves expect to find such ends? We can imagine ways of separating the republican account of virtue from an ideal of public life oriented towards a substantive conception of the common good. Mill and Sandel suggest the direction such an account would take: we ought to structure public institutions such that they foster attitudes and activities that bring together the bearers of differing values and ends in meaningful encounters, so that they may find whatever shared ends are available to them.

But for Mill, such encounters have clear goals: they allow the flourishing of individuality, the search for truth, and the improvement of social welfare, according to a utilitarian calculus that puts priority on pleasures associated with characteristic human faculties of reason and aesthetic and moral discernment. Sandel, however, wants to avoid committing to any such comprehensive doctrine, whether Mill’s perfectionist liberalism, or Rawls’s original argument for justice as fairness.20 Sandel hopes for a politics of virtue in which citizens can seek agreement together on some shared ends, and perhaps even persuade one another to settle on a substantive conception of moral truth and the good life. However, such encounters require a willingness to engage with opinions and arguments that we may find

20Rawls now accepts that his original argument for justice as fairness, grounded in the reasoning of rational actors in an ‘original position’ situated behind ‘a veil of ignorance’, is arguably at least a “partially comprehensive” doctrine (1993, xvi).
unsettling, even abhorrent. And they further require institutions that allow us to express our considered judgements and deepest aspirations, without fear that others will force us to reject them simply because they disagree with our beliefs, or deny the value of our traditions. This suggests that, in a political community that is not defined by shared values and ends, Sandel’s account of republican virtue requires the strong protection of personal freedoms of conscience, expression, and association characteristic of the modern liberal state.

**Neo-Roman Republicanism**

If Sandel’s communitarian vision of republican politics is ultimately unsatisfying, the neo-roman republicanism elaborated by Pettit (1997) and Skinner (1998) is far more promising. Rather than emphasizing popular participation in government as the central component of republican freedom, these theorists stress the idea of freedom as absence of domination and dependence. On this view, republican freedom does not stand in sharp contrast with the idea of freedom as noninterference that is central to the procedural republic of contemporary liberalism. Rather, republican freedom supplements the liberal emphasis on noninterference with attention to the sources of interference. For instance, we may be free from interference while living under the rule of a benign despot who lets us pursue our interests, and who perhaps even ensures that we do not interfere with one another. But our freedom in such a state is entirely dependent upon the despot, and for neo-roman republicans this is itself a significant constraint on freedom. Pettit and Skinner trace a long and rich history of republican thought that argues for forms of government that provide citizens with control over the institutions that protect their freedoms. On this account, the freedom of self-government is not valuable because we realize ourselves most fully and authentically through participation in the public life of our political community, as Aristotle and Arendt thought, and as Sandel seems to accept.21 Rather, the freedom of self-government is valuable because, as Skinner puts the point, “to live in a condition of dependence is itself a source and form of constraint” on our freedom from interference, and “as soon as you recognise that you are living in such a condition, this will serve in itself to constrain you from exercising a number of your civil rights.” It follows for the neo-republican “that to live in such a condition is to suffer a diminution not merely of security for your liberty but of liberty itself” (1998, 84).

The neo-roman vision of republican freedom allows us to do what Sandel cannot, that

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21On this point, see Pettit (1998, 82-84).
is, separate a republican account of virtuous citizenship from a political community defined by shared values, beliefs, traditions, and aspirations. When we do this, however, we are led to favor the procedural republic of modern liberalism, with its strong protection of personal freedoms. Indeed, the neo-roman republican emphasizes the importance of these freedoms, and understands civic freedom as vital to securing such freedoms. When we emphasize virtue over shared values and traditions, we join these republicans in refusing to force a choice between civic freedom and personal liberty, the 'liberties of the ancients' and those of the moderns.\textsuperscript{22}

But even when we successfully separate virtue from shared ends, a republican approach remains problematic: a pluralism of values and traditions may lead not only to divergent values and aspirations, but also to disagreement about virtue and the demands of citizenship. The historical realities of modern states have made moral, religious, cultural, ethnic, and other dimensions of pluralism facts of political life. Furthermore, the exercise of personal freedoms may be expected to sustain, even intensify pluralism, making conflicts over virtue and citizenship more rather than less likely. If citizens do not expect to find much by way of shared ends with others, why would they desire to cooperate with other citizens in an effort to find such ends? Why would they agree on what citizenship requires of us? The republican emphasis on virtue is challenged by the ease with which visions of the good life and moral truth are appealed to in determining the content of virtue, and corresponding requirements of citizenship.

Again, we may hope, with Mill, that a vibrant pluralism of competing ideas, arguments, and ways of life will sustain a virtuous citizenry, members of which are willing to engage with others in pursuit of truth.\textsuperscript{23} But Mill could base this hope on a progressive vision of human excellence bound up with a complex utilitarian calculus of higher and lower pleasures. What if we refuse to appeal to Mill's or anyone else's comprehensive doctrine

\textsuperscript{22}Compare Rawls (1993, 205-6), who, like Skinner and Pettit, notes that an important strand of the classical republican view asserts the necessity of virtue to secure both personal and political freedoms. Rawls contrasts this view with civic humanism, an idea that our "essential nature is most fully realized in a democratic society in which there is widespread and vigorous participation in public life" (Rawls 1993, 206). Rawls quarrels only with civic humanism, which involves a particular comprehensive doctrine. The question here is whether the republican view, once separated from civic humanism, can remain distinguishable from something like Rawls's political liberalism. The following chapters suggest that a republican account of legitimacy such as that suggested by Pettit and Skinner moves us a considerable distance toward a deliberative and associative version of political liberalism. Pettit himself would no doubt accept this, given the deliberative features of his own contestatory vision of democracy. The contest between liberties of the ancients and moderns is due to Benjamin Constant; see Berlin (1958, 163-64), and Rawls (1971, 201).

\textsuperscript{23}On this idea see Biagini (1996) for an elaboration of Mill as advocating a 'Periclean republicanism'.

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as authoritative over all citizens? Republicans demand that some account of virtue and citizenship be authoritative. But if we cannot appeal to a particular account of shared values and aspirations as the appropriate basis of political order, nor to any privileged conception of what interests are shared and how best to achieve them, then whose accounts of virtue, citizenship, and the common good are to prevail?

1.2.3 Limits of Republican Virtue

What can we take away from republican accounts of legitimacy? First, the republican view draws our attention to the enduring relevance of shared civic ends as a basis for legitimate collective action, and to the possibility that political institutions and associated practices may transform citizens in desirable ways, allowing them to transcend differences in values and beliefs so as to identify and pursue shared interests in liberty and security. Also of value is the suggestion that such transformations should be guided by an ideal of democratic citizenship, and that an important feature of this ideal is the desire on the part of citizens to seek these shared civic ends through participation in public affairs.

But when shared interests are complex and contentious, and values and traditions in conflict, it is unclear whether we ought to rely on citizens, or their representatives, to reach widespread agreement on the legitimacy of political procedures or outcomes. There is, after all, considerable intuitive force to the worry that citizens who differ profoundly on questions of morality and the good life may not be motivated to bear unequal burdens for the sake of shared interests, even if they agree that certain fundamental interests are in fact shared.

Republicans who reject the communitarian approach, such as Pettit (1999), hint that citizens might be so motivated, even in the face of manifest differences among them on ethical, religious, cultural, and philosophical matters. I think something like this view is correct, once it is supplemented with an account of how such citizens would come to agree on the content of the common good, and how best to achieve it. In the following chapters I elaborate just such an account. But before turning to this more deliberative theme, I want to consider a common but very different response to the problem of cooperation in the face of diverse values, traditions, and aspirations. This response appeals to fairness as the basis of legitimacy, and it judges the fairness of procedures without appealing to either civic virtue or shared values and traditions.
1.3 PLURALISM AND FAIR PROCEDURES

Why should we hope that citizens who disagree on matters of morality and the good life will nonetheless desire to pursue shared interests together with fellow citizens, whom they respect as moral equals? Instead, why not allow that citizens often enter politics as self-interested rational actors, possessing distinct and often divergent conceptions of morality and the good life, and aiming to advance their particular values and interests? Taking persons as they are, why not reject republican ambitions? If we could instead justify collective decisions without having to shape the character of citizens according to a contestable account of virtue, then so much the better; thus the modern appeal to fair procedures as sufficient to ensure legitimacy, the central idea being that legitimacy is assessed in terms of procedural, rather than substantive values.

What is a procedural value? Values are procedural if their rationale is the maintenance of procedures that can be defended as fair without appealing to some comprehensive moral, religious, or philosophical doctrine. Equal influence is an obvious candidate: if specific values and interests are in conflict, then a procedure for deciding among them is fair if each participant has equal influence over the outcome, regardless of their particular beliefs, interests, and aspirations.

Once we understand fairness in terms of equal influence, a range of personal liberties are amenable to a procedural interpretation: we may value freedoms of conscience, expression, and association insofar as they are required to ensure the fairness of procedures for making authoritative collective decisions. For instance, racial or religious restrictions on voting or public expression are unacceptable because all adult citizens should have equal voice in, and influence over, collective decisions, irrespective of particular traits, beliefs, traditions, and aspirations. In general, on a procedural interpretation, restrictions on political participation or permissible beliefs and practices are only acceptable if they are necessary to ensure procedural fairness. That is, procedures cannot be defined in ways that violate equal influence; nor are outcomes acceptable if they result in unequal influence over subsequent outcomes.

On the proceduralist view, then, legitimacy does not require that citizens participate on equal terms in actual deliberation and legislation, nor that they approach their political duties with the aim of discerning and pursuing shared ends together with fellow citizens.
Rather, what is important is that the interests of citizens be treated fairly by representative procedures, for instance by enforcing equal voting rights, equal opportunities to influence electoral outcomes, and perhaps some form of proportional representation in legislatures.

The idea of fairness is, of course, open to competing interpretations and strategies of defense; but before considering some prominent arguments about fairness and legitimacy, I want to emphasize that, even in the absence of deep disagreements over values and ends, some form of procedural fairness has considerable appeal. In modern settings, only small groups of individuals can realistically meet on a regular basis and hope to include every member in discussion and legislation. This is true regardless of whether or not substantive ends are shared by all or most citizens: as a population grows in size and extends across greater geographic expanses, it becomes more and more difficult to coordinate group meetings. And insofar as small groups do establish themselves for political purposes, size and spatial scale make it increasingly difficult to communicate in a timely fashion between these various assemblies and associations. Furthermore, as the number and complexity of issues increases, so too does the amount of time and expertise required to address them successfully. Thus even if a population is united by shared values, traditions, and aspirations, civic freedom of the sort Rousseau and some republicans praise is probably an unrealistic way to pursue legislation in a range of modern political settings.

To be sure, citizens in a highly homogeneous society may have good reasons to trust that representatives will pursue the common good, rather than narrow interests that are not widely shared. But given modern realities of spatial scale and institutional complexity, the proceduralist suggests that, regardless of whether a political community is homogeneous or heterogeneous in terms of values and shared ends, democratic legitimacy must generally be assessed in terms of the performance and accountability of elected representatives, administrative bureaucracies, and various experts. Citizen participation may be desirable, but as a protective mechanism: by voting for representatives in periodic elections, and by voicing concerns in public fora such as the news media and community meetings, citizens can

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[Dahl (1967) and Dahl and Tuftes (1973) provide concise statements of these well-known problems of scale. 
Rousseau himself clearly understood this, suggesting that the size of a population, and how it is distributed across physical space, has consequences for the degree to which governments may realistically enforce legislation, and the degree to which social unity can realistically obtain (SC II:i-x). Rousseau was sceptical of the possibility of democracy (III:iv), suggesting that it is best suited to “states that are small and poor” (III:viii).]
hold public officials accountable to the values and interests they have been charged with representing. In this manner, fair electoral procedures can tie sovereignty to the people themselves, by ensuring that citizens have equal influence in the election of representatives.26

But just as virtue is a contestable basis for legitimate outcomes, so too is procedural fairness, particularly when understood as equal influence. Some citizens may hold that personal liberties are intrinsically valuable, and will complain that the procedural defense of liberties does not go far enough in protecting individual freedom. After all, a range of artistic expressions and religious traditions might be vital to, say, an ideal of personal self-realization, but could be undermined by majority decisions without violating procedural fairness. For instance, a fair procedure might allow equal influence, but still result in outcomes that impose significant costs on a minority because of their religious beliefs or cultural traditions.

Consider the case of a law allowing businesses to stay open seven days a week. Such a law might emerge from a majority decision in which all votes are weighed equally, and every citizen is allowed a vote. The law does not forbid religious shop owners from remaining closed on Saturdays or Sundays, as dictated by their beliefs. Nor does it restrict them from voting against the proposal, expressing their dissent in public fora, and attempting to sway others to their point of view. But the law does ignore the stringency of requirements imposed by certain beliefs (Cohen 1996, 98-99), and because of this it results in some citizens bearing significant costs simply because their beliefs are not shared by the majority. In this example, a small number of shop owners must choose between lost earnings and their religious convictions, a choice that the majority does not have to face. Although procedural fairness is maintained, the outcome will surely not be considered acceptable by at least those who must bear disproportionate costs because of the majority judgment.

Conversely, some citizens may hold religious convictions that lead them to reject other beliefs as wrong, and certain practices as abhorrent. These citizens may feel that the procedural defense of liberty goes too far, granting political influence to bearers of offensive beliefs and unworthy aspirations. For instance, some fundamentalist Christians may be

26Classic statements of this interpretation are Mill (1861), and Schumpeter (1941, 250-96). Important formulations consider the complex interplay between legislative and administrative functions in modern democracies, and the place of public debate and citizen participation in constraining administrative activities (e.g. Friedrich 1940), and the role of parties in disciplining interests (e.g. Shattoschneider 1960).
deeply troubled by the notion that secular views on abortion or same-sex spousal benefits ought to receive equal consideration in political decisions along with their own moral convictions. Again, fairness as equal influence misses the stringency of demands associated with religious and moral convictions; and this stringency is relevant to how some citizens assess the acceptability of procedures and outcomes.

It seems, then, that procedural fairness, understood as equal influence, is not sufficient to justify majority rule when fundamental values and associated interests are in conflict. Some citizens may reasonably argue that fair majoritarian procedures guarantee equal influence, but not equal consideration.27 Others may simply deny that equality and procedural fairness are the relevant criteria for assessing legitimacy, and instead appeal to the moral dictates of their own comprehensive doctrines.

1.3.1 Majority Rule: a Utilitarian Defense?

One comprehensive doctrine does, however, suggest a promising defense of majority rule, supplementing a principle of fairness with a standard of welfare maximization. Given that values and interests are in conflict, a utilitarian proceduralist may argue that legitimate procedures are those that (i) are fair, in the sense of guaranteeing equal influence; and (ii) enhance aggregate welfare, in the sense that they leave more participants satisfied than dissatisfied with outcomes. Majoritarian procedures are obviously attractive on this view. After all, if every citizen may vote on a given issue and has an equal opportunity to do so, and if each vote is weighed equally in a collective decision, then no one can reasonably complain about the fairness of the decision procedure, even if they find the outcome disagreeable. And if the preference of the majority prevails on a given issue, then more citizens ought to be satisfied with the outcome than are dissatisfied. Therefore majority rule is not only fair, but also maximizes overall satisfaction, and so is legitimate.

But even if we accept the utilitarian principle that fair procedures ought generally to leave more voters satisfied than dissatisfied,28 an unsettling possibility nonetheless attends this account of legitimacy: under plausible conditions, majoritarian procedures may not be able to identify a majority preference. The possibility of majority cycles is central to this

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27 Compare the distinction offered by Dworkin between "equal treatment" and "treatment as an equal" (1975, 272-74).

28 Of course it is not at all obvious that we should accept this principle: as Sunstein (1991) suggests, if some preferences are partly constituted by certain majoritarian institutions, then these institutions cannot be justified merely by reference to their capacity to satisfy the very preferences they help to give rise to.
concern. Such cycles were first explored by Borda and Condorcet, who demonstrated that, if more than two voters must decide among more than two alternatives by equally weighted votes and majority rule in pairwise contests, then there can easily be cases in which the preferences of the majority are not transitive. For example, consider the following three orderings over the options $a$, $b$, and $c$: $\{a > b > c\}$, $\{b > c > a\}$, and $\{c > a > b\}$. In pairwise contests, a majority chooses $a$ over $b$, $b$ over $c$, and $c$ over $a$. This results in the following collective ranking: $a > b > c > a$, for which no clear majority preference is evident. As Riker (1982) emphasizes, when majority cycles obtain, outcomes are sensitive to the order of pairwise contests, and those who control the agenda may be able to manipulate outcomes in their favor. And Arrow (1963) famously demonstrated that, in general, majority cycles cannot be avoided without also violating at least one of several reasonable assumptions about procedural fairness and rational consistency. Alternative voting schemes – such as those allowing some sensitivity to the intensity of voter preferences – may mitigate these concerns to some extent, but they are generally still vulnerable to forms of strategic behavior.\(^{29}\) Social choice theory thus suggests that majoritarian procedures are often ambiguous: given plausible distributions of individual preferences, equal voting and majority rule do not reliably identify a clear majority preference. Particularly troubling is the possibility that apparent majority preferences are merely the result of agenda manipulation by a small minority.\(^{30}\)

\(^{29}\) Although consider Brams and Fishburn (1978), and also Monroe (1995).

\(^{30}\) There is, of course, the obvious empirical question of the degree to which instability, manipulation, and strategic voting occur in practice. Green and Shapiro (1994, 107-13) argue that, in contrast to the rigor of theoretical literatures on committees and legislatures, empirical studies of instability and agenda manipulation have been at best limited, and at worst unseemly and impressionistic. There may still be some truth to this charge: for instance, in the study of information effects and strategic voting in juries and committees, it remains the case that elegant theoretical results far outnumber rigorous empirical tests. But instability and ambiguity are nonetheless important theoretical concerns: if we care about the relationship between democratic outcomes and normative principles, then the potential ambiguity of majoritarian procedures is relevant to the search for a persuasive account of democratic legitimacy. There are a range of considerations that mitigate the sceptical force of social choice results, as Shapiro (1990) argues, and as I suggest shortly. And I think Shapiro is correct to follow Miller (1983) in arguing that the instability of majoritarian procedures may in fact promote a degree of social stability, by discouraging persistent minorities and constraining power in desirable ways. What democratic procedures may lack in rationality and efficiency, they make up for in stability and fairness over time, precisely because their instability helps sustain the widespread expectation that personal preferences and judgements may eventually be influential, perhaps decisive, in subsequent political contests. But Shapiro is, in my judgement, too quick to accept this possibility as a decisive response to social choice concerns. To be persuasive, Shapiro's appeal to pluralism requires much more detail about the conditions likely to sustain desirable instability, and a resultant volatility with respect to winners and losers in collective decisions. Miller (1996) moves in this direction, noting that the structure of preferences, and the number and nature of issues on which preferences are held, matter a great deal to the plausibility of this argument: given a deep cleavage along a single issue, majoritarian procedures are prone to generate a persistent minority, and so majority rule in such a setting does not readily admit of this
If majoritarian procedures cannot reliably identify the majority preference – for instance, if the interests of an influential minority prevail – then the utilitarian defense fails: after all, if the apparent majority decision is in fact the result of manipulation by clever and influential persons whose values and preferences are in the minority, then it cannot be plausibly argued that a majority of voters are satisfied rather than dissatisfied by the outcome. All that can be said with any degree of certainty is that an influential minority is likely to be satisfied with the outcome, and members of the majority may or may not believe that these minority interests coincide with their own. If we seek to defend majoritarian procedures on utilitarian grounds, then we need to find ways of ensuring that such procedures really do identify the majority preference. This turns out to be a rather demanding task.

Stable social choices over three or more options are possible by majoritarian procedures: it has been known since the work of Black (1948) that, under certain conditions, individual preferences can be aggregated into a social preference ordering that is not unstable in the way Condorcet, Arrow, and Riker suggest. In some cases there may exist a single issue-dimension, along which all or most participants can place options such that their individual ordering uniformly increases or decreases left to right, or rises to a maximum point (or plateau, if the voter is indifferent over some options) and decreases on either side of that point (or plateau). Such orderings are ‘single-peaked’, and under these conditions the most-preferred option of the median voter is a ‘Condorcet winner’: it will defeat or tie any other option in pairwise contests. In such cases, “all voters judge the alternatives consistently with respect to one issue, namely, that measured by the dimension on the horizontal axis. They may, of course, disagree about the best position on the issue, but they do agree that this single issue is the relevant basis for judgement” (Riker 1980, 431).

But in Riker’s assessment, the conditions required for single-peaked individual orderings along a single dimension are very demanding, given the multidimensional realities of democratic politics. And in multidimensional settings, the conditions required for stable outcomes are restrictive, both in terms of admissible preference orderings (Plott 1967; McKelvey and Schofield 1987), and required institutional constraints (Shepsle 1979).

desirable majoritarian pluralism. In contrast, if citizen preferences form complex patterns across multiple issues, then majoritarian procedures are more likely to generate the desired sort of pluralism.
Does Deliberative Transformation Rescue the Utilitarian Defense of Majority Rule?

What if we could transform citizen attitudes and opinions, such that their preferences tend to be single-peaked? Some theorists have suggested that certain deliberative forms of political participation may shape preferences in ways that make stable social choices more likely (Miller 1992, 60-65; Dryzek 2000, 42-47; and Dryzek and List 2000).\textsuperscript{31} If so, then the utilitarian defense may be recoverable. The utilitarian proceduralist could share the republican aim of using politics to forge a particular sort of citizenry. In this case, however, the aim would not be to foster in citizens a desire to pursue shared ends together, but rather to shape public opinion so that as many values and interests as possible can be aligned along a single issue-dimension. By forging single-peaked preferences, we create conditions under which majority rule is plausibly interpreted as leaving more citizens satisfied than dissatisfied.

But the hopes for deliberative transformation may be modest in modern plural societies, insofar as many members have settled interests, along with complex histories, cultural attachments, and associated values. What if values and interests are firmly held by deliberating parties, after much experience and personal reflection? Why should we expect public deliberation to alter preferences associated with such values and interests? Under such conditions, there is no reason to expect that public deliberation will transform preferences toward convergence along a single dimension. Such deliberation might have the modest transformative consequence of encouraging parties to be reasonable and other-regarding in their private deliberations. Such deliberation may also have the epistemic virtues of revealing mere error and prejudice, and exposing the various underlying issues at hand, thus allowing for separate votes to be cast on distinct issues (Miller 1992, 64-65). But in practice, and especially at broader organizational scales, the relevant dimensions may be so intertwined and controversial as to make deliberative disentanglement unrealistic.

Ambiguous Moral Foundations of the Utilitarian Stance

Faced with the scale and complexity of existing political communities, we might argue that deliberation ought to be constrained so as to encourage certain epistemic and transformative consequences, and discourage others. We might argue, for instance, that if single-peaked

\textsuperscript{31}The deliberative opinion polls considered by Fishkin (1991) and (1995) are obvious candidates; on this see the intriguing but very preliminary findings of McLean \textit{et. al.} (2000). On Fishkin, see chapter 4.
preferences are achieved through threats of violence, aggressive public ridicule, or informational biases, then the end in such cases does not justify the means. But the utilitarian stance does not provide us with any principled basis for such discrimination. If the utilitarian desires transformation of preferences so as to ensure that majority rule can be reliably interpreted as revealing what the majority in fact prefers, then the only utilitarian restriction on transformative efforts seems to be the requirement that equal influence over outcomes be preserved.32

Of course the utilitarian might hope to argue that some public practices violate equal influence. For instance, ridicule or threats directed at bearers of certain opinions might be deemed unacceptable because they interfere with equal influence over outcomes. A similar case might be offered for informational biases. But to make these arguments convincing, the utilitarian requires a more substantive notion of equality than equal influence. After all, equal influence can be maintained even in the face of informational biases, or aggressive tactics by some citizens. All that is required for equal influence is that procedures be in place guaranteeing that (i) no one is restricted from voting in elections or referenda, and state enforcement of equal voting rights is credible, (ii) voting is anonymous, so that parties cannot be penalized by others after voting, and (iii) every vote is given equal weight. Citizens may cajole and berate one another in public exchanges, but equal influence is maintained so long as no restrictions are placed on voting, nor any votes given more weight than others. And if equality of influence prevails, then the utilitarian should accept any means of transformation that result in majoritarian procedures revealing a clear majority preference.

The utilitarian appeal to equal influence and majority preference are both contestable: some citizens may not be content with equal influence if such a standard results in their deeply-held beliefs and considered judgements being mocked, ridiculed, and misrepresented in most or all public exchanges, especially those leading up to authoritative judgements in

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32 In contrast, recall that, for republicans, transformation is desirable insofar as it creates in citizens a desire to reflect on shared ends and pursue them together. These shared ends may be ethical (as Aristotelian or communitarian republicans argue) or civic (as neo-roman republicans suggest), but they are not valuable simply because a majority chooses to pursue them. Rather, they are valuable because they reflect fundamental shared interests; or because they reflect common values and traditions that are in important ways constitutive of who we take ourselves to be, what we value in life, and what ends we think worthy of pursuit; on this latter idea, consider Sandel (1982, 147-74, esp. 154-56); and Taylor (1989, 3-107). Whether communitarian or neo-roman, the republican emphasis on virtue and shared ends may be controversial under plausible conditions of pluralism; but even under such conditions, it cannot be said that republicans merely define shared ends in terms of the will of the majority.
legislatures or referenda. And these same citizens will likely think that equal influence is insufficient to justify majority rule in such cases: after all, the majority preference may well emerge from processes that, although fair in terms of equal influence, nonetheless fail to respect the reasonableness of certain beliefs, the intensity with which these beliefs are held, and the stringency of the demands these beliefs place on adherents. To be sure, equal political influence may be a necessary condition for equal respect, but it is not sufficient, at least under plausible conditions of pluralism. And under such conditions, the utilitarian effort to justify majority rule in terms of aggregate satisfaction with outcomes is unpersuasive.

1.3.2 Liberal Constraints on Majority Rule

Rather than attempting to defend majority rule, liberal approaches to democracy have tried to constrain majoritarian procedures in various ways. The justifications offered for these constraints depend on the dictates of whatever comprehensive version of liberalism is being appealed to.

Take libertarians, who follow the natural rights tradition that finds an influential statement in Locke. For these theorists, individual liberty is conceived primarily in terms of noninterference by others, and liberty thus understood is given priority in determining the legitimacy of political arrangements. Given this view of liberty and its priority, the role of government is to preserve personal liberties, and to provide the public services necessary to ensure that exchanges among persons are willingly undertaken and mutually satisfactory. Or take Mill, who suggests that flourishing individuality is an intrinsic good that ought to be protected from the tyranny of widely prevalent customs and opinions.

Indeed for most comprehensive liberal and democratic doctrines, there is something about the rational and reflective subject that demands respect: our capacity to make considered choices about the course of our lives is given as a moral primitive in considerations of justice and legitimacy. For comprehensive liberal doctrines, majority rule is a generally understood as a necessary way to make collective decisions when unanimity does not obtain on some matter and free individuals cannot contract to mutually acceptable agreements. But majority rule does not guarantee acceptable outcomes; rather, majoritarian procedures must be constrained such that outcomes are just.

Consider Locke, who suggests that, when persons unanimously consent to leave the state of nature and form a political community, they also consent to be bound by the will
of the majority in that community. But Locke's defense of majority rule is as brief as it is unconvincing: "for that which acts any community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority; or else it is impossible it should act or continue one body, one community, which the consent of every individual that united into it, agreed that it should" (Second Treatise, para. 96). Certainly it is obvious that, as a practical matter, decisions must be made in a political community; and a requirement of unanimous consent for every decision would, as Locke seems to suggest, make politics impossible under all but the most utopian assumptions about the beliefs and inclinations of participants. Suppose, however, that on a particular issue, a minority of persons share an intense desire for a particular course of action, while a majority of persons are only moderately supportive of an alternative course of action. In such a case, shouldn't the greater intensity of the minority preference be sufficient to provide the 'greater force' necessary to determine the 'movement' of the body politic?

Although Locke does not address any such concern, he provides the resources that have sustained liberal responses to this problem from Mill to Rawls: problematic situations with respect to majorities and minorities will most likely not arise because the space of possible decisions is dramatically constrained according to values that are independent of decision-making procedures. For instance, Locke largely removes from the scope of governmental authority the most fundamental matter over which there could be clear differences in the intensity and direction of citizen preferences: the matter of property rights. Our right to property follows from our fundamental and prepolitical right of self-ownership, and our subsequent claim over our labor power. Our claim to property is limited only by the natural law—again prepolitical in Locke's view—that demands we not take more than we can reasonably use without spoiling, and that we leave 'enough, and as good' of a resource for others. Our liberties in the state of nature are extensive, but they are constrained by a natural law that requires of us that we not interfere in the life, liberty, and property of others. What government provides is not law based upon the fiat of the majority, but security with respect to the freedoms we have prior to politics, freedoms given under natural law. Suppose that, from Locke's hypothetical state of nature, a political association and government is established by unanimous consent; if a majority decision then fails to comport
with the natural law, then that government becomes illegitimate, regardless of the wishes of the majority.

Modern liberals tend to share Locke’s desire to ground democratic politics in an account of justice, but differ among themselves on the content of, and justification for, the principles that constrain majoritarian procedures. Libertarians such as Nozick (1974) remain committed to a Lockeian vision of natural rights and extensive freedoms that are given prior to political convention. Nozick looks with considerable scepticism upon the idea that a majority might legitimately decide to redistribute resources from some individuals to others in the service of popular goals. Such collective choices ought to be constrained, Nozick believes, by rights we have to hold and exchange property. In Nozick’s view, considerations of justice apply to how individuals come to acquire something, and how they exchange what they have with others. A distribution of resources is just if it has arisen from just acquisition and exchange. That is, once claims to property have been established, subsequent patterns of holdings are ideally the result of uncoerced exchanges among free individuals, not expropriation by the state according to the wishes of the majority. Of course some sort of state is necessary on Nozick’s view to provide certain basic public goods; but insofar as collective decisions are necessary in the administration of such a minimal state, they ought to be constrained by stringent protection of personal rights to hold and exchange property.33

In contrast, other liberals have noted that the close linkage between property and freedom in libertarian thought allows for considerable differences in the effective freedoms that citizens enjoy: property rights may secure the freedom of those with resources to do as they wish, unhindered by others; but these rights also constrain those with little or no property.34 This is not necessarily to deny that justice in acquisition and exchange are important considerations; but it is to note that the matter of ‘who is entitled to what’ cannot be convincingly settled merely by appeal to primal states – real or hypothetical – in which free agents acquire some original distribution of resources, and then trade among themselves according to rules of ownership and uncoerced exchange.

And so egalitarian liberals such as Rawls allow for redistribution according to principles

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33 Riker (1982, 233-53) suggests a distinct but related strategy when he endorses political arrangements that protect as wide a range of personal freedoms as possible from encroachment by democratic majorities. Also, consider Epstein (1985), and Lowi (1986).

34 See, for instance, Waldron (1991) on how restrictions on certain uses of public space can reinforce especially pernicious inequalities in private holdings and effective freedom of action, inequalities that do not seem obviously attributable to acceptable historical patterns of acquisition and exchange.
of fairness rather different from Nozick's historical entitlement theory. But they too see majority rule as merely an expedient way of making necessary decisions – desirable insofar as political equality is preserved, but not intrinsically valuable. For Rawls, majoritarian procedures, although possessing "a certain naturalness" (1971, 356), do not supersede his two principles of justice: first, that all citizens have equal basic liberties, with fair value attached to distinctly political liberties; and second, that whatever socio-economic inequalities prevail satisfy a condition of fair equality of opportunity attached to various positions and offices, and are such that they work to the benefit of the least-advantaged in society. The acceptability of majority decisions must be judged according to these two principles, so that, for Rawls,

A fundamental part of the majority principle is that the procedure should satisfy the conditions of background justice. In this case these conditions are those of political liberty – freedom of speech and assembly, freedom to take part in public affairs and to influence by constitutional means the course of legislation – and the guarantee of the fair value of these freedoms. When this background is absent, the first principle of justice is not satisfied; yet even when it is present, there is no assurance that just legislation will be enacted (1971, 356).

Whether motivated by libertarian, perfectionist, Kantian, or egalitarian inclinations, liberals who argue for procedure-independent constraints on majority rule, as Rawls does here, can be called constitutional democrats, insofar as their advocacy of democratic procedures is tempered by constitutional constraints on these procedures. The difficulty faced by constitutional democrats is how to justify procedure-independent restrictions when citizens disagree on basic matters of morality, religion, and the good life.

1.3.3 Reasonableness and Deliberation

The desire to find uncontentious foundations for constitutional constraints has motivated several theorists – most prominently Rawls (1993), but also Larmore (1990) and Moon (1993) – to argue for a distinctly political liberalism. Central to political liberalism is the commitment that equal basic freedoms and a fair equality of life chances are desirable features of a just social order, whatever the substantive beliefs, values, traditions, and aspirations of citizens. This commitment follows from a respect for the potential reasonableness of diverse life plans, and the intuition that accidents of birth over which we have little or no control – skin color, the wealth and social standing of one's parents, the neighborhood we
are born in, the language and culture we are raised in, and so on – ought not to determine irrevocably the limits of our aspirations and opportunities for education, employment, love, recreation, and so forth. Nor should these circumstances overwhelmingly dictate the degree of influence we have in political matters, particularly those that impact directly on our everyday lives. Thus a consequence of a manifest moral equality among citizens is political equality that does not depend on our substantive values and aspirations: each citizen ought to have roughly equal access to public institutions; each should have their interests taken seriously by the government that claims to act in their name; and each should, if they wish, be able to voice their reasoned judgements, and expect their interests and arguments to receive fair consideration in public proceedings.

I think Gutmann and Thompson (1996, 33-39) are correct to argue that this move to constitutional protection of certain personal freedoms from democratic encroachment given a pluralism of values, traditions and aspirations, pushes political liberals toward a deliberative conception of democratic legitimacy.

Over time, basic liberties of belief, expression, and association can be expected to result in, or at the very least sustain, a range of distinct and often conflicting moral, religious, and philosophical doctrines, according to which citizens frame their understandings of the world, and their considered beliefs and aspirations – call this the fact of reasonable pluralism (Cohen 1993; Rawls 1993, 58-65). If the constitutional democrat\(^\text{35}\) accepts the fact of reasonable pluralism, then she cannot appeal to any one comprehensive doctrine to justify constitutional limits on democratic procedures. After all, such appeals are unlikely to convince those who reject the doctrine appealed to (Rawls 1993, 58). Instead, she must suppose that, when disagreements arise, citizens desire to appeal to reasons rather than force. And so, for instance, when Rawls hopes for an overlapping consensus on constitutional essentials from within a range of comprehensive doctrines, he supposes that the doctrines in question must be reasonable if such consensus is to emerge. That is, these doctrines must be held by citizens who accept that, on many issues, sincere persons may apply comparable

\(^{35}\)Gutmann and Thompson distinguish between procedural and constitutional democrats, but both are proceduralists, insofar as both accept the importance of fair procedures to democratic legitimacy. But whereas the pure (naive?) proceduralist limits constraints to those necessary for the maintenance of fair procedures, the constitutional democrat justifies certain constraints on procedures by appeal to procedure-independent standards, such as natural law (Locke), self-interest (Bentham), an ideal of human flourishing (Mill), or a commitment to the fundamental dignity of reflective subjects capable of choosing their ends (Kant).
powers of reasoning and judgement to the same body of facts and arguments, and yet
arrive at different conclusions – these are the “burdens of judgment” (Rawls 1993, 54-58).
Accepting these burdens, reasonable citizens nonetheless desire to pursue their distinctive
aims in ways that can be justified to similarly motivated free and equal citizens.\footnote{See Sibley (1953, 557-60); Rawls (1993, 48-62); Cohen (1996); and compare Gutmann and Thompson
(1996, 52-94).}

It is the assumption of reasonableness that leads toward a deliberative account of legit-
imacy: reasonableness supposes that citizens already frame their interests and aspirations
in terms of assumptions and arguments they expect other citizens to accept as valid, and
deserving of sincere consideration. To take this stance is to engage with other beliefs and
judgements, other interpretations of facts and arguments.

But this is \textit{deliberation}: a process of careful and informed reflection on facts and opinions,
generally leading to a judgement on the matter at hand. And insofar as reasonable citizens
take seriously the interests and judgements of others, they take part in a sort of public
deliberation. Much recent scholarship has emphasized public deliberation as a democratic
fundamental, but the deliberative demands of reasonableness suggest that the distinction
between public and private deliberation is at best ambiguous. As Goodin (2000, 94-95)
notes, many of our interactions with others arguably involve something like an internal dia-
logue, as we interpret utterances in light of our own understandings and expectations, and
frame the comments and actions of others in light of our own characteristic assumptions,
values, and interests. This is so even in what are obviously public encounters. Indeed the-
orists such as Habermas have understood discourse among speakers as a means of fostering
a certain sort of internal process, i.e. personal reflection that does not merely acknowledge
the interests and perspectives of others, but instead tries to grasp the rationales supporting
these other perspectives, by trying to reason as if one were in another’s place.

As a practical matter, of course, we may think of deliberation as being public to the
extent that personal reflection is combined with an exchange of facts and arguments among
deliberators in a variety of settings, so that, as participants, we are able to consider a
wide range of facts, opinions, and arguments together with others. We are further required
to answer other speakers, who may force us to engage with interests and opinions very
different from our own. Publicity demands, at the very least, that authoritative deliberation
on public matters take place in full view of citizens, who may reflect on the facts and
arguments offered in a variety of fora, and then vote accordingly in periodic elections. But even given this practical distinction, we may suspect, as Goodin (2000) does, that many of these public encounters will be imaginative, such as when we are challenged by a diverse range of experiences and arguments encountered during private engagement with literature, film, and journalism. Reasonableness assumes that we are the sorts of creatures who desire to engage in such exchanges, and indeed that we have done so to some extent, insofar as we tend to evaluate the acceptability of shared norms in terms of whether free and equal citizens, with comparable powers of reasoning and judgement, would find them acceptable.

Deliberation is a complex practice, but it seems to me to be grounded in uncontroversial claims about the shared cognitive and linguistic capacities and practices of human beings, and so it is not itself dependent on any one comprehensive doctrine. Rather, it is an orienting principle according to which meaningful exchanges can proceed across comprehensive doctrines.\textsuperscript{37} And the effort to justify procedure-independent constraints without appealing to specific comprehensive doctrines seems to commit the constitutional democrat to at least the foundations of a deliberative conception of democratic legitimacy: if consensus on basic questions of justice requires reasonableness, then it also requires deliberation, at the very least to find mutually acceptable terms in which substantive disagreements can be meaningfully articulated.

The constitutional democrat may rejoin by accepting the importance of deliberation to legitimacy, but arguing that the relevant deliberations occur at critical points in history; the resulting basic principles and constrained procedures are then left to stand, free from democratic encroachment – deliberative or otherwise – until they are challenged by persistent and widespread dissatisfaction with the status quo. As Bruce Ackerman has suggested of U.S. constitutional history, there have arguably been certain issues of fundamental importance, about which meaningful reflection and debate has been carried on by the public at large, with contending arguments finding widespread voice and sincere consideration by a great many citizens. On such a view, legitimacy attends to the basic normative and institutional structures that emerge from these rare moments of constitutional politics; normal politics then proceeds within this framework of basic principles and procedures (Ackerman 1991). Insofar as legitimacy comes into question, the stage is set for subsequent periods of constitutional politics.

\textsuperscript{37}Compare Gutmann and Thompson (2000, 167-68 and 180).
But even if public deliberation is reserved for basic constitutional issues of great import, it is extraordinarily difficult to ensure that discussion and debate among a large group of discussants is genuinely deliberative, in the sense that facts are presented, various positions outlined, and arguments for or against these positions scrutinized, and eventually either revised or rejected on the strength of the facts and arguments themselves.\textsuperscript{38} Faced with this challenge, the proceduralist might deny that legitimacy-conferring deliberations must be democratic. Instead, such deliberations might be restricted to panels of experts, who possess the training and experience to pass sufficiently informed and sophisticated judgements on matters of great complexity and fundamental importance. Thus, for instance, in the recent writings of John Rawls (1997), the U.S. supreme court is held up as the clearest embodiment of authoritative deliberation, not assemblies of elected representatives such as the congress and senate. But while this approach is certainly a deliberative account of legitimacy, it is insufficient as an account of \textit{democratic} legitimacy. Democracy is, after all, rule by the people; and if the claim is made that authoritative deliberation is best exemplified by small assemblies of experts who are relatively insulated from popular pressure, then it needs to be shown why the public at large would (or ought to) accept the authority of these deliberations.\textsuperscript{39}

It seems, then, that once we follow Rawls in justifying liberal constraints on democratic procedures by appealing to bearers of reasonable comprehensive doctrines, we are led not only toward deliberation as a democratic fundamental, but also to an expansive understanding of the role of deliberation in justifying constraints on democratic procedures.

1.3.4 \textit{Toward a Deliberative Democratic Pluralism}

Together, reasonableness and deliberation provide an intuitively appealing solution to the problem of agreement on democratic fundamentals under conditions of pluralism. Agreement on acceptable constraints on democratic procedures might emerge from informed and sincere exchanges across differences in values, beliefs, traditions, and aspirations, provided that the pluralism in question is \textit{reasonable}.

This is a plausible basis for legitimacy under pluralism insofar as our deliberative faculties do not seem to depend critically on our particular beliefs, traditions, or aspirations. To

\textsuperscript{38}On this point, consider Dryzek (2000).
\textsuperscript{39}Again, on these points compare Dryzek (2000, esp. 12-20).
be sure, our formative traditions and associations—as well as our subsequent beliefs and aspirations—may lead us to express our deliberative faculties in ways that are confusing, even unsettling to those raised in different traditions. Fruitful communication across differences in language, values, and traditions certainly may be difficult, and at times frustrating. But the legitimating potential of deliberative practices does not require that reasons be expressed in a particular way; it only requires that citizens be committed to offering reasons, and trying to understand the reasons offered by others.

In the next two chapters I explain in more detail the appeal of this deliberative turn toward the practice of giving reasons, and I offer what I believe to be a persuasive formulation of a deliberative account of democratic legitimacy, emphasizing the importance of a fair deliberative pluralism that is sensitive to the likelihood of groups of citizens whose shared values, sincere interests, and reasoned judgements are rarely decisive in the formal public sphere of referenda, elections, legislatures, courts, and administrative agencies. More generally, the ideal of deliberative and associative democracy offered in the following chapters aims to be vigorously pluralist, and sensitive to the cacophonous and variegated character of the public sphere in modern democracies.
Chapter 2

A Republic of Reasons

Republican and procedural accounts of legitimacy are each attractive. Republicans draw our attention to the possibility of virtue, and emphasize the mutually sustaining relationship between personal and political freedoms. Proceduralists draw our attention to the question of whether democratic procedures could be accepted as fair by parties who disagree on what ends are desirable. Yet each account is insufficient.

Under conditions of pluralism, republican virtue requires personal liberties of conscience, expression, and association. But the free exercise of these liberties is likely to undermine any hope of grounding a political community in shared values, traditions, and aspirations. It is an open question for republicans such as Skinner (1986) and Pettit (1997) whether citizens who disagree on questions of morality and the good life, and who do not share a common religious tradition or cultural heritage, can nonetheless be relied upon to bear unequal burdens for the sake of fundamental interests that are shared by all citizens. The republican accounts of freedom and virtue require an elaboration of why citizens bearing diverse values, interests, and aspirations should be trusted to practice virtuous politics together.

Procedural fairness appears to take a plurality of values and ends seriously, in that it tries to protect equal basic freedoms without demanding any substantive agreement among citizens on morality, the good life, or the demands of virtuous citizenship. But procedural fairness turns out to be insufficient to ensure legitimacy under pluralism, and prominent efforts to buttress fair procedures with substantive values tend to be controversial insofar as they appeal to elements of comprehensive doctrines, such as utilitarianism or libertarianism,
that some citizens may reasonably dispute.

A promising theme in recent liberal political theory, exemplified by Rawls (1993), suggests that fair democratic procedures ought to be constrained according to standards of justice that could be agreed upon by bearers of diverse beliefs, values, traditions, and aspirations. Democratic procedures would thus be grounded in principles that are widely acceptable in a plural society. But to be persuasive, this line of argument requires an assumption that the pluralism in question is reasonable: when faced with disputes grounded in divergent values and ends, reasonable citizens do not resort to mere assertion and brute force, but instead seek to resolve conflicts according to terms that other free, equal, and similarly motivated citizens can be expected to accept. This assumption of reasonableness is itself motivated by a deliberative account of democratic legitimacy, according to which legitimate collective decisions require justification in terms of reasons that are acceptable to those burdened by the exercise of power these decisions authorize.

On this view, legitimacy is not determined by appeal to antecedent conceptions of truth or the good life. Instead, legitimacy is bound up with the convergence of democratic principles and practices toward an ideal deliberative procedure for arriving at reasoned agreement.¹ But this appeal to an ideal process of reasoned exchanges need not lead to a merely procedural stance, because the ideal is grounded in substantive political values: the range of admissible reasons and acceptable deliberative practices is limited, not by a vision of truth or the good life, but instead by ideals of democratic citizenship and political equality (Cohen 1996; Gutmann and Thompson 2000). And these ideals are themselves grounded in mental faculties and linguistic capabilities that seem intuitively more general, and less contestable, than substantive claims of virtue or moral worth grounded in particular comprehensive moral, religious, or philosophical doctrines.

I think the turn to deliberation about reasons provides a very attractive basis for an account of democratic legitimacy given pluralism. But the appeal to specific reasons has limits: free and equal citizens in a plural society may disagree on acceptable reasons as surely as they disagree on substantive ends. Several theorists have argued that, in light of this concern, legitimacy requires reasons that are at least in accord with a principle of reciprocity, and an associated idea of public reason (Gutmann and Thompson 1996, ch. 2;

¹On this idea, see Habermas (1976, 199-205), (1990, 43-115 and 196-204), and (1996, 244-52); Manin (1987); and Cohen (1989).
Rawls 1997, 794-802). The appeal to reciprocity ties legitimacy to reasons of a specific kind, rather than actual agreement on specific reasons. And this in turn suggests constraints on procedures, and the outcomes they generate.

In this chapter, I explore the procedural demands of reasonableness and reciprocity under pluralism. I suggest that legitimacy must be understood in terms of informed and sincere agreement by reasonable citizens on acceptable procedures. Rawls and Gutmann and Thompson argue as much, and note the requirement that citizens must at least be willing to take seriously moral and political arguments that proceed from beliefs and opinions they reject. But I suggest that something more is required: outcomes must be such as to sustain the belief of reasonable citizens that their values and interests will be influential, perhaps decisive, in some decisions, some contests. I argue that, even given fair access to public deliberation and a widespread commitment to reasonableness and mutual respect, the prevalence – or even the possibility – of persistent minorities is problematic, insofar as this threatens to foster a perceived distinction between the fairness of procedures and their responsiveness to certain values and interests.

To be widely perceived as legitimate in plural settings, fair deliberative procedures must not only be widely inclusive and self-evidently grounded in commitments to reasonableness and mutual respect, on the one hand, and a fair equality of life chances and political influence, on the other; they must further offer deliberative minorities the reasonable expectation of transforming certain features of the public sphere – in particular, the informal public sphere of shared civic and commercial spaces, nongovernmental associations, and artistic and journalistic fora – to be more accommodating of their distinctive values and interests.

This is not to assert that minority interests must be decisive in legislatures or community meetings on a certain number of occasions, or that we must agree to be persuaded by the arguments of a minority of citizens on some critical number of occasions when listening to public debates, or when voting for candidates in elections, or propositions in referenda. But I do mean to suggest that spaces of resistance and dissent in the public sphere must offer the bearers of minority values and interests a reasonable expectation of eventually influencing some aspects of public life, and motivating changes that will make prevailing institutions and practices more accommodating of the values and interests in question. This is necessary to ensure that democratic procedures are correctly perceived to be grounded in an enduring
commitment to reasonableness and mutual respect, even in the face of continuing moral, religious, and philosophical disagreements.

Such an ideal of fair access and outcomes is complicated by the variegated character of the public sphere, an issue I take up in chapter 3. In this chapter, I lay the necessary foundations for that analysis, offering an account of deliberative democracy that emphasizes reasoned agreement on fair deliberative procedures.

2.1 Reasons and Legitimacy

Several theorists have suggested that we should understand legitimacy in terms of whether the exercise of authority is acceptable to those burdened by it. If democracy is an ideal of popular sovereignty, of the people governing themselves as moral equals, then democratic authority demands justification in terms of reasons acceptable to those governed. An emphasis on mutually acceptable reasons as a determinant of legitimacy has featured — in distinct and sometimes conflicting forms, and with varying degrees of emphasis — in the works of Jurgen Habermas (1962), (1976), (1992), and (1994); Bruce Ackerman (1980); Thomas Scanlon (1982); Bernard Manin (1987); Stephen Elkin (1987); Charles Larmore (1987); Joshua Cohen (1989) and (1996); James Bohman (1990) and (1996); John Dryzek (1990) and (2000); Seyla Benhabib (1992) and (1996); Amy Gutmann and Dennis Thompson (1990), (1996) and (2000); J. Donald Moon (1993); and John Rawls (1993) and (1997).

2.1.1 Reasons and Deliberation

A distinctive feature of the reason-giving account of legitimacy is the importance of deliberation. If legitimacy is bound up with the acceptability of reasons offered for collective decisions and related exercises of power, then deliberation must be of considerable importance to democracy. Parties to collective decisions should reason carefully about the merits and weaknesses of various positions, in light of available facts and arguments. Furthermore, this deliberation must be in some sense public: relevant information, and also (of course) the reasons under consideration, should be available to all parties.

Deliberation is fundamental to the reason-giving account in a way that it is not for republican and procedural accounts. This may seem an odd claim: surely an important point that tends to distinguish republican from procedural accounts of legitimacy is the character of citizen participation in the affairs of governance?
True, according to some formulations of the republican account of democratic legitimacy, citizens are to deliberate, and then legislate together. Rousseau thought as much (SC IV:i:ii), and so too does Barber (1984). But for this sort of republican, legitimacy is not understood primarily in terms of deliberation. Rather, legitimacy is ultimately a matter of whether collective judgements arise from virtuous citizens reflecting on shared interests and pursuing the common good. Insofar as deliberation is desirable on this republican view, it is as either a transformative or epistemic mechanism: personal reflection on facts and arguments may transform citizen judgements toward agreement on the common good; or public discussion and debate may bring to light valuable information about the common good, and how best to achieve it. But legitimacy is fundamentally implicated with the common good, and with the virtues required of citizens to seek that good through participation in their political community.\(^2\)

Procedural accounts tend to be similarly ambivalent about the legitimating potential of deliberation. For the proceduralist, democratic decisions ought be considered legitimate according to whether or not they result from procedures that give equal weight to all relevant interests. The proceduralist allows that carefully regulated discussion and argument might achieve this end in some cases, perhaps by accurately representing the range of relevant values and interests among participants. And the proceduralist accepts that citizens themselves may play a modest role in authoritative deliberation, insofar as they acquire and evaluate information about the consequences of specific policies, the qualities of candidates competing in elections, and the performance of incumbent representatives and appointed experts. In turn, representatives and experts may be expected to engage in deliberation in their assigned duties: they should research issues, reason carefully, and discuss evidence and competing opinions with other representatives and relevant experts, with an aim to ensuring that procedural fairness is maintained. But the proceduralist does not think that the legitimacy of democratic decisions is determined by the content and character of deliberation \textit{per se} – that is, whether it takes seriously a wide range of facts and arguments, reflects the will of the people, or discerns the common good. Rather, legitimacy ultimately inheres in the fairness of democratic procedures. Deliberation is valuable only to the extent that it

\(^2\)This characterization applies less critically to Pettit (1999), whose contestatory democracy is framed in light of republican freedom, and suggests a central place for some forms of public deliberation in determining the legitimacy of democratic outcomes.
further the goal of procedural fairness.

According to procedural accounts, the majority principle – properly realized in fair procedures – is necessary, and may even be sufficient to ensure legitimacy, regardless of whether or not voters arrive at their preferences, and justify their votes, in a deliberative manner. We would, on this view, only consider informed reflection and public argument to be legitimating practices insofar as they contribute to the fairness of democratic procedures and the acceptability of their outcomes. And if elected representatives are authorized to make collective decisions on behalf of others, then a proceduralist might well accept these decisions as legitimate, even if they involved no deliberation on the part of representatives. Instead, the proceduralist may hold that the task of representatives is to advance faithfully the particular interests they have been instructed to represent. Dilemmas of legitimacy in these settings are such problems as ensuring that the composition of legislatures reflects the composition of interests in the represented population, so that all interests receive fair consideration; or ensuring that collective decisions in committees and assemblies can be meaningfully interpreted as reflecting a majority preference for one outcome over others.

In contrast to such republican and procedural accounts, deliberation is fundamental to legitimacy on the reason-giving approach. After all, if we think that legitimate collective decisions are those backed by mutually acceptable reasons, then it follows that some degree of informed reflection will be necessary to assess whether the reasons offered for a given decision are in fact acceptable to those over whom the decision is binding.

This is, however, deliberation of a particular sort. Several scholars have noted that prevailing forms of public deliberation in modern democracies – juries, town meetings, assemblies and committees, mass media, computer-mediated discussions – may be vulnerable to a variety of informational and reputational pathologies (e.g. Sunstein 2000). Many existing deliberative institutions are sensitive to strategic manipulation, and perverse and erroneous beliefs (Bartels 1996; Stokes 1998). Deliberation in these settings often excludes or misrepresents minority values and interests, and under-values certain expressive and argumentative styles.³

Given these troubling tendencies, deliberation must be disciplined according to substan-
tive conceptions of citizenship, fairness, and the circumstances of democratic organization. Thus, on the reason-giving view, "the deliberation that plays a role in the conception of deliberative democracy is not simply a matter of reason-giving, generically understood. The background conception of citizens as equals sets limits on permissible reasons that can figure within the deliberative process" (Cohen 1996, 106). The problem with many actual group deliberations is not that deliberation of necessity polarizes opinion or excludes certain voices, but that deliberation has not been disciplined according to appropriate accounts of citizenship and fairness.

2.1.2 Reasons and Power

An attractive feature of the reason-giving account is the explicit connection between public reasons and the uses of coercive power. On some occasions and in certain settings, politics may be characterized by virtuous citizens pursuing shared interests together, as some republicans hope. And if parties disagree significantly on values, aspirations, and the duties of citizenship, then fair procedures are a plausible strategy for mediating disputes and making necessary decisions, as proceduralists suggest. But what is surely distinctive about politics is the role of coercive power in pursuing shared interests, and enforcing the decisions that emerge from fair procedures. Political decisions permit the exercise of coercive power, and an account of legitimacy must be sensitive to this defining characteristic of the political.5

This is not to suggest that republican and proceduralist accounts of legitimacy do not take power seriously: both recognize that democracy is fundamentally a system of authority. Democratic decisions may be imposed by force, and such uses of force are taken to be

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4 Or to put the point in a way that makes clear a plausible connection between public deliberation and republican freedom in the fashion of Pettit (1997): deliberation must be disciplined according to some account of shared civic ends, and the freedoms and responsibilities that either constitute these ends, or are vital to their realization.

5 Mouffe (1993, 139-41) makes something like this point, drawing on Carl Schmitt's concept of the political. For Schmitt, politics is defined by the possibility of antagonism between 'friend' and 'enemy'. The 'enemy' is a public category, a collective 'other', different and alien, with whom violent conflict is possible. The political is, then, an autonomous and fundamentally relational category: the friend/enemy distinction may emerge along moral, philosophical, class, aesthetic, ethnic, or cultural lines of difference, and so cannot be defined in terms of any such substantive categories. In its most intense form, political action is exceptional use of violent means to preserve the very existence of a collective; see Schmitt (1927, 26-47). I think Mouffe is correct to suggest that we need not go all the way with Schmitt to think that a satisfactory account of political association must offer a detailed rationale for uses of coercive force. We can, I think, acknowledge the fundamental importance of antagonism and power in political theory without thinking, as Schmitt seems to have, that liberal institutions cannot be sustained in the public sphere. That liberalism seeks to negate the political was Schmitt's insight, but he and Mouffe are mistaken in seeing this as a debilitating flaw of liberalism; rather, it is arguably liberalism's most laudable characteristic, although as Mouffe suggests, it is a strategy that is limited by the very standard of reasonableness it proceeds from.
legitimate precisely because of their democratic pedigree. But the reason-giving account extends the neo-roman republican concern with avoiding dependence and domination, by making an intuitively appealing link between the acceptability of reasons and legitimate uses of coercive power.

On this view, the use of force against someone requires more than free consent; it demands free reasoned consent. This is not to say that every exercise of power requires detailed public justification, aimed at achieving explicit reasoned agreement among relevant parties. But it is to suggest that, at some point in the history of the political community in question, the acceptability of such uses of power must have been scrutinized in open public processes of reflection, discussion, argument, and uncoerced assent or dissent that can be convincingly interpreted as an authoritative judgement by the people. Furthermore, the historical judgements and associated arguments that justify coercive acts must remain accessible to concerned citizens, and be open to subsequent debate, revision, or rejection in light of new circumstances.⁶

And it is not enough that decisions could in principle be justified to citizens — for instance, in terms of reasons that score favorably on some epistemic criteria of rational choice, or a utilitarian calculus of social welfare, as articulated by social scientists or political philosophers. Rather, a part of exercising legitimate democratic authority is the public process of justification, requiring reasoned exchanges with those over whom authoritative decisions are binding. In making demands on citizens, legislative bodies and administrative agencies must explain their reasons, and demonstrate that these demands serve the common interests of free and equal citizens.⁷ And in making claims on each other, citizens must try to justify their proposals in light of shared interests and understandings, rather than merely appealing to passions, prejudices, mere self-interest, controversial claims of fact, or particular religious values and cultural traditions. It is the ongoing public process of mutual justification that situates sovereignty in the demos, with the people.

2.1.3 Reasons and Representation

The reason-giving account of legitimacy can be articulated in ways that to an extent parallel some of the motivations behind republican and proceduralist accounts. We may, for

⁷On this point see Gutmann and Thompson (1990, 85).
instance, share a republican concern for civic freedom, and conclude that the relevant parties to reason-giving activities should, whenever possible, be citizens themselves, rather than elected representatives or appointed experts. If legitimacy demands acceptable reasons for authority being exercised over others, then citizens should have the means and opportunities to assess the reasons offered for or against particular policies, and to offer reasons of their own. We may, however, share a proceduralist suspicion that constraints of time and the necessity of expertise make widespread citizen participation in many such activities unrealistic, and sometimes undesirable. Thus we might also think that, for a range of issues, citizens should elect representatives, who will then deliberate on their behalf in small assemblies. For matters requiring considerable experience and technical expertise, these representatives may in turn be trusted to appoint and monitor the performance of relevant experts.8

Even under representative institutions, citizens still engage in deliberative public activities, insofar as they have access to a range of local associations and public offices, as well as information about candidate competence and incumbent performance. And although most citizens themselves will not engage directly in authoritative deliberation about reasons offered for decisions at levels of government beyond their immediate locality, they are nonetheless indirectly involved in these reason-giving activities when they investigate, evaluate, and eventually decide upon suitable representatives.9

The reason-giving approach denies any strong presumption of legitimacy for generic claims that widespread discretion and independence are essential for effective governance or economic productivity. To be sure, representation and expertise are vital in the modern age, and in some cases experts and legislators ought to be responsive to certain audiences, but relatively insulated from the broader publics they serve.10 But when decisions impose

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8The contrast here is perhaps strongest for Rousseau, who doubted that sovereignty could inhere in a body of representatives (SC III:xv). But as Skinner (1986) notes, a number of republican theorists have understood the freedom of self-government as entirely compatible with representation.

9Compare Rawls (1997, 769): citizens should, when voting for representatives, reason as if they were themselves legislators, aiming to arrive at legislation in accord with an idea of public reason that justifies authoritative decisions in terms of reasons that are acceptable to free and equal bearers of reasonable life plans. Reasonable life plans are those borne by reasonable citizens, and again, citizens are reasonable to the extent that they desire to pursue their distinctive aims according to cooperative arrangements the essential features of which can be justified to other free and equal citizens (Rawls 1993, 48-62; compare Sibley 1953, 557-60; and Scanlon 1982, 111-19). Something like the condition of reasonableness is vital to a reason-giving account of democratic legitimacy: justification in terms of mutually acceptable reasons will have no legitimating force if citizens deny at the outset the value of finding such reasons for imposing their values and interests as authoritative.

10For one such case, consider Lohmann (2000) on central bank independence. For a deliberative account of
clear costs, and when these costs may be imposed through the use of coercive force, then those who bear these costs are surely right to demand reasons. The reason-giving account of legitimacy is sensitive to this intuition, insisting that relevant representatives and experts answer to those affected by decisions, regardless of prior constituencies: the impact of their decisions creates a constituency that must be addressed in terms of sincere and informed reasons.\footnote{On this idea, compare Gutmann and Thompson (1996, 351) and (2000, 169).}

2.2 Reasons for What?

The reason-giving account is attractive insofar as it ties the legitimate exercise of political power to the reasoned consent of citizens who may not agree on substantive values and aspirations, but who must nonetheless find mutually acceptable reasons for uses of such power in the pursuit of interests that are widely shared, such as collective security and the peaceful mediation of conflicts. It also acknowledges the intuition that the divisive potential of disagreements over values and interests may be mitigated by deliberative exchanges among parties that are based in the desire to offer and evaluate reasons. But the mitigating potential of deliberation about reasons has limits: after all, mutually acceptable reasons may not always be available.

Take the general case of a modern constitutional democracy in which citizens elect representatives to deliberate on their behalf in legislative assemblies: what are representatives themselves to do when they simply cannot persuade other representatives to accept their position on a particular issue? What if no reasons are mutually acceptable to these disputing parties? And of course it is exceedingly rare that representatives in actual democracies win anything resembling the unanimous approval of voters. This may indicate that, although citizens agree on what sort of reasons would be acceptable to them in a range of cases, they disagree over the competence of a given candidate to recognize and argue in support of such reasons. But in other cases, disagreement may be deeper, instead reflecting fundamental disagreement over what count as acceptable reasons. Even if citizens accept that legitimacy demands acceptable reasons, they will not always agree among themselves on what count as acceptable reasons, or how such reasons ought to be determined. If agreement cannot be reached on the acceptability of reasons, then how is a legitimate collective judgement to be
made?

Some theorists have argued that, after discussion and deliberation has taken place about the reasons offered for and against a particular proposal or candidate, voting and majority rule result in a collective judgement that is more legitimate than voting in the absence of public deliberation. This is because such deliberation allows us to interpret majority decisions as reliable indicators of which arguments are most persuasive. Rousseau imagined citizens understanding their votes as judgements about the general will. Here, citizens must act in a similar fashion, understanding their votes as judgements about the most persuasive argument concerning the matter at hand. We would, then, want to ensure that a range of competing arguments are given a fair hearing, and that citizens are able to make informed and impartial decisions about which arguments are more persuasive, given the evidence and interests at hand (see Manin 1987, 359-61; and Benhabib 1996, 72).

Recall the epistemic defense of majority rule: in some cases, we might have good reasons to think that there are outcomes that are correct in some objective sense – for instance, in the sense that they work to the benefit of everyone, according to any reasonable standard of welfare. Citizens would unanimously desire such outcomes, if only they were sufficiently well-informed, competent in their reasoning, and not inclined to show unquestioning or merely strategic deference to certain speakers or opinions. Under such conditions, we might trust majoritarian decision procedures to identify the correct course of action.

Why not follow an analogous line of reasoning here? Suppose that, for a range of issues, some arguments really are more persuasive than others, according to epistemic standards and rules of logic that are independent of the specific procedure for evaluating arguments. But we know that many facts are difficult to discern, and some interpretations of facts are more confusing than others. Furthermore, even if citizens possess roughly similar cognitive faculties, it is rare that they are similarly motivated to apply these faculties with comparable acumen. Suppose, then, that we could guarantee a fair public hearing to all interpretations of various facts, and all relevant arguments about these facts, constrained only by the condition that citizens be treated as free and equal bearers of reasonable life plans. Under such conditions, could we then trust the majority of citizens to be swayed by the most convincing interpretation of the facts at hand, and the most persuasive argument about how the dispute in question should be resolved? Even if citizens dispute the persuasiveness of specific arguments, and the correctness of resulting decisions, they can still accept them
as legitimate insofar as they originate from a procedure that, in the honest and informed determination of reasonable citizens, is more likely to discern persuasive arguments, and generate acceptable outcomes, than alternative means of collective decision-making.\textsuperscript{12}

But even putting aside the problems with epistemic arguments for majority rule,\textsuperscript{13} this approach seems insufficient to justify democratic mediation of conflicting reasonable interests. In such cases, the point of fair democratic procedures is not to identify the most persuasive argument given imperfect information and variable deliberative competence, but instead to accommodate disputes in which several arguments are similarly persuasive to reasonable citizens. After all, citizens may desire to seek shared terms of social cooperation that are mutually acceptable and work to the benefit of all, and that do not depend upon any one conception of religious truth, moral worth, human excellence, or the good life; and they may further accept roughly the same body of facts pertaining to some issue; but these same citizens may nonetheless argue persuasively to very different normative conclusions about that issue, without appealing to contestable beliefs and values.

As Rawls explains, public reason “specifies at the deepest level the basic moral and political values that are to determine a constitutional democratic government’s relation to its citizens and their relation to one another” (1997, 766). The content of public reason – that is, the ordering of political values that are brought to bear on fundamental questions of right and obligation in a constitutional democracy – is given by political conceptions of justice that are reasonable, in that their plausibility does not depend on appeals to the

\textsuperscript{12}Compare Estlund (1997). We might extend this approach to the problem of disagreement over what count as persuasive forms of speech: if a fair hearing is given not only to a range of substantive values and interests, but also to a diversity of expressive styles and evaluative standards, then we might interpret the majority judgment not only as revealing the most persuasive argument, but also the most persuasive way of arguing. But this is too simple: particular expressive styles and evaluative norms may be closely related to specific social groups, especially distinct cultures; therefore, simply appealing to a majority judgement in this way is vulnerable to the complaint that majoritarian procedures tend to sustain dominant opinions and practices simply by ensuring that minority arguments are not taken seriously by the majority. A more nuanced account of the structure of the public sphere, and how deliberation proceeds therein, might offer a more productive approach to accommodating a diversity of expressive styles and evaluative norms; on this see chapter 3.

\textsuperscript{13}Recall the concerns raised in chapter 1: epistemic gains from majoritarian procedures require that the problem being addressed have a solution that can meaningfully be described as correct; identifying this unanimously (or at least widely) preferred outcome through majoritarian procedures requires an informed, sincere, and competent citizenry with ready access to reliable information and exposure to balanced arguments, members of which are not inclined to show unquestioning or merely strategic deference to popular speakers or opinions. These requirements may often be far too stringent in practice. In particular, we may reasonably worry that citizens are, in general, too likely to show unjustified deference to prominent parties, favored commercial interests, established opinions, and passionate rhetoric; such deference can easily interfere with the epistemic quality of majoritarian decision procedures.
content of particular comprehensive doctrines. According to Rawls, a conception of justice is political to the extent "that it is framed to apply solely to the basic structure of society, its main political, social, and economic institutions as a unified scheme of social cooperation; that it is presented independently of any wider comprehensive religious or philosophical doctrine; and that it is elaborated in terms of fundamental political ideas viewed as implicit in the public political culture of a democratic society" (1993, 223). But different reasonable understandings of how political values ought to be interpreted and ordered can lead to different reasonable judgments on particular issues, such as abortion, capital punishment, and group rights.

Consider the case of abortion, an example that figures prominently in Moon (1993), Gutmann and Thompson (1996), and Rawls (1997). Parties to both sides of the abortion debate can appeal to facts about human embryonic and fetal development that, while perhaps uncertain, are nonetheless plausible and amenable to study by uncontroversial methods of inquiry. But from plausible assumptions, advocates and critics of abortion reach incommensurable conclusions about the moral and political status of a human fetus. And these disagreements are not unreasonable: arguments for and against abortion need not depend on controversial comprehensive doctrines. Advocates of abortion rights might be motivated by libertarian, utilitarian, or other comprehensive doctrines; but their arguments in favor of reproductive freedom can be persuasively framed in terms of ideas, such as the inviolability of reproductive choice for adult human beings, that do not depend on these controversial motivating beliefs. Similarly, critics of abortion rights may be motivated by their religious convictions, as many Roman Catholics are on this issue; but their arguments against abortion can be persuasively framed in terms of basic rights possessed by any being who could reasonably be expected to develop into an autonomous moral agent and contributing member of the political community.

Other important issues in modern liberal and democratic politics seem to fall into the category of 'deliberative disagreement' (Gutmann and Thompson 1996), or conflicts arising out of different 'reasonable political conceptions of justice' within public reason (Rawls 1997). Arguments over the acceptability of capital punishment can appeal to claims about collective security, risk, and the social costs of particular sorts of crimes that do not depend on any one comprehensive religious, moral, or philosophical doctrine. Similarly, although group rights seem to aim at protecting specific features of certain cultural or religious
communities, arguments for and against such rights can be similarly persuasive without appealing to particular features of any such communities: for instance, they may instead appeal to the formative value of a secure cultural heritage, and the importance of this heritage to the effective exercise of political liberties in a plural society.\textsuperscript{14}

Such disputes are extraordinarily difficult to resolve within a deliberative account of legitimacy. To see why, consider first some easier problems for deliberative democracy: if citizens agree on substantive values and ends, then deliberation can be justified as a democratic fundamental for its epistemic virtues. And if citizens agree on a wide range of ends but disagree on appropriate means for achieving them, then they may be able to negotiate acceptable terms of compensation for those who disagree with the majority judgement. In such cases, deliberation may be instrumentally valuable as a means to ensuring that negotiations proceed from a fair and accurate representation of the costs and benefits associated with particular means for achieving shared ends.\textsuperscript{15} But in contrast to these sorts of disputes, reasonable disagreement moves us beyond substantive shared ends, and in so doing challenges any hope of grounding legitimacy in mutually acceptable reasons for specific actions. In such cases, reasonable pluralism coincides with similarly persuasive arguments for conflicting policies. Reasonable disagreements of this sort make clear that the content of public reason is itself contestable, and need not admit of widespread agreement on all important issues.

How, then, do we move from the inclusive but indeterminate idea of public reason to an authoritative ordering of political values, and a legitimate authoritative judgement in controversial cases? Rawls thinks we can rely on majoritarian decision procedures already widespread in existing democracies; but the legitimacy of majoritarian decisions is determined by whether or not the procedure and the resulting decision comport with the ideal

\textsuperscript{14}Such arguments illuminate the point that public reason is “fully compatible with the many forms of nonpublic reason” that characterize “the internal life of the many associations in civil society” (Rawls 1997, 800). Kymlicka (1989) and (1995) has made something like the argument about liberal rights and cultural accommodation outlined above. On this theme, Kukathas (1992) and Taylor (1992) offer distinct and conflicting arguments that challenge Kymlicka, but that still seem to fall largely within public reason, as Rawls understands it. That is, Kukathas may be thought to be arguing against cultural rights from within a sort of comprehensive liberalism; but his concern with effective possibilities of exit from cultural groups suggests a concern with justification beyond comprehensive liberalism. And while Taylor’s concern with recognition and respect might seem to suggest a particular comprehensive doctrine, he attempts to frame these values in light of the intersubjective, “\textit{dialogical} character” of identity-formation (1992, 32-34), and the possibility of meaningful exchanges taking place across distinct values and traditions (65-73); this seems to me to suggest a concern with engaging in political argument across comprehensive doctrines.

\textsuperscript{15}On this point compare Gutmann and Thompson (1996, 69-73).
democratic citizens trying to conduct their political affairs on terms supported by public values that we might reasonably expect others to endorse. The ideal also expresses a willingness to listen to what others have to say and being ready to accept reasonable accommodations or alterations in one's own view. Public reason further asks us that the balance of those values we hold to be reasonable in a particular case is a balance we sincerely think can be seen to be reasonable by others. Or failing this, we think the balance can be seen as at least not unreasonable in this sense: that those who oppose it can nevertheless understand how reasonable persons can affirm it (1993, 253).

Given citizenship thus understood, legitimacy requires only that votes in referenda or elections be such that "we sincerely believe that the reasons we would offer for our actions—were we to state them as government officials—are sufficient, and we also reasonably think that other citizens might also reasonably accept those reasons" (1997, 771). Legitimate outcomes follow from voting that is sincere and "in accordance with the idea of public reason" (798).

But what if reasonable citizens disagree with such an outcome, but their reasonable arguments fail to sway a majority? On this question, Rawls is brief and rather unsatisfying: on the matter of reasonable disagreement with a right to abortion, Rawls notes that dissenters "need not themselves exercise the right to abortion. They can recognize the right as belonging to legitimate law acted in accordance with legitimate political institutions and public reason, and therefore not resist it with force" (1997, 798-99).¹⁶

This begs the question of why the minority would consider these institutions and their outcomes as legitimate, if they go against not only their comprehensive doctrines, but also their reasonable political conception of justice. Rawls seems to think that the answer here is that legitimacy is secured by institutions that are in accord with public reason, not a particular political conception of justice. It is enough that reasons be sincerely

¹⁶Rawls continues: "Forceful resistance is unreasonable: it would mean attempting to impose by force their own comprehensive doctrine that a majority of other citizens who follow reason, not unreasonably, do not accept" (1997, 799). But this is mistaken: if dissenters are reasonable in their rejection of, say, a right to abortion, then active resistance is not an imposition of their own comprehensive doctrine on the majority, but rather a forceful imposition of their reasonable political conception of justice. To be sure, that political conception might be motivated by a comprehensive doctrine (say, Roman Catholicism), but so too might the political conception of the majority (say, comprehensive liberalism or utilitarianism). We may, of course, have good reasons to object when a minority tries to force a majority to go against their reasonable judgement, however reasonable the minority motives might be. But by Rawls's own argument, the issue here is not one of the minority imposing their comprehensive doctrine.
offered, and emerge from political values the interpretations and orcerings of which other citizens would accept as plausible and deserving of sincere consideration. That citizens may disagree after such consideration does not affect the legitimacy of the majority judgement. Why not? Because, Rawls suggests, of the desirable consequences of such institutions: “political liberalism does not hold that the ideal of public reason should always lead to general agreement of views, nor is it a fault that it does not. Citizens learn and profit from debate and argument, and when their arguments follow public reason, they instruct society’s political culture and deepen their understanding of one another even when agreement cannot be reached” (1997, 799).

Gutmann and Thompson (1996) take this idea further, noting that, when reasonable disagreement prevails, a commitment to public reason – specifically, a principle of reciprocity\(^{17}\) – can allow parties to find terms of accommodation that are consistent with mutual respect among reasonable persons. Mutual respect, they argue, requires sincerity in our public pronouncements, and consistency between the various public claims we make, and between our claims and actions, as well as a broader consistency between our position on a particular issue and the implications of that position on other issues (81-82). It further requires an acknowledgment of the reasonableness of competing claims – that is, the fact that they are moral claims deserving of respect as such, and are not to be simply dismissed as mere strategic positioning, or as objectionably partisan with respect to some comprehensive doctrine (82-83). Claims may well be strategic and partisan, but this should not, they think, be our default assumption when we enter into public reasoning about controversial issues. This requires of citizens that they be open to giving sincere consideration to the beliefs, values, and arguments of others (83-84). Finally, Gutmann and Thompson suggest that a commitment to mutual respect demands that citizens seek not only to minimize dependence on controversial claims of fact, but also pursue an “economy of moral disagreement” according to which they “avoid unnecessary conflict in characterizing the moral grounds or drawing out the policy implications of their positions ... the aim is to search for significant points of convergence between one’s own understandings and those of citizens whose positions, taken

\(^{17}\)Gutmann and Thompson’s principle of reciprocity closely resembles Rawls’s account of reasonableness and public reason: reciprocity regulates “public reason, the terms in which citizens justify to one another their claims regarding all other goods.” And so, “when citizens make moral claims in a deliberative democracy,” the principle of reciprocity demands that “they appeal to reasons or principles that can be shared by fellow citizens who are similarly motivated” (Gutmann and Thompson 1996, 55).
in their more comprehensive forms, one must reject" (85).

The idea, then, is that when reasonable disagreements persist in the face of sincere and informed deliberation, a commitment to institutions that embody an ideal of democratic citizenship grounded in reasonableness will have desirable consequences, even if some reasonable parties are unpersuaded by the argument that has swayed the majority and carried the day. And these desirable consequences, combined with background conditions of reasonableness, are sufficient to secure legitimacy.

I think this is a persuasive position but for one point of difficulty: if bearers of some beliefs, values and interests are persistently thwarted by majority judgements, it is unlikely that they will perceive fair procedures as being grounded in a genuine commitment to mutual respect. After all, reasonable citizens who find themselves persistently in the minority on a range of issues are unlikely to think that the majority is in fact treating their distinctive values, interests, and traditions with sufficient respect. Mutual respect requires more than sincerity, consistency, openness, and a desire to minimize moral controversy in public matters; it further requires an expectation by citizens that their reasonable arguments will motivate some degree of change over time.

Again, this is not a requirement that the majority agree with the minority on a certain number of occasions. Rather, it is a requirement that the openness of the public sphere in modern democracies be more than a mere formality: those dissenting from the majority judgement on a range of issues must have the reasonable expectation that their public activities can eventually succeed in forging spaces, within the public sphere, that are more accommodating of their distinctive beliefs and practices. To be widely perceived as legitimate, fair deliberative procedures must generate outcomes that sustain such expectations among citizens.

To ensure this, such procedures must be arranged and monitored so as to protect vigorously spaces of organization and resistance, so that dissent is possible, and promises to be at least somewhat fruitful, over time, in shaping features of the public sphere to be more appealing to those who find their distinctive values and interests repeatedly compromised by democratic outcomes.\textsuperscript{18} Meaningful dissent must be feasible under fair deliberative pro-

\textsuperscript{18}Mansbridge (1996) makes a similar point about the importance of maintaining spaces of dissent. And compare Pettit (1999), whose model of contestatory democracy shares important features with my account of fair deliberative pluralism. Pettit recommends supplementing majoritarian electoral systems with multiple public fora in which dissenting voices can call for impartial reviews of majoritarian decisions and resulting
cedures: whether they feel they have won or lost on a given issue, no citizen should have grounds for thinking that outcomes are final, or that democratic procedures have systematically privileged some interests prior to, or during, public deliberation. When democratic institutions in the formal public sphere of elections, referenda, legislatures, agencies, and courts have been persistently unresponsive to some values and interests, the bearers of these values and interests must have effective (not merely formal) opportunities to work for change in the informal public sphere of shared civic and commercial spaces, non-governmental associations, and artistic and journalistic fora.\textsuperscript{19}

2.3 Fair Deliberative Pluralism

Let me conclude by elaborating on the argument developed so far. When reasonable values and interests conflict, legitimacy is best understood as a property of appropriately structured principles and procedures, and only secondarily a property of specific reasons offered in particular cases. I have followed Rawls and Gutmann and Thompson in suggesting that reasonable persons may accept some democratic principles and procedures as fair, and their outcomes legitimate, even if they disagree with the reasons that are decisive in specific cases. Widely acceptable reasons are desirable in specific cases, certainly. But we must recognize that such reasons are not always available in complex societies, especially those characterized by extensive personal freedoms and a plurality of religious, moral, and philosophical doctrines and associated values and interests. Under these conditions, legitimacy does not require that citizens agree on every reason that is decisive in particular decisions; but the principles according to which citizenship and authority are understood must be widely known and accepted, and the corresponding procedures for making collective decisions must themselves be supported by reasons that an overwhelming number of citizens find acceptable.\textsuperscript{20}

\textsuperscript{19}To anticipate the analysis of chapter 4, I note that some sense of this necessity seems to me to be implicit in recent work by Nussbaum (1995), Dryzek (2000), and Goodin (2000), and certainly Mansbridge (1996) and Deveaux (2000).

\textsuperscript{20}There is an ambiguity here: must all procedures receive the actual consent of informed and reasonable citizens? Or is it enough that such consent be inferred in some way? Actual consent seems impractical, given the scale and complexity of modern democratic governance; and a requirement of actual consent may create perverse incentives. But finding ways to reliably infer consent, although more practical, moves us some of the way toward hypothetical consent as sufficient to ensure legitimacy, whereas the deliberative
Rawls and Gutmann and Thompson think it is sufficient for legitimacy that, under such circumstances, fair procedures be grounded in reasonableness and mutual respect. Given such foundations, fair deliberative procedures will have desirable consequences, such as educating citizens, and fostering strategies of political accommodation that minimize moral conflict. But I have suggested that legitimacy requires more than this: outcomes must sustain citizen confidence in the possibility of change through public deliberation. When reasonable values and interests conflict, fair public deliberation must allow provisional agreements to emerge through open and inclusive processes of contestation, accommodation, and bargaining that do not systematically discriminate against any individuals or interests, and that allow for feasible re-evaluation of terms of accommodation or compensation, in light of changed circumstances. Citizens who repeatedly find themselves in the minority on a range of issues must be justified in thinking that their dissenting voices and associated activities can eventually change certain features of the public sphere so as to better accommodate their distinctive values and practices.

Under a fair deliberative pluralism, citizens are to have fair, but not strictly equal access to, and influence over, public institutions: given a basic equality of rights to free expression, association, and opportunities for access to public institutions, some inequalities of effective access and influence might be justified if they enhance the quality and scope of public deliberation more generally. This is because some inequalities of access seem intuitively acceptable, such as those that increase dramatically the spaces available for public deliberation, and that tend to be more inclusive of formerly excluded or persistently marginalized voices.

For instance: on the one hand, owning or editing a widely distributed newspaper may

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account seems to require, at some point, the actual reasoned consent of citizens themselves. The force of this concern is lessened, I think, when we consider several institutional possibilities that allow us to gain a reasonable sense of whether certain procedures would be acceptable to sufficiently thoughtful and informed citizens; on these see chapter 4. We can, I suggest, structure deliberative institutions so as to diminish the normative significance of the distinction between actual and hypothetical consent. Still, why not at least require that there be, at some point, actual *unanimous* agreement on the acceptability of procedures, whether citizens are informed and reasonable or not? There will likely always be radically dissenting parties in a free society who, after due consideration of facts and arguments, sincerely deny the value of most, perhaps every imaginable cooperative institution. Such views may well be informed and coherent, and they may demarcate not only the practical limits of a deliberative account of legitimacy, but of any account of political legitimacy whatsoever: anarchists may have an account of legitimacy, but it is not political in any constructive sense of the term.

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*21* The analogy here is, of course, to Rawls's second principle of justice, which *inter alia* allows inequalities if they work to improve the prospects of the least well-off. David Estlund has suggested this analogy in as-yet unpublished work.
give specific authors, or small groups of editors, owners, and advertisers, rather more influence over elected officials than what the average citizen can expect to wield. But on the other hand, newspapers require considerable capital investment to start and to maintain, and these economic and personal commitments — although perhaps to some extent self-interested — may nonetheless improve the quality of public information dramatically, and provide spaces for public deliberation. In contrast, consider the electoral systems — and associated laws regulating political speech and campaign financing — in several existing democracies: these tend to give greater effective voice and political influence to a relatively small number of citizens, without significantly improving the quality of public deliberation, or extending the scope of such deliberation to include formerly excluded or marginalized voices. For instance, stringent legal protections in the United States permit what amounts to unlimited spending on campaigns, and issue advocacy in the media, by wealthy corporations and interest groups.\textsuperscript{22} We need to understand these sorts of inequalities of access and influence in terms of whether they work to the collective advantage of all parties with respect to both deliberative opportunities, and the epistemic and transformative consequences of public deliberation.

Even if fair deliberative procedures are in place, arriving at fair terms of accommodation (for disputes over appropriate ends) or compensation (for disputes over appropriate means) will involve controversial assumptions and difficult judgements, especially in cases where reasonable values and interests conflict. But fair access to public deliberation makes sense in this context just because it provides a way to pool diverse sources of information, and to explore a range of accommodation strategies and compensation schemes. The controversial nature of accommodation and compensation in these hard cases would seem to demand that no contracts or regulations be unconditionally binding over time; rather, they should be open to revision in light of new evidence about the burdens imposed on those who have lost out in the relevant public decisions.

Such a high degree of openness to revision obviously invites exploitation. This is another reason why fair access to public processes of reason-giving is vital: claims for redress

\textsuperscript{22}On this see Cohen (2001), who argues that much of electoral politics in the U.S. is problematic insofar as (i) funding levels overwhelmingly determine candidate entry and likelihood of success; (ii) contributor and candidate preferences tend to be identical or similar on a range of issues; and (iii) the threshold of funds required for candidate entry effectively excludes a range of preferences and opinions from the political process.
and new terms of compensation are not merely asserted; they are offered, then critically assessed in open fora, where money and eloquence cannot guarantee favorable inequalities of influence (i.e., influence over setting agendas, or inappropriately swaying the judgements of representatives). Strategic misrepresentation and manipulation will be difficult to sustain under fair deliberative procedures: self-serving claims are not likely to stand up to persistent public scrutiny, and the reputational costs of revelations of dishonesty may be considerable.

But as Rawls and Gutmann and Thompson certainly understand, fair deliberative pluralism makes significant demands on citizens: they must be willing to listen to others, and to give sincere and informed consideration to other viewpoints, other values, other interests. There is, then, the important question of how deliberative institutions can be structured so as to encourage this moral psychology of democratic citizenship, sustain fairness of procedures and outcomes, all this while avoiding persistent deadlock on matters of deliberative fairness given diverse and conflicting values, interests, and deliberative practices. Deliberative institutions must at the very least sustain a sincere desire on the part of citizens to take seriously other perspectives, other arguments; and they must do so while maintaining fair access to reason-giving processes in the public sphere, and ensuring that meaningful dissent is not only possible, but has a real chance of eventually transforming certain features of the public sphere. This difficult task is further complicated by the variegated character of the public sphere in modern democracies: fair access to reason-giving processes makes different institutional demands in different parts of the public sphere. It is to these matters that I now turn.
Chapter 3

Deliberation and Public Spheres

I have argued that legitimate democratic procedures are those that sustain reasonableness and mutual respect, a fair equality of access to public processes of mutual reason-giving, and a sufficient degree of openness and flexibility with respect to deliberative minorities, such that democratic procedures are correctly perceived to be based in reasonableness and mutual respect. But this straightforward idea is complicated by the variegated character of the public sphere in modern democratic states, and by the ambiguous and contested status of various boundaries therein.

In the formal public sphere of legislatures, committees, courts, and executive agencies, authoritative deliberation generally proceeds within a framework of procedural rules that enforce a degree of civility, and of consistency with respect to how arguments are presented and evaluated. It follows that reasonableness and mutual respect are sustained in such settings insofar as these standards of civility and valid argumentation force parties to address one another as moral equals, whose statements demand explicit consideration in terms of mutually binding standards of evidence and argument.

And in this formal public sphere, fair equality of access is realized by ensuring political equality, understood as (i) a basic equality among citizens with respect to political influence in elections and referenda, and (ii) a fair equality of access to public offices. Insofar as voting and candidacy for office both reflect a desire by participants to contribute to ongoing deliberation about authoritative reasons, political equality thus understood is sufficient to ensure fair equality of access to reason-giving processes in the formal public sphere. In practice, of course, a range of inequalities interfere with this ideal of political equality.
These inequalities continue to be the focus of much argument and research: for instance, in ongoing debates over the impact of economic inequalities on political participation, or the merits of alternative voting procedures and campaign finance rules.

In this chapter, however, I focus on deliberation and the demands of reasonableness, mutual respect, fair access, and fair outcomes in the informal public sphere, which subsumes much of what many theorists refer to as ‘civil society’, and is roughly the same sphere of spaces, associations, and institutions that Rawls refers to as “the background culture” of a democratic society (1993, 14). In this complex sphere, mutual respect and fair equality of access to public reason-giving are complicated by a diversity of expressive norms, and varying stringency of orienting values held by free and equal citizens. A range of social groups in modern liberal societies are oriented around specific values, practices, and traditions; and these groups differ in the extent to which their characteristic norms and values allow for deliberation and dissent among members; and also the extent to which they are amenable to engagement with those who hold other values and interests.

We might expect that an open culture of contestation in the informal public sphere, sustained by strong protections for personal freedoms of expression and association, will ensure a fair equality of access to, and influence over public discussions and prevalent opinions, and so also over dominant features of the public culture of the democracy in question. Mutual respect by citizens themselves is not required if everyone is able to speak and associate freely, and if these freedoms ensure that citizens have a rough equality of access to a wide range of deliberative and expressive activities, even if such access is typically mediated through a range of associations that represent their values, interests, and traditions in various public settings. Furthermore, by allowing many voices to prevail through a diversity of citizen associations, unfettered by standards of civility or deliberative competence, these voices can eventually inform, constrain, and even transform the standards governing deliberations in the formal public sphere.

Such is the hope, at least. In this chapter I elaborate the moral-psychological demands underlying this pluralist vision. Then, in chapter 4, I consider the institutional requirements of this vision, interpreting several recent arguments and proposals in light of the ideal of fair deliberative pluralism, and given the complex and cacophonous character of the public spheres of modern liberal democracies.
3.1 Democratic Authority and Public Spheres

For deliberation to be the basis of legitimate exercises of political authority, something like an agreement on the content of public reason and corresponding constitutional essentials is necessary, as Rawls suggests (1993, 212-54; 1997). That is, there must be widespread agreement on the organization of legislative and executive powers, and the rules of conduct governing deliberation and authoritative judgements in legislative assemblies and judicial proceedings.

This is not to suggest that disputes over acceptable deliberative practices are unimportant – indeed, such disputes are precisely what motivate the distinctly procedural and pluralist emphasis given to the reason-giving account of legitimacy in chapter 2. Nor is this to suggest that the standards governing authoritative deliberation must be immutable: a deliberative account of democracy must acknowledge that a plurality of values and traditions is also likely to entail a plurality of expressive norms and deliberative standards. And I certainly do not mean to suggest that any and all deliberation requires settled agreement on the content of public reason. To the contrary, a deliberative account of democracy must recognize that public deliberation can begin with efforts by disputing parties to find a common linguistic and conceptual framework – however provisional and fragile – from which to proceed with arguments over substantive differences among them. No matter how different parties are, how irreconcilable their beliefs and interests seem to be, the recourse to argument rather than force suggests that reasons matter to these parties, and that they are willing to employ their fundamentally similar cognitive and linguistic skills to find some common ground from which to argue.

Waldron (2000, 163-64) makes something like this point, although I think he is mistaken when he attributes the contrary position to Rawls. Waldron suggests that, by emphasizing public reason, political liberalism approaches the problem of deliberation across difference primarily in terms of “deliberative discipline and the exclusion of certain lines of argument” (163). But while it is true that Rawls emphasizes widespread agreement on the content of public reason, his point is not that such agreement is necessary to resolve moral disputes in a deliberative fashion.

Indeed, Rawls seems to agree that public deliberation can fruitfully address points of moral disagreement among citizens committed to reasons rather than force or mere assertion.
But on Rawls's account, such deliberation is not public reason: it is not "the reason of equal citizens who, as a collective body, exercise final political and coercive power over one another in enacting laws and in amending their constitution" (1993, 214). The closest Rawls comes to taking the position Waldron attributes to him is when he claims that the specific content of public reason must be given by political conceptions of justice that are complete, meaning that "each conception should express principles, standards, and ideals, along with guidelines of inquiry, such that the values specified by it can be suitably ordered or otherwise united so that those values alone give a reasonable answer to all, or nearly all, questions involving constitutional essentials and matters of basic justice. Here the ordering of values is made in the light of their structure and features within the political conception itself, and not primarily from how they occur within citizens' comprehensive doctrines" (Rawls 1997, 777).

The values described by political conceptions of justice are open to interpretation, of course. But the details of conceptions themselves constrain the space of plausible interpretations, such that substantive argument can proceed about public matters, rather than founder on debate over acceptable interpretations. Given such constraints, the requirement of completeness ensures that resulting arguments have a high degree of internal consistency, and are not merely ad hoc (777-78). But although a political conception of justice constrains interpretations of values, and disciplines argument on public matters, for Rawls these are only constraints on authoritative deliberation – that is, deliberation that claims to reflect the public interests of free and equal citizens, and that authorizes the use of force to secure such interests.

The requirements for fruitful deliberative exchanges may be as modest as Waldron suggests. But authoritative public deliberation is another matter. I follow Rawls in thinking that when authoritative deliberation supports the exercise of coercive power by some against others, then such deliberation requires agreement on certain deliberative standards. We need not require the discipline of public reason every time we initiate and employ deliberation to resolve disagreements among citizens. Nor must we insist that, once settled upon, standards for authoritative deliberative should be immune to subsequent revision. But once deliberation is accepted as fundamental to legitimate political authority, we must ground authoritative deliberation on more robust foundations than mere desire to discuss points of disagreement. When collective decisions can be enacted, in the name of the people,
through the legitimate use of coercive force against citizens, we should seek some measure of stability with respect to the standards and procedures through which these decisions emerge. And so, as a general point about legislatures, courts, and executive agencies, there needs to be some settled agreement about what sorts of proposals are reasonable, and what sorts of arguments are persuasive.

Why? Because if matters were otherwise, the standards would appear capricious to some citizens; or worse still, citizens may be discouraged from a range of socially beneficial private activities, given the risk that authoritative standards may change dramatically from one public decision to the next. But although these concerns are important, the overriding consideration in favor of settled standards for authoritative deliberation seems to me to be the especially visceral nature of the costs imposed by the exercise of political authority.

The point of democracy is to situate sovereignty with the people, and deliberative accounts of democracy understand this to be a task of justifying authority in terms of reasons, rather than mere assertion and imposition. And yet reasons cannot be expected to generate agreement on every occasion, especially in plural settings, and so reasons are taken to justify the use of force by some citizens against others, in the name of the public interest. Given that the use of reason gives way to force, we must be able to demonstrate to citizens that the procedures through which such decisions are arrived at are such that all or most citizens should, however provisionally, accept them as working in the public interest.

The use of coercive force against citizens is so elemental, so deep an interference with their freedoms, that decisions to do so cannot be taken lightly. They should not be vulnerable to the vicissitudes of passionate majorities or well-organized interests. Nor should they founder persistently on disputes over appropriate procedures, with participants debating not only the issues at hand, but also what ought to count as reasonable claims, legitimate modes of expression, and persuasive arguments. Again, such disputes are important – indeed, vital – elements of a free democratic society; but the provisional outcomes of such complex and enduring disputes are too capricious to serve as an acceptable basis for the use of force against citizens. When force is employed in the name of the people, there must be widespread public confidence that force is authorized through procedures that do appear, to most reasonable and informed citizens, to serve the public interest. It follows that authoritative deliberation belongs in a formal public sphere, characterized by a degree of institutional inertia and conservatism regarding the standards that govern authoritative
deliberation and judgements.

In the formal public sphere of existing democracies are those institutions charged with making and enforcing authoritative decisions. These include legislative assemblies, comprised either of representatives, as in a parliament or congress; or citizens themselves, in the case of binding referenda. Also included are the various administrative agencies that articulate the details of legislation, and oversee the implementation of policies; and a judiciary, charged with holding both administrative agencies and citizens themselves accountable to the legislature, and in some cases holding the legislature accountable to more fundamental constitutional constraints, or to precedents discerned from a body of common law.

But if we hope to take seriously a diversity of beliefs, traditions, interests, and expressive and argumentative styles among citizens, then the inherent conservatism of the formal public sphere must be constrained by an openness to critique and reformulation – not only of specific decisions, but of the very institutions that give rise to them. Somehow we need to ensure: first, that public deliberation in the informal public sphere is widely inclusive of ideas, interests, and practices that may not be sufficiently represented in the formal public sphere; and second, that activities in the informal public sphere can eventually bring about change in both the formal and informal public spheres.

By ‘informal public sphere’ I mean to subsume much of the diverse range of physical spaces and associated activities and associations that is often referred to as ‘civil society’. These spaces and associations are not unambiguously private; for instance, they are rarely, if ever, characterized by the sort of intimate associations we find between lovers, close friends, or family. But these spaces and associations are nonetheless distinct from the formal legislative, executive, and judicial institutions of the formal public sphere. Characteristic institutions of the informal public sphere are: public and private schools; organized interest groups; charities and support groups; churches; unions; community associations; print, radio, and television media; new media forms, such as discussion groups broadcast over the Internet, and on-line databases with unrestricted access via the Internet; bookstores, news-stands, cafes, restaurants, and even neighborhood parks and shopping malls.

### 3.1.1 Associational Richness and the Informal Public Sphere

The informal public sphere also includes a range of associations defined by identity: in large and diverse societies, we generally define our respective identities in terms of many distinct
and sometimes divergent values, interests, and associations; and we often find ourselves to be members of several groups simultaneously. Some groups we join after careful reflection on the defining characteristics of the association in question. For instance, we may opt to join an interest group devoted to a particular economic or environmental issue; or we may decide to join a church and take part in its organized community activities, based on beliefs we have come to affirm, and friendships we desire with others who share our beliefs; or we may join a community association in the neighborhood we live in, motivated by concern for our quality of life in a shared location.

In contrast, there are groups that we simply find ourselves to be members of: our sex and skin color may be the basis of categorization into distinct groups, usually by others. And yet other groups are such that we have been raised into membership, and although we may choose to leave these groups later in life, that choice comes with significant personal costs. For instance, if at some point in our lives we come to reflect upon, and ultimately reject the religious and moral beliefs we have been raised into, then we face significant emotional stress. After all, in such cases the familiar assumptions and convictions, passed on to us by our family and formative community, may no longer represent a horizon of meanings with which we can be satisfied; finding a different horizon is likely to involve questioning, even denying the value of our past choices and present friendships. Similarly, if we decide to live and work in another country and culture, we face the costs of learning a new language and associated cultural norms. Membership in these sorts of associations is not obviously ascriptive or voluntary, but seems to fall into an ambiguous middle ground.

Of these varied associations, membership in some will overlap, and members will often have convergent or complimentary experiences, interests, and expectations. In other groups, however, membership will be mutually exclusive; the values, interests and practices of these associations will be distinct, and sometimes in conflict, with those of other groups.

A vibrant culture of associations in the informal public sphere generally enriches public deliberation, by giving effective voice to a range of ideas and perspectives, and a diversity of expressive and imaginative activities associated with attachments and traditions that are sometimes chosen, sometimes not.¹ And if attention to various forms of association

¹Of course while enriching public deliberation, some forms of association may undermine democratic values, or foster social conflicts that become political conflicts; the complexity of these and related tensions is captured well by Rosenblum (1998), and Warren (2001).
in the work of some democratic theorists reflects the diversity of our values, interests, and attachments in modern societies,\(^2\) it also reflects the fact that a great many of our public encounters and activities are not overtly political: rather, they take place largely in the highly variegated informal public sphere, and are only indirectly related to the formal legislative and administrative activities through which collective judgements are made and enacted in policy.

So we have, in modern democratic states, an informal public sphere in which associations are defined in terms of chosen and ascribed identities, mutual interests, commercial activities, moral and religious convictions, and political opinions. These associations and activities generally involve encounters with others; but few of them are obviously either public or private. Indeed, even those activities and relationships that appear to many to be unambiguously private, such as intimate activities within one’s home, may have consequences that are arguably public – for instance, if they constrain the access of some persons to public spaces and activities, or shape the interests and expectations that citizens bring to a range of activities in the formal and informal public spheres.\(^3\)

3.1.2 Deliberative Significance of the Formal/Informal Distinction

The fundamental ideas motivating the formal-informal distinction I have drawn here are: first, that coercive force is only legitimate insofar as it is backed by acceptable reasons; and second, that citizens should have a fair equality of access to, and influence over, authoritative deliberations and collective decisions.

We want authoritative decisions to emerge from procedures that citizens generally agree are likely to allow persuasive reasons to be formulated, evaluated, and settled upon, such that decisions do indeed serve the public interest – that is, according to a persuasive argument and given available information. To be clear, citizens need not agree on every reason that emerges; indeed, the appeal to fair deliberative procedures is attractive just because citizens will often disagree on such specifics. But citizens must largely agree on the sorts of procedures that are more likely than alternative arrangements to generate acceptable reasons for the exercise of authority in their names. However, we also want public delibera-

\(^2\)I have in mind here Cohen and Rogers (1992) and (1995); and again, Rosenblum (1998), and Warren (2001).

\(^3\)For instance, see Burns, Scholzman and Verba (1997) on how inequalities within the household can interfere with political opportunities.
tion to be broadly inclusive, even if included parties disagree over what count as acceptable procedures and associated standards. After all, such disputes may result from considered judgements based on one's values, interests, and associations in a free society, and as such they are entirely reasonable.

The hope is, then, that public deliberation can proceed relatively unrestricted in the informal public sphere, so as to be inclusive of a diverse range of views not only about values and interests, but also about acceptable expressive norms and deliberative standards. On this view, the state ought to tolerate a diversity of beliefs, practices, and associations in the informal public sphere, even if these beliefs and practices challenge the prevailing norms of civility and argumentation in the formal public sphere. Indeed, some of these beliefs, practices, and associations will almost certainly inspire unreasonable moral and political commitments – that is, commitments that do not reflect a willingness on the part of their bearers to cooperate, within shared institutions, with those who hold different moral, religious, and philosophical commitments.

According to a democratic politics grounded in reasonableness and mutual respect, adherents to unreasonable views are not denied freedoms of belief, voice, and association: they may present their ideas and opinions to other citizens in a variety of fora in the informal public sphere, and they may associate with others who share their convictions and interests, largely unrestricted by the standards of reasonableness and mutual respect. However, insofar as these ideas and opinions lead their adherents to make claims on other citizens and shared resources, then these claims must be presented in terms that are reasonable and that respect the moral validity of other comprehensive doctrines – that is, reasons that do not demand adherence to a particular comprehensive doctrine, and corresponding visions of what constitute moral truth and the good life. If arguments in favor of public claims on others cannot be made without appeal to such a doctrine, then they are not persuasive, 

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4Thus, for instance, Rawls argues that public reason, and its constraints of civility and reasonableness, only constrain deliberation in “the public political forum” of judges, elected and appointed government officials in legislatures and various agencies, candidates for public office, and those involved in their campaigns. These constraints need not apply to what he calls “the background culture” of a democratic state; see Rawls (1997, 768-69); and also (1993, 14).

5This is not to suggest that there may be no legitimate constraints on association in the informal public sphere: if membership in an association confers clear economic or political advantages on members, but membership is restricted in ways that (i) are not clearly vital to the stated purposes and fundamental principles that define the association; and (ii) also interfere with a fair equality of economic or political opportunities for other citizens, then the state may have a legitimate interest in interfering with that association; on this idea, see White (1997).
because the claims are not reasonable.

But what is likely to happen when the bearers of unreasonable views are persistently denied voice in the formal public sphere? We might suspect that limiting deliberation in the formal public sphere according to standards of civility and reasonable argumentation will render deliberation fruitless in just those cases of profound disagreement where principled and informed judgements are vital, cases – such as slavery, abortion, or marriage rights for same-sex partners – where tenets drawn from a particular comprehensive moral doctrine conflict with liberal commitments to equal basic freedoms and a principle of fair equality of opportunity. Furthermore, the distinction between reasonable and unreasonable doctrines will often be ambiguous in practice, fraught with internal tensions and strategic political alliances and public claims. Under such conditions, free and equal citizens may well disagree on what counts as a reasonable claim, a persuasive argument, or acceptable public conduct toward others.

We may worry that such circumstances will motivate the bearers of unreasonable views to challenge prevailing institutions in the formal public sphere in increasingly drastic ways, perhaps even seeking independence from the government that refuses to recognize their ideas about what count as reasonable claims, persuasive arguments, and acceptable public conduct. Or they may seek to transform the content and tenor of public political discourse in a free society, using their freedoms of voice and association in the informal public sphere to sway the opinions, interests, or even habits of conduct prevalent among their fellow citizens, in this way challenging the institutional status quo toward their favored standards of reasonableness, persuasiveness, and public conduct. Indeed, I have argued that a persuasive account of legitimate deliberative democratic procedures must allow just this possibility for dissenting minorities to reshape the informal public sphere. The difficulty here is that the minority in question may not always respect the liberal and democratic commitments that allow such transformative opportunities.

A response to this concern is suggested by Rawls, following Mill: toleration of free association, belief, and expression in the informal public sphere is compatible with stable political institutions in the formal public sphere just because reasonable citizens will tend to reject those claims that would diminish their own freedoms by either restricting liberty in the informal public sphere, or undermining the efficiency and transparency of institutions.

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6For instance, see Johnson (1998, 167-70).
in the formal public sphere. This tendency may be buttressed over time by learning effects, as citizens' confidence in the formal standards that protect equal freedoms are reinforced by their own experiences of these values, and the range of opportunities that these values make possible.\textsuperscript{7}

To further extend this educative hypothesis, imagine that a provisional commitment is made to shared standards of authoritative deliberation. The play of politics within institutions thus constrained may both consolidate and transform specific interpretations of what count as legitimate political claims and persuasive reasons, and fair distributions of resources and opportunities. But such transformations are not likely to be short-sighted or otherwise pernicious, given that the motives of those seeking change will be scrutinized through public discussion and extended deliberation. Challenging the status quo deliberative standards is relatively costly; but fair institutions are those that ensure that these costs do not objectionably limit an equality of opportunity to exert the influence necessary to initiate such changes.\textsuperscript{8}

A useful analogy may be drawn with the evolution of a legal system in a constitutional democracy. In a system of law, procedures for evaluating arguments may be based on a set of normative principles, reflecting an abstract conception of justice, perhaps itself discerned from longstanding intuitions about fairness and morality in a particular community or intellectual tradition. Precedents emerge from deliberation on specific cases, judged in light of available evidence and antecedent abstract principles. However, the legal procedures allow not only for the introduction of new evidence, and reconsideration of prior judgments; but also for the re-interpretation – and even the eventual transformation – of the fundamental principles themselves, in light of changing judgements about what justice requires when social and economic conditions change. The procedures allow such flexibility, but protect against whimsical or self-serving efforts to change precedents or the constitutional foundation itself, by spurious appeals to distorted or irrelevant facts.\textsuperscript{9}

\textsuperscript{7}On this idea, see Rawls (1971, 219); and (1993, 163).

\textsuperscript{8}Electoral success in existing democracies is strongly correlated with the ability to raise private funds, and such funds are increasingly provided by a relatively small constituency of wealthy corporations and interest groups. These democracies fail to meet this standard of democratic fairness insofar as (i) funding levels determine candidate entry and likelihood of success; (ii) contributor and candidate preferences are identical or similar on a range of issues; and (iii) the threshold of funds required for candidate entry effectively excludes a range of preferences from the political process; on this point, again see Cohen (2001) on the pernicious consequences, for democratic fairness, of trends in campaign financing in the U.S. political process.

\textsuperscript{9}See the account of constitutional dualism offered by Ackerman (1991); also, compare the discussion of constitutional essentials, and the U.S. supreme court as an embodiment of public reason, offered by Rawls.
In the informal public sphere, the learning effects that Rawls hopes for may be encouraged by a commitment to fairness, understood as fair access to, and influence over, various processes of mutual reason-giving, such that inequalities of access and influence enhance public deliberation more generally, by improving the quality of information and argument, or making public deliberation more broadly inclusive, or ideally both. Under fair deliberative procedures, the claims of cultural, political, and economic elites will come under careful and continuous scrutiny in a variety of public fora, such as investigative journalism in print and television media, and the inquiries and deliberations of community activists and citizen interest groups. Under these conditions, ostensible motives and sophistic arguments will be difficult to sustain; and once exposed, such motives and arguments may carry significant reputational costs in terms of subsequent credibility.\footnote{10}

3.2 TOLERATION, SUBVERTED BOUNDARIES, DELIBERATIVE TRANSFORMATION

Such is the hope, at least. For this sort of scrutiny to emerge from inclusive public deliberation in the informal public sphere, many citizens must be at least somewhat open to other ideas and interests, and not prone to self-interested or narrowly partisan actions when serving in positions of public authority. They must be willing to scrutinize claims to authoritative knowledge, and to communicate their judgements to other citizens on occasion and in a variety of settings. Citizens must be \emph{willing} to talk with, and as importantly, \emph{listen} carefully to others, even those who have very different beliefs and interests -- and different traditions, habits, norms of discourse and expressive styles -- than themselves. Citizens must have the abilities and the incentives not only to advance their own ideas and interests, but also to take seriously the judgements and interests of others; and to take account of how their own private concerns may impact on other citizens. This much is well-understood, and has been explored by many liberal and democratic theorists.\footnote{11 But perhaps most im-

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\footnote{93, 227-40. Also, see Williams (2000b) on the deliberative transformation of social meanings associated with terms of sexual harassment in U.S. law.}

\footnote{10This condition is most emphatically not met in most existing democracies, insofar as secrecy and legal norms protect a range of corporate and government activities from timely public scrutiny; and insofar as the consolidation of corporate ownership of radio, television, and print media limits the diversity of serious views that are presented to the public, and insofar as the content and timing of programming is increasingly determined by the interests of advertisers. On the pernicious consequences of excessive secrecy for democratic accountability, see Gutmann and Thompson (1996, ch. 3); on problems of corporate ownership, market pressures, and resulting media biases, see Hermann and Chomsky (1988), and McChesney and Waterman (1999); also, consider the findings of Daniellian and Page (1994); and see Page (1996).

\footnote{11See Young (1996) on communication across difference; also, consider the deliberative account of cultural accommodation in diverse societies offered by Deveaux (2000); and see Bickford (1996) on the characteristics of
portantly – and this is a point that has not received sufficient attention by recent theorists of liberal virtues and deliberative democracy – citizens must be open to the possibility that their own values, interests, and expectations may be transformed through their encounters with other citizens, other ideas and arguments, other traditions and perspectives.

What if citizens do not tolerate other beliefs, practices and interests? Or what if they merely tolerate others, banishing themselves whenever feasible to the realm of the private, as defined by their particular beliefs and principles, and for the most part respected by the existing liberal and democratic government? Citizens may refuse to discuss any issues at all with those whose beliefs and practices they find abhorrent, choosing instead to accept their existence as an unpleasant but necessary reality; or they may instead commit themselves to shouting down these offending voices when they are encountered, and to retreat whenever possible into carefully regulated public enclaves, occupied and policed by those with the same beliefs, values, and practices as themselves.

This characterization resonates with the realities of many communities in modern plural societies: we see cultural, ethnic, and religious enclaves throughout existing liberal democracies, both in small rural communities, and in insular urban enclaves and suburban neighborhoods. In an insightful study, Sennett (1970) has argued that many Americans in the latter half of the twentieth century displayed a troubling tendency to avoid diversity and complexity in their life experiences. The roots of this desire are unclear, but Sennett presents a reasonably plausible case that it originates in adolescent tendencies to establish and protect an identity against confusing encounters with other perspectives, presented by other persons with distinct identities of their own. Many Americans have come to define themselves, their values and aspirations, in terms of a simplistic ideal of what constitutes a satisfying and successful life, rather than in terms of complex social encounters in which they are confronted with the real diversity and sometimes-unsettling differences of other persons. Sennett suggests that this adolescent urge reflects a desire for a 'purified identity' analogous to the unwavering idealism of revolutionaries or the devoutly religious (1970, 7-16).

of distinctly political speaking and listening; again, both Rawls (1993) and Gutmann and Thompson (1996, 79-81) recognize this as a vital component of political-liberal and deliberative-democratic citizenship; also, compare Taylor (1992, 61-73) on openness to meaningful exchanges across contrasting beliefs and traditions. On liberal virtues and the requirements of liberal citizenship, see Galston (1998), and Macedo (1990); also, consider Tomasi (2001).
If we are at all swayed by Sennett's account – or even if we simply accept the reality and persistence of the social process he sought to explain – we might be tempted to conclude that a stable pluralism of diverse group attachments requires that, at the end of the day, we can retreat to the familiar public enclaves of our respective religious, national, cultural, linguistic and other groups. On this view, we tolerate difference not out of mutual respect, but just because we are never forced to accept diversity as anything other than a superficial fact, an unpleasant but endurable inconvenience of the world outside of our own communities. Rorty (1986, 209-10) suggests such a position when he compares the modern (bourgeois) liberal state to a bazaar, an agora of sorts, in which we tolerate the different beliefs, practices, and interests of others only in fleeting exchanges borne of economic necessity, but then retreat into guarded public spheres that reflect our personal values, interests, and aspirations.

But even such guarded, purified publics have borders, and the realities of modern societies and their complex economies make these borders increasingly vulnerable in a variety of ways. The notion that we only engage with others in an agora, from which we can retreat into distinct and guarded publics, is increasingly incoherent in a world in which economic imperatives diminish the significance of physical space, and the permanence of spatial boundaries. To accept that the borders of distinct publics can be crossed is to accept that the principles and rules that define and enforce those borders can be subverted.

Indeed, the mere act of crossing an established boundary may be pregnant with political meanings. Mere toleration from within accepted boundaries may be unstable under a dynamic pluralism of contested boundaries, in which even acts of transgression are part of ongoing political arguments. Under such conditions, toleration itself can shift with varying degrees of ease into mutual respect, a "character of individuals who are morally committed, self-reflective about their commitments, discerning of the difference between respectable and merely tolerable differences of opinion, and open to the possibility of changing their minds or modifying their positions at some time in the future if they confront unanswerable objections to their present point of view" (Gutmann and Thompson 1996, 80).

Subversion of boundaries may, of course, be widely viewed as illegitimate within the bounded group in question, and perhaps also by many of those on the outside as well. Subversion will thus lead to anger and resentment. This will certainly be the case if the subversive activities seem motivated by interests alien to those within the border being crossed, whose ways of life that border is intended to protect.
Consider, for instance, efforts by corporations interested in extracting natural resources from lands occupied by indigenous peoples, or held in trust by the government under conservation programs: these companies may 'buy out' certain individual members of indigenous communities, or lobby aggressively with the relevant authorities to gain access and legal title to these resources. Such efforts are exemplified in Canada and the United States by various attempts to allow mining on, or lumber extraction from, lands used and occupied by indigenous tribes, or held as wildlife sanctuaries or national parks. Such selfinterested efforts on the part of corporations tend to be aggressive and intrusive, without any effort made by the offending companies to explain why their interests ought to prevail over other competing interests, other values – for instance, those of local communities whose livelihood may be threatened by the corporate activities in question. Such intrusions into other systems of values and interests, and onto distinct physical spaces bound up with these values and interests, are likely to be interpreted as predatory, and insulting to those whose values and interests are threatened.

But other cases are less clear, and persistent attempts to subvert prevailing spatial and normative boundaries may eventually lead some of those on the inside to question why their borders – and by implication, their characteristic values and traditions – are being threatened from without. Addressing this question calls for encounters with those on the outside, so as to discover who is responsible for the subversive efforts at issue, and to demand of these parties some justification for their actions. This very act of seeking accountability leads to the possibility of exchanges across group boundaries, and sets the context for the appeal to mutually acceptable reasons that have featured so prominently in the preceding chapters, and in recent democratic theory more generally.

To be sure, such exchanges may at first be motivated simply by anger or distrust; and no doubt there will be a great many cases where anger and distrust are entirely justified, cases for which the subversion of a community’s distinctive values and norms, and intrusions into the physical space used by its members, will in fact have been motivated by mere self-interest, as in the case of corporations interested in exploiting resources or dominating new markets, who offer modest but widely publicized concessions and incentives to local communities, even though shareholders are likely to gain far more from these intrusive activities than local employees and their families.

In some cases, the demand that outside parties account for their actions will lead to a
defiant stand: 'we have intruded onto your significant places or interfered in your activities, challenging your characteristic values and rules', the interlopers may say, 'because one of your own members has appealed to us, citing principles of fairness or fundamental right that we uphold, but you do not.' Thus, for instance, the imposition of state or federal law with respect to gender equity on indigenous or religious communities may be the result of women within these communities appealing to state or federal courts, asking these agencies to protect them from traditional practices they find oppressive. To such incursions, the response may be angry retreat; or retaliation of some sort; or dialogue aimed at finding some common ground, from which to negotiate a solution acceptable to all parties.

The first two responses may be appealing in some cases, particularly for those groups that are closed to internal discussion of their basic values and rules of conduct. For some very insular groups, no intrusion by outside influences is ever justified; such groups may forever remain closed enclaves, the leaders and perhaps most or all members of which are unwilling to consider the possibility that their characteristic beliefs, interests, and aspirations might be questioned, even transformed. But for groups pursuing the third strategy, the possibility of transformation is real: we may ourselves be transformed through deliberative encounters with other facts, opinions, traditions, and perspectives.

For groups that are not insular, and especially those for which boundaries are already highly permeable (some immigrant communities, for instance, members of which are often very open to the values and traditions they find in their new surroundings), this transformative possibility is experienced at a personal level. Our encounters with other persons and ideas in a variety of settings – even if these are predominantly economic, and outside of our homes and neighborhoods – may lead us to reformulate our values, interests, and aspirations in ways that may not have occurred to us prior to our encounters with other citizens, other perspectives, other beliefs and traditions. We may return to our neighborhoods, our distinctive communities, with new ideas about how our own favored spaces and associative norms might be reshaped, to better accommodate some new idea or practice.

The relevant encounters in these cases are complex, and certainly more so than Rorty suggests in his vision of the modern liberal state as a bazaar. Some such encounters are formal, routinized, and unambiguously public, as when we interact with other citizens

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12Kymlicka (1989, 144-56, 164-72 and 182-200) and (1995, 161-70) wrestles with some of these issues, as does Spinner (1994, 87-112 and 167-88).
through various roles in civil society (as employees and consumers, for instance), or in the formal public sphere (for example, as jurors, or members of an established political party, or elected representatives). Other encounters are less formal: some of these occur in public spaces during our day-to-day affairs in towns and cities; others take place in private spaces, as when we invite a new friend or colleague to share a meal with us at home, inviting them into a neighborhood they may never have entered before, and exposing them informally to our own cultural practices and preferences. And yet other encounters occupy an ambiguous and sometimes contested terrain between our settled notions of public and private. Indeed, some of our encounters with other beliefs and perspectives may be unsettling and disconcerting precisely because they challenge our assumptions about where the boundary lies between private and public. And yet other encounters may be imaginative, provoked by our engagement with, for instance, works of literature, art, and journalism.\footnote{On the latter sorts of encounters see Goodin (2000).}

Transformation is not the goal of public deliberation, nor of the discursive and imaginative experiences implicated with it: we do not read, discuss, and reflect on questions and opinions with the intention of transforming diverse preferences towards consensus on some issue. Or at least, there is no good reason to think it realistic to hope that our encounters with others will transform their interests and ideas to be more in accord with our own. To approach deliberative encounters in this way is to ignore the principles of reasonableness and mutual respect that constrain fair deliberative procedures. Rather, we deliberate to express our considered judgements on matters of mutual concern, judgements made in light of our sincere interests, the sincere interests of others, and our commitment to fair procedures for arriving at collective judgements on matters of shared concern.\footnote{On this point, compare Rawls (1997, 782).}

However, although transformation is not a realistic goal of public deliberation, we must allow it as a very real possibility. After all, our judgements may be mistaken: they may proceed from incomplete information, or from a misunderstanding of certain features of the world around us, or of the needs and desires of fellow citizens.\footnote{Compare Rawls on “the burdens of judgement” (1993, 54-58).} Or we may, after much experience and reflection, decide that our earlier beliefs and aspirations no longer reflect the sort of person we now wish to be. Indeed as Taylor suggests, the very possibility of serious comparison across deep cultural and moral differences seems to suppose “that we
have been transformed by the study of the other, so that we are not simply judging by our original familiar standards" (1992, 70).

But when we do change our beliefs, opinions, and aspirations through deliberative encounters, it is not because we accept the values and interests of others as somehow more deserving than our own, more authentically part of a community or doctrine that ought to be privileged in political affairs. Rather, we revise our values and interests in light of careful judgement about our beliefs and experiences, that in turn proceeds from an assumption – perhaps at first provisional and uncertain – that desirable common ends are implicated with (although not exhausted by) the practices of public discussion and informed deliberation, given manifest personal differences among participants.

In the next chapter, I elaborate the institutional demands of this moral psychology of deliberative citizenship.
Chapter 4

Fair Deliberative Institutions

If encounters among citizens in the informal public sphere are to be genuinely inclusive and deliberative, then there must be meaningful exchanges across the boundaries of various cultural, ethnic, religious, and class-based enclaves, i.e. the various publics implicated with patterns of group identification and a range of economic activities. Such encounters demand at the very least toleration of values and practices that may disconcert, anger, or confuse us. Furthermore, many citizens must possess some degree of willingness to take seriously the diverse values, interests, and judgements of other citizens, encountered through a diverse range of expressive, imaginative, and contemplative activities characteristic of the public culture of diverse societies. Political liberalism and deliberative democracy depend on this sort of openness being fostered by either specific forms of education, or particular ways of living.

There is, however, at least one good reason to be sceptical: although we ourselves may emerge from deliberative encounters relatively unchanged, we may find that the people and spaces around us have changed. We may find ourselves uncomfortable with our new surroundings; and if we anticipate such an outcome, then we may well deny the value of openness to change, not just for ourselves, but for those who presently contribute to our comfortable cultural surroundings.¹

In chapter 5, I consider some of the spatial and organizational features that seem especially conducive to spatial and conceptual boundaries that are permeable to deliberative exchanges, and that seem to favor the sort of openness among citizens required to motivate

¹See, for instance, Scanlon (1996) on the demands of toleration.
such exchanges. But in this chapter I want to consider the sorts of institutions that could facilitate fair equality of access to public deliberation in both the informal and formal public spheres. What is needed is an account of political institutions that would achieve the following:

- they must mitigate certain existing inequalities of access and influence in the formal public sphere of contemporary democracies, by ensuring that representative institutions are in fact representative, and sufficiently responsive to citizen values and interests;

- they must enhance the sensitivity of formal public institutions to diverse values and deliberative practices in the informal public sphere, ensuring that many voices are not merely heard, but taken seriously when they raise concerns about facts and arguments relevant to the performance of institutions in the formal public sphere; and

- they must foster the toleration necessary to guarantee that reasoned exchanges among citizens are carried out by citizens across the group boundaries that characterize the informal public sphere.

These are stringent requirements, but they may be met, to varying degrees, by appropriately structured institutions.

4.1 Coordinated Local Deliberation

One way to satisfy the first two conditions above would be to situate a range of deliberative associations at the local level within an overarching institutional framework, maintained by a central authority that can monitor local activities, intervening when necessary to ensure that various pathologies of group dynamics are avoided, and that a diversity of values and interests are adequately represented in deliberations. This central authority could pool and standardize diverse sources of information, making data readily available to local actors; and it could require local actors to work together in arriving at rationally justified policies, formulated in light of available information, and with attention paid to the needs and interests of relevant actors (including those in other localities, who may be affected by whatever policies are decided on). And the central authority could offer credible enforcement, holding local groups accountable to their own policies and plans. Cohen and
Sabel (1997) have offered such an institutional scheme, arguing for networks of participatory local deliberative arenas, distributed and connected in ways conducive to both effective social problem-solving and exchanges of information and novel proposals, mediated when necessary by a coordinating authority. Fung and Wright (2001) have further elaborated this institutional ideal.

The idea here is to combine the epistemic gains and legitimating force of citizen participation, on the one hand; with the benefits of central coordination, monitoring, and enforcement, on the other. In such a system, the deliberating parties in local assemblies need not arrive at consensus on issues considered. But the process of offering and evaluating reasons together can be expected to make resulting policies as sensitive as possible to the interests of all relevant participants. Furthermore, local associations can be expected to monitor their own members, and to make use of information that a central authority could only gain at great cost, if at all. In turn, the central authority would monitor the performance of localities, ensuring compliance with their own policies, and providing information on the performance of similar policies elsewhere. The central authority can also provide spaces for dissent, in which dissatisfied parties can voice their concerns, work together to persuade others, and eventually transform the status quo.

This approach seems especially well-suited to local and regional problems, such as members of a community working together to reduce air pollution, or several jurisdictions cooperating to regulate uses of some common property resource. Citizens would participate directly in public deliberation about matters of local and regional concern, setting priorities for government spending, public service provision, and the appropriate scope of regulation. Through such local assemblies, citizens could also appoint representatives to a variety of councils, thus ensuring that deliberative exchanges ensue between localities, and not simply within them. Representative councils could in turn be trusted to appoint and monitor experts to resolve technical matters of regulation and service provision. And these discretionary activities would themselves be as open as possible to widespread scrutiny by citizens themselves.²

²A range of empirical findings sustain this normative vision: for instance, Medoff and Sklar (1994) find that participation and local control in Boston’s Dudley Street Neighborhood Initiative have increased citizen engagement and helped motivate more responsive municipal governance. Abers (1998) and Santos (1998) examine a series of participatory democratic reforms for setting municipal budget priorities in Porto Alegre, Brazil, in which citizen assemblies deliberate on issues, and appoint representatives to a series of municipal councils; they find transformed citizen attitudes, and decisions that are more responsive to a range of
But by focusing on predominantly local or regional issues, deliberative politics may be reduced under this institutional scheme to little more than well-regulated and reasonably well-informed conflicts among particular interests. There will be transfers of knowledge across these proposed networks of local deliberative fora, certainly; but this knowledge will still relate largely to local questions of regulation and public service provision. Insofar as deliberation extends beyond the local, it will likely be to consider the consequences of certain local activities and policies on neighboring jurisdictions.

This is a laudable result, to be sure: if enhanced citizen participation in deliberative assemblies can lead participants from narrow self-interest to self-interest more broadly conceived, then so much the better.\textsuperscript{3} However, these transformations are still likely to be centered around practical matters of decidedly local, or at best regional concern. There is, then, a problem of deliberative scale: some issues may not receive adequate deliberative attention under this institutional scheme. Some such issues are: fundamental moral and constitutional questions; military security; and credible enforcement of basic industrial, environmental, and legal standards at broad geographic scales. Furthermore, if such matters cannot come under the scrutiny of deliberative citizen assemblies, then it is an open question whether such scrutiny could also be effectively and consistently applied to the central authorities that coordinate and monitor these local deliberative assemblies.

4.2 Representative Deliberation

Do existing representative institutions resolve the problem of deliberative scale? A great many issues arise in a polity of any size and complexity, too many by far for more than a small number of citizens to immerse themselves in, let alone discuss carefully in public. A venerable solution, proposed by such figures as Edmund Burke and James Madison, was to limit many of the more complex public decisions to small deliberative assemblies, members of which represent the broader population, but are relatively insulated from popular pressure. Why aren’t such representative bodies sufficient to ensure that local deliberation is

\textsuperscript{3} Relevant transformations have arguably been observed among members of some cooperatives (Greenberg 1981), and again, among participants in deliberative citizen assemblies for determining budget priorities in at least one developing region (Abers 1998).
supplemented when necessary by attention to broader and more fundamental issues?

The difficulty is how to ensure that representative assemblies are in fact representative, and remain so over the course of their deliberations. After all, if representative assemblies are insulated from popular pressure, and if membership is relatively stable over time (as it tends to be in existing democracies, where incumbents have considerable electoral advantages over challengers), then an institutional culture often emerges, as members develop institution-specific loyalties that may conflict with the values and interests of their constituents. And even if representatives could deliberate effectively while remaining relatively faithful to the interests of their constituents, the process of electing representatives in existing democracies does not embody those features of deliberation that democratic theorists so often praise. Press coverage of candidates and issues is often sensationalistic and devoid of careful analysis and argument; and election campaigns are driven more by the desire to raise funds and present a desirable public image, than to debate issues in an informed and sustained fashion.

Furthermore, the recourse in many modern democracies to polling and referenda arguably suggests a rejection of an emphasis on deliberation, in favor of a commitment to political equality, manifested as a desire to include all voices and interests in public debates. But if polls and referenda report what citizens claim to think about a range of issues, they do not tend to foster informed discussion and exchange of views on these matters. Conventional opinion polls elicit the views of citizens without regard to whether they are sufficiently informed on an issue, or whether they have given the matter much thought. These polls are generally commissioned by candidates, elected officials, corporations, advocacy groups, or major media corporations, and the results are widely reported in print, radio, and television news. Political commentary in existing democracies tends to be heavily influenced by such reports, and also by the well-crafted rhetoric of charismatic activists and pundits. But what is generally lacking – either in opinion polls themselves, or in media commentary about them – is the careful consideration of facts and competing arguments characteristic of deliberation. Thus in many existing democracies, citizens increasingly have a voice, but they surely do not deliberate together, in any sustained manner.

These concerns ought to lead us to view with scepticism any suggestion that conventional opinion polls, paired with media coverage of public matters, suffices as a democratic form of public deliberation. More specifically, we should be sceptical of the claims of some
theorists that the existing media in modern democracies represents a filtering mechanism, a way of mediating public deliberation by selecting important issues to present to the public at large, and then distilling popular views into a coherent public opinion that constrains subsequent deliberation and legislation by elected representatives. In the writings of Jurgen Habermas, for instance, the public sphere in modern democracies is understood as an elaborate collection of mediating mechanisms, through which information and opinions are refined, so that they may be eventually transmitted to state institutions through electoral processes. Such filtering mechanisms may include not only elements of the media (such as newspaper reports and editorials, television programming, and radio talk shows), but also schools, community groups, political parties, lobby groups, even cafes and news-stands, and increasingly also a range of computer-mediated forms of interaction, such as electronic mail lists and Usenet newsgroups. From the play of these mechanisms, a coherent public opinion is thought eventually to percolate into the realm of legislatures and administrative agencies.

But even if media coverage of politics was sufficiently informative and critical in modern democracies, why should we trust the media to settle on the important issues? Surely such filtering must itself be justified, and in practice the mediating mechanisms at work in existing democracies do not seem especially conducive to the sort of informed public scrutiny and constructive debate that democratic theorists have in mind when they speak of public deliberation having legitimating value. For example, corporate interests constrain media content in important ways, and yet these influences are not open to significant public scrutiny. 4

Corporate control over media content is a vital issue of democratic fairness. But having offered this example, I hasten to note that it is not the fundamental issue that concerns me here. There are, after all, myriad spaces for public voice in modern democracies, even as financial control over mass media outlets is consolidated into a small group of powerful corporations. Consider a case that features prominently in a classic study of the democratic public sphere (Habermas 1962): there certainly seem to have been opportunities for gaining information and voice in the coffee shops of eighteenth century London. Such opportunities abound in the urban centers of contemporary democracies, and increasingly outside of city centers, as talk radio, cable television, and the internet lower the effective costs of voice for

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4 On corporate interests and media biases, again see Chomsky and Herman (1988), McChesney and Waterman (1999).
citizens.

However, with increased information flows and opportunities for voice comes an enormous volume of information and opinions, and increased variability in the quality of information. In these settings, there seems to be precious little of the sort of open, civil, informed, and sustained examination of competing arguments, that is what most theorists mean when they praise public deliberation as a democratic fundamental. So the point I want to emphasize is that, even if we could remove a range of corporate biases from existing media, there would still likely be a deliberative deficit: as Robert Goodin puts the point, prevailing institutions in the democratic public sphere seem increasingly to “guarantee everyone a voice, but no one a hearing” (Goodin 2000, 92). Furthermore, these fora are often plagued by exclusionary and polarizing tendencies: citizens often have ample opportunities for voice (for instance, on radio talk shows or Usenet newsgroups) but speak only with those who hold similar opinions as themselves, who draw upon the same repertoire of facts and arguments, and who tend to avoid or actively exclude those with divergent opinions, thus ensuring a high degree of ideological conformity.5

The dilemma, then, is that equal voice seems to be achieved at the cost of effective deliberation; if citizens have an equal say in public matters, they cannot also deliberate together on these matters, at least not on equal terms and in light of a wide range of facts and arguments.

James Fishkin and his colleagues have offered an elegant solution to this dilemma. For more than a decade in the United States, England, and Australia, these researchers have studied assemblies made up of small, statistically representative samples of citizens, reflecting on and discussing an issue together, while having access to relevant information and expert opinions. Such assemblies often come to conclusions that are rather different from the unreflective opinions of their participants, elicited prior to deliberation.6 Fishkin envisions a nation-wide system of such assemblies, to which citizens are appointed in much the same way as they are for jury assignments in the present-day United States. These representative assemblies would meet for several days, researching and discussing a particular issue. The results of these deliberations would then be made public, informing citizens, as well as legislators in conventional representative assemblies. We could imagine a political

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system in which conventional legislative bodies and executive agencies were required to explain, in public, how their own decisions are in accord with the judgements of relevant citizen assemblies; and if they are not, then to explain the contrast. Indeed, there is no reason to think that some such representative citizen assemblies could not be given formal legislative authority over certain matters, in much the same way that juries have some measure of authority in dictating outcomes in many present-day judicial systems. Although relatively expensive and time-consuming, the 'deliberative polls' proposed by Fishkin could become as routine and influential a part of political life as are the countless opinion polls in contemporary democracies, especially in the United States.

According to Fishkin's proposal, only a small number of citizens actually have to consider all the facts and arguments associated with a particular issue. The central idea is that the deliberations of a small sample of citizens may, under certain conditions, be taken as representative of what citizens would likely think, if they each had the chance to research and reflect on the issues at hand. Thus Fishkin does not suggest that these assemblies or their participants are representative of the actual values, interests, and opinions of the population at large. Rather, these deliberations are representative of a counterfactual situation, namely the interests and opinions of the public if citizens were to become informed about a given issue, and think carefully about that issue in light of critical discussions with other citizens. Citizens in Fishkin's deliberative polls are representative in that they have the ability to become informed, reason carefully about an issue, and discuss the matter in civil exchanges will fellow citizens.

For Fishkin, then, political equality does not demand the equal representation of every citizen's interests or opinions; political equality does not demand equal voice. Rather, the condition of political equality is satisfied to the extent that: first, citizens are equally likely to contribute to informed public deliberation; and second, in their capacity as representatives in deliberative assemblies, citizens can make informed judgements about public issues, in light of civil discussion. It follows that Fishkin's approach is attentive to the likelihood that, for much of the time and over a variety of issues, many citizens would prefer to delegate civic duties to representatives, particularly for issues that do not seem to them to be immediately relevant to their daily lives.

Given this likelihood, Fishkin's proposal promises a fairer system of representation than the present-day status quo in most if not all existing democratic states; furthermore, it
promises such fairness without drastically challenging the existing legislative and executive institutions of these democracies. In these settings, wealthy lawyers and business-people are typically the candidates who run for public office, especially at the national level; and photogenic journalists and academics with a flair for short and clever quips are the citizens most often consulted by the media regarding political and economic issues. Thus, members of these relatively privileged and self-selected groups are often the only citizens given a chance to have a meaningful say in public matters, in both the formal and informal public spheres.

In contrast, under Fishkin's proposal all citizens are more or less equally likely to participate in at least one deliberative poll over the course of their lives, regardless of their wealth, rhetorical skill, academic credentials, and social prestige. They are also unlikely to encounter the same group of citizens in the event they do participate in more than one such poll, meaning that no institution-specific relationships and vested interests are likely to emerge among participants. This seems at least as fair as limiting real political influence to those with enough wealth, charisma, educational credentials, and influential acquaintances to influence legislators directly, mount a campaign for public office, or appear regularly in television, radio, or print media.

Fishkin is, however, assuming that most citizens can reason carefully, and discuss competing facts and arguments in a civil manner; this is, after all, the sense in which they are representative actors when taking part in deliberative polls. This seems to be a plausible assumption, especially if Fishkin's polls are combined with a local politics of deliberative assemblies such as Cohen and Sabel propose, in which local participation could be expected to have some educative benefits, as Mill supposed they might. Thus Fishkin provides us with a solution to the problem of deliberative scale: we can combine networks of coordinated local deliberative associations with periodic citizen assemblies, whose members are drawn from across a wide range of jurisdictions.

But even in such a hypothetical polity, surely there would be some issues for which informed and reasonable citizens would disagree about the best course of action? In such cases, if a deliberative poll or assembly is sufficiently representative of the range of values and interests in the broader population, then it is not likely to reach any sort of coherent judgement on such contentious issues, but will instead serve only to clarify the terms of dispute among bearers of conflicting reasonable interests.
We should not, I think, be overly troubled by deliberative procedures the chief virtue of which is the power to clarify terms of disagreement. After all, such procedures can, by clarifying points of dispute, also illuminate points of potential agreement. Furthermore, such procedures, if fair, may foster constructive attempts to negotiate around points of conflict, doing so in ways that permit a diverse range of facts and arguments to be scrutinized without excluding relevant parties, and making it possible for dissenting parties to work towards eventual change when they are not content with democratic outcomes.

4.3 Strategic and Informational Concerns

But whether or not reasonable interests conflict, and regardless of whether or not citizens can find common ground among reasonable interests, there remain the problems of determining who may assemble such deliberative groups, and what information these deliberative assemblies should have access to.

There is the obvious concern that, if existing political parties or legislative majorities are granted the authority to assemble citizen representatives into deliberative groups, then they may simply use this authority in strategic ways: they may quietly research the likely distribution of opinions on an issue, and then call for a deliberative assembly only when representative citizens seem likely to reinforce the party’s or legislative majority’s favored stance on the issue at hand. An analogous problem could arise if state or federal supreme courts were granted the authority to assemble these deliberative groups. We might attempt to resolve this problem by allowing citizens to call for deliberative assemblies through petitions; but in addition to increasing the bureaucratic complexity associated with Fishkin’s proposal, this solution threatens to raise the effective cost of calling for a deliberative review, and it does so in a way that seems to favor large and well-funded interest groups, who can mount the necessary grassroots campaigns far more easily and effectively than smaller groups with fewer resources. Yet another solution could be to allow any citizen or group to petition an independent judicial board, who may then establish a citizen assembly; but this too raises difficult issues of bureaucratic complexity. If the judicial standard for calling such an assembly is broadly inclusive, then the number of assemblies called for may quickly

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7This strategy may, of course, backfire if citizen representatives change their opinions after sustained deliberation. But it is not unreasonable to think that, in researching the distribution of opinions among potential deliberators, officials (or more realistically, the consultants they hire) might find reliable methods for inferring whether or not these opinions are informed, or firmly held, or both.
become unmanageable, and indeed financially unsustainable.

Clearly these are difficult questions of cost, access, and control. But even if we could find a sufficiently fair yet affordable way to call for representative deliberative assemblies, there is a related informational problem. Once representative citizens have been assembled to deliberate on an issue, there is an incentive to ensure beforehand that the group has reliable and relevant information at their disposal; with such information in hand, group members can focus on the substantive problems they have been assembled to address. Thus we might think that whoever has assembled a particular deliberative group should not only pool and distribute information, but also decide what specific information is suitable for the assembly in question, in much the same way that the deliberations of present-day juries in the U.S. are limited to the information presented by the prosecution and the defense, and approved by the presiding judge. But government agencies, or panels of experts, may have difficulty deciding what information is relevant and reliable, particularly in those cases where careful deliberation is necessary to resolve a complicated and pressing problem.

Could we simply allow the assembled citizens to decide for themselves what information is reliable and relevant? The idea here is to give participants access to as much data as possible, and let them decide the matter together. But even if we could be confident that this process would eventually converge on reliable and relevant information, we can easily imagine situations where such unrestricted debate (not only about the substantive issues at hand, but also about the relevance and quality of available information) could make the assembly’s task practically intractable. Some sort of filtering of information, and disciplining of discussion and deliberation, will be necessary to ensure that judgements are issued in a timely fashion.\textsuperscript{8} Advances in communications and information technology may mitigate this problem to an extent, giving deliberative groups timely access to a broad range of information, and access to expert opinions, regardless of the group’s physical location. Fishkin’s assemblies could be linked using a dedicated national network, accessible to anyone via other networks, such as the Internet and C-SPAN. But how would participation on this dedicated network be moderated?

In general, moderation becomes necessary with lowered communication costs. For instance, with lowered costs of entry into expansive digital networks such as the Internet,

\textsuperscript{8}And also, of course, to avoid the pathologies of deliberative groups already discussed; again, see Mansbridge (1980), Page (1996), Sanders (1997), and Sunstein (2000).
we find rapid increases in both the volume of information, and the variation in its quality. Of particular concern in these settings is the ease with which some participants can distort facts, fabricate data, or misrepresent competing opinions; these committed speakers can voice their positions in a variety of fora so often, and at such great length, that informed and constructive discussions are difficult, perhaps impossible to sustain. Given this likelihood, moderators must be able to recognize bias, encourage questioning among participants, and prevent one or several participants from dominating discussions and distorting the information pool – indeed, in the case of Fishkin’s experiments, this is precisely what the moderators aim to do.

The need for human moderation may be mitigated to some extent by recent advances in computer processing power and data storage capabilities, on the one hand; and accurate and flexible search and filtering software, on the other. Large amounts of data can now be stored and widely accessed at relatively low costs; and increasingly sophisticated software tools are available, giving citizens the practical means to find the information and discussions they are interested in, and to assess the reliability of a variety of facts being offered in databases, or appealed to in discussions.\(^9\)

However, at some point, human judgement is required to assess either the reliability and relevance of information to a particular discussion or database, or the effectiveness of procedures designed to do this task without human intervention. We might reasonably worry that technologies or institutions designed for information sorting and filtering are particularly vulnerable to manipulation: if one person or a small group is trusted with moderating a particular forum or database, they may be biased, either by their own beliefs and interests, or by the threats and inducements of others. If contributions to a forum or database are instead moderated by filtering software, a high level of expertise and perseverance is required by users to determine whether the technology is working effectively; this makes it very difficult for all but the most committed and highly trained users to detect biases.

\(^9\)It remains to be seen, however, just how accessible such software and databases will remain, given the increasing commercialization of the Internet, and the lack of any coherent regulatory structure to discourage flagrant rent-seeking and consequent erosion of the electronic commons. On this point, Lessig (1999) suggests that the Internet may be prone to behaviors — specifically, the development and application of certain forms of software, such as encryption packages and related security software, tailored for commercial exchanges — that severely diminish the public character of the Internet, and will eventually erode the extraordinary degree of freedom presently associated with that publicity. Lessig argues that advocates of an open Internet should not focus on the potential adverse consequences of government regulation; rather, they should be deeply concerned about the motives behind a variety of existing and potential proprietary software applications that can flourish in the absence of a coherent regulatory framework.
incorporated into the filtering process.

These reflections suggest that, even when we account for the impact of some relevant technological and organizational innovations, the proposals offered by Cohen and Sabel and Fishkin are sensitive to the ways in which citizen participation is mediated, and in particular, how information is controlled and by whom. Moderators themselves must be monitored, and they must answer to both those whose deliberations they preside over, and those whom deliberators are charged with representing. Even if we can combine inclusive local deliberative politics with representative deliberative assemblies at broader organizational scales, moderation and monitoring are nonetheless vital.

Can these constraints themselves be subject to deliberative scrutiny and transformation? We can easily imagine ways to promote such scrutiny and flexibility: for instance, officers of an independent judiciary could be charged with monitoring the process of assembling deliberative groups; and these judicial monitors could themselves be held accountable to deliberative citizen assemblies, as well as journalistic scrutiny, some of which can be subsidized by public funds if certain issues and facts relating to deliberative fairness do not receive sufficient coverage by mainstream media sources. But such a solution requires a rather high degree of institutional complexity, and corresponding demands on the time and energies of citizens. Furthermore, I have until now assumed that the high costs of such assemblies, and subsidized public scrutiny of their structure and activities, could realistically be met with public funds, and that citizens themselves would generally be willing to support such public funding, and also willing to participate in these deliberative activities in the absence of coercion or direct financial incentives.10 Are there plausible strategies for maintaining fair and effective representative deliberations without asking too much of citizens, and without an unrealistically high degree of institutional complexity and resultant social costs?

10 For a related criticism of the strong democratic reforms offered by Barber (1984) – reforms that in some ways resemble Fishkin's proposals – see Burtt (1993, 363-64). Burtt praises Elkin (1987), whose participatory and deliberative proposals for urban democratic reform are more attentive to the diverse private interests of citizens, and to how these interests might be harnessed to foster more responsive governing institutions. In chapter 5 I suggest that cities ought to be attractive to theorists of deliberation for some of the reasons suggested by Elkin.
4.4 RECONCEIVING DELIBERATIVE REPRESENTATION

In a recent essay, Robert Goodin (2000) suggests a plausible way to ensure that a variety of representative assemblies do in fact remain representative. Goodin notes that extant work on deliberative democracy emphasizes the 'external-collective' features of deliberation: publicity of information and arguments, critical engagement with other deliberators, and the offering of reasons in support of claims. In contrast to this tradition, Goodin proposes that we think more carefully about internal-reflective processes in democratic deliberation. Indeed, as Goodin notes, reflective and imaginative exercises are in some sense implicit in most arguments about external-collective democratic deliberation: to take an interlocutor seriously is in some sense to see things from her point of view, to try to adopt – however temporarily and imperfectly – her perspective, her values and interests.

Goodin's central point is that increased attention to internal-reflective features of deliberation serves as a vital supplement to various attempts to make external-collective deliberation feasible in large-scale democracies. Goodin accepts that, in practice, democratic deliberation must be restricted to some subset of the demos. But those who participate in public deliberation should adequately account for the interests and perspectives of those who are not participating. The emphasis on internal-reflective features of deliberation represents an effort to ensure that the parties to deliberation – whether elected representatives, appointed experts, or citizens taking part in deliberative assemblies – take into account a range of facts, interests, and perspectives, the bearers of which cannot actually be present.

Even if deliberation is limited to only a few citizens at a time, Goodin thinks that a great many citizens may nonetheless be made 'imaginatively present'. Engagement with literature, visual arts, and journalism are thus vital supplements to the formal public deliberative practices typical of existing democracies, and also the more demanding practices endorsed by Cohen and Sabel and Fishkin. Exposure to a range of artistic and journalistic activities can encourage us to reflect upon beliefs or assumptions that we had previously held without much reflection. Works of visual art, literature, and television documentaries may bring us to imagine ourselves in very different circumstances that we presently find ourselves in, and to imagine how we might reason about specific questions of fairness and entitlement, given these very different circumstances. Given such exposure, if and when we do come to serve in public (external-collective) deliberative activities, we bring to these activities a range of
imaginative experiences that ought to enrich our reflections, conversations, and eventual judgements.\textsuperscript{11}

It follows, then, that governments should provide and maintain suitable spaces in which a diverse range of expressive and journalistic activities can proceed. Direct government funding for certain voices and perspectives may also be justified, although this is a more complex and controversial matter. But certainly the former sort of support, and probably specific instances of the latter, are justified on Goodin’s view, as ways of securing the conditions for effective democratic representation. This argument extends easily to the proposals offered by Cohen, Sabel, and Fishkin – that is, to a political system in which citizens participate not only in local and regional problem-solving, but also in periodic assemblies designed to address broader public concerns.

We cannot, of course, hope to imagine ourselves in every possible situation; nor to be correct, or sufficiently open-minded, in every conceivable imaginative exercise we undertake. Nor can we guarantee that others will take account of all relevant facts and arguments, that they will try to see matters from other points of view when serving in civic duties that call for deliberation on public matters. Why, then, should we trust our fellow citizens to reason in ways that are sufficiently other-regarding, and to take account of all relevant facts, perspectives, and arguments? After all, the presence of an actual interlocutor forces us to account for our claims, to explain our reasons and answer objections, some of which we may not have considered, or that we had no incentive to consider in light of the strongest possible arguments. The presence of other interested parties prevents recourse to intellectual laziness or dishonesty, and supplements our own body of knowledge and repertoire of argumentative strategies. In many cases, especially cases where there are clear disagreements or confusions, the other discussants can be counted on to offer relevant facts and penetrating arguments, whether we like it or not. Why would we forsake these gains by emphasizing the internal-reflective component of political deliberation?

Certainly these are reasonable concerns, although as Goodin notes, they apply as surely to external-collective deliberation (‘are all voices present?’ ‘have all relevant interests been presented?’ ‘have all arguments received a fair hearing?’) as they do to internal-reflective activities (‘are all relevant interests and perspectives imaginatively present?’ ‘have these interests and perspectives been sincerely considered, and correctly understood, by a suffi-

\textsuperscript{11}For a related argument, consider Nussbaum (1995).
cient number of citizens?). This said, the issue of trust is clearly central to this sort of account: deliberation is authoritative to the extent that it takes seriously all relevant interests, perspectives, and arguments; but for those of us who do not participate in deliberative activities, we must trust in the ability of representative citizens to take our interests seriously, and to consider sincerely a range of plausible arguments and perspectives. When is such trust well-placed?

As Gutmann and Thompson (1996) emphasize, publicity and accountability are obviously important correlates of trust: democratic deliberations and subsequent legislation and regulation must be open to widespread scrutiny, and there must be some reliable means by which citizens can call representatives, legislators, and other officials to account for their judgements and activities. There are, of course, many matters in complex societies about which most citizens would -- indeed, should -- wish to defer to well-trained and experienced specialists. But the specific tasks to which these specialists are entrusted must be a matter of public knowledge; their performance must be open to some degree of scrutiny by independent observers; and insofar as these specialists fail to perform their tasks, there must be reliable means for holding them accountable (see Warren 1996, 49).

A virtue of Goodin’s approach is his attention to public practices such as art and journalism as helping to sustain publicity and accountability in a system of representative deliberation. Deliberators might occasionally be able to conceal their indifference, bias, or outright omission of some fact or perspective. But if many participants in deliberative activities are persistently unrepresentative in their reflections and judgements, then this will eventually lead to unresponsive institutions and unfair decisions; and this would, on something like Goodin’s view, lead to increased public outcry, expressed through a range of critical journalistic and artistic activities.

It may be the case, however, that some historical patterns of indifference and bias against particular social groups persist, even in spite of various artistic and journalistic efforts, thus hindering the possibility of trust. For instance, in the United States the legacy of institutionalized racism makes it difficult for Black Americans to trust existing legislative and judicial institutions, and mainstream entertainment and journalism generally do not seem to have the desired effect of making public deliberations more representative, at least not in ways that inspire greater trust. Historical antagonism between French and English settlers in Canada, and injustices perpetrated by both of these groups against indigenous
peoples, present a similar case: historical legacies and persistent biases undermine the possibility of mutual understanding and widespread trust. In such cases, Goodin’s hopes for imaginative competence may not be enough to ensure representative deliberation; instead, strategies of group representation in legislatures and administrative agencies may be justified, although these efforts must be carefully tailored to avoid problematic assumptions of group essentialism (Williams 1998).

4.5 DELIBERATION AS CONTESTATION AMONG DISCOURSES

If we accept Goodin’s point that internal-reflective processes are vital to representative deliberative approaches such as those offered by Cohen, Sabel, and Fshkin, how might we then ensure that all relevant facts and perspectives are available to those who wish to make them imaginatively present in their deliberations on public matters? Public funding of education and some monitoring and standardization of content will obviously be important, as well the provision and maintenance of various fora in which diverse literary and journalistic endeavors can proceed, covering a wide spectrum of topics, perspectives, and expressive styles.

More generally, there must be a fair pluralism of such endeavors: a wide range of perspectives and opinions, and a similarly wide range of expressive and argumentative styles, must be adequately represented in the spaces and institutions of the public sphere. On this more general theme, John Dryzek has offered a plausible account of how such representation might be achieved. Dryzek suggests that we should follow Habermas and Benhabib in understanding the public sphere of modern democracies as “a constellation of discourses,” where by ‘discourse’ Dryzek means “a shared means of comprehending the world embedded in language” (2000, 18). Dryzek has in mind, then, a set of shared assumptions, values, symbols, and interpretations of a range of facts. Communities of discourse form among those who are persuaded by the assumptions and interpretations characteristic of a particular discourse.12

12 Should we think of discourses as mutually exclusive? It is difficult to imagine someone consistently adhering to several discourses, as this would involve simultaneously accepting the validity of competing fundamental epistemic and ontological precepts. There are, however, good reasons to suppose that the assumptions, terminology, and interpretations of one discourse can – with varying degrees of coherence and consistency – be meaningfully rendered in terms of the assumptions, terms, and interpretations of some other discourse; on this point more generally, consider Davidson (1974). But although translatability makes discussion and argument possible across discourses, it does not imply substantive agreement on moral and political questions: we may understand the assumptions and arguments presented by others, but nonetheless
Given this, Dryzek thinks of public opinion as the play of discourses in the public sphere: "it is the (provisional) outcome of this contest that determines the meaning of 'public opinion' at any given time" (2000, 163). Following Habermas, Dryzek suggests that the key to understanding the link between public deliberation and democratic legitimacy is identifying the ways in which the provisional outcomes of these contests are transmitted to the governing apparatus of the state. For Habermas, this process of transmission is exemplified by the electoral process; however, Dryzek correctly notes that the range of possible transmission mechanisms is extensive in modern democracies (2000, 51-55). Furthermore, the emphasis on discourses allows deliberation within the bounds of a plausible conception of political equality – all discourses have roughly equal voice – but does not require any exclusions of parties, as other deliberative-democratic proposals do. This is because the actual number of participants arguing from a particular discourse is not an issue on Dryzek's account of democratic legitimacy, so long as a range of discourses achieve fair consideration in the informal public sphere.

Dryzek’s approach complements Goodin’s: combining the two accounts, we should think of public deliberation not in terms of the representation of discrete interests and opinions; but rather in terms of the degree to which alternative discourses – that is, clusters of assumptions, opinions, expressive and argumentative styles, interpretations of the world, and corresponding ways of thinking about particular issues – are able to find voice, and receive sincere and informed consideration in the deliberations that eventually inform authoritative collective decisions.

But if we understand deliberative politics in terms of competing discourses, and if discourses proceed from certain basic assumptions and orienting values, then what is to stop the public contest of discourses from inevitably degenerating into divisive and deeply antagonistic challenges to the fundamental orienting assumptions and principles that others adhere to? Again, for theorists such as Rawls (1997) and Gutmann and Thompson (1990) and (1996), this is not an insurmountable obstacle: parties to such disputes may nonetheless be motivated to search for solutions that emerge from, and are in keeping with, a commitment to mutual respect among bearers of different discourses.

disagree with them. It is precisely such conflicts that make it difficult to imagine how one could consistently accept the orienting assumptions of several discourses simultaneously, given that different assumptions lead easily to conflicting positions on a range of moral and philosophical issues.
Is mutual respect a reasonable expectation in such settings? If moral disagreement reflects deep differences in basic assumptions and orienting values, and if these differences persist after sincere and informed deliberation, then why count on citizens to respect those with whom they disagree in such profound ways? What is to prevent public deliberation from degenerating into divisive and deeply antagonistic challenges to the beliefs of others? Why wouldn't a contest among discourses become a bitter conflict over the correctness of basic beliefs, the validity of particular orienting assumptions (Johnson 1998)? If deliberation degenerates in this way — or even if it is perceived to degenerate in this fashion by some parties — then the idea of having policies and laws dictated according to the terms of a competing discourse is hardly a state of affairs that adherents to non-successful discourses would accept. Fair or not, such an outcome would involve acquiescing to laws and policies that proceed from assumptions that non-adherents consider to be simply wrong, and perhaps abhorrent.

The conflict is by now familiar: we must assume reasonableness and mutual respect among parties to deliberative disagreements, but the very nature of these conflicts may undermine the plausibility of that assumption. We must ask, then, whether contests among competing discourses are distinguishable from irreconcilable moral conflicts that persist after sincere and informed deliberation, and whether such conflicts lead adherents of particular discourses to lose interest in critical reflection upon their own assumptions and understandings in light of other beliefs and arguments. What if, instead, these citizens become increasingly concerned with voicing their judgements that these other discourses are wrong?

4.6 FAIR CONTESTATION AND DELIBERATIVE PLURALISM

Could adherents of distinct and sometimes antagonistic discourses nonetheless accept collective decisions, even if they did not agree on either the arguments leading to collective decisions, the moral acceptability of the assumptions underlying those arguments, or the outcomes of such decisions? A plausible answer is that, if discourses are transformed in certain ways through contestation in the public sphere, we may find that adherents to different discourses will provisionally accept certain policies, although for different reasons; that is, something like Rawls's overlapping consensus of reasonable comprehensive doctrines might obtain. Or at the very least, discourses may be transformed enough to allow the mutual
respect that Gutmann and Thompson endorse.

Certainly it is the case that citizens often do accept outcomes they find disagreeable. But it is arguably the case that they often do so not solely — or even necessarily — out of a commitment to mutual respect, but instead out of reciprocity of a particular sort, i.e. when they are confident that the process of public contestation is ongoing, and that the values and opinions competing in the public sphere are for the most part not immutable doctrines. Certainly some discourses will be dogmatic and utterly inflexible, enforced by authoritative speakers who will hear no dissenting voices, from either within or outside of their own discourse. But for some discourses, the process of engaging with adherents of another discourse — the process of contesting their assumptions and challenging their arguments — is carried on with an implicit understanding that, while we may sway others over to our point of view on some points, it is also possible that others may persuade us to accept their values and opinions. We may end up rejecting our own discourse, or more likely, reformulating its terms and assumptions to account for other facts, interpretations, and arguments.

From this process of incremental transformation, discourses are sometimes discarded, but more often transformed. Thus if we disagree with a policy or regulation that has emerged from the play of discourses in the public sphere, we may accept it provisionally, knowing that our disagreements may yet transform the dominant discourses in ways more acceptable to us. On this view, an important empirical question will be the degree to which such reasonable discourses can be expected to dominate over inflexible, dogmatic, unreasonable discourses.

It seems to me that, given Dryzek’s line of argument, democratic legitimacy must depend on widespread confidence that dominant discourses really can be transformed or displaced in subsequent contests. Why should adherents to unsuccessful discourses accept the authority of policies and regulations that embody a discourse they do not accept, especially if they have no reason to believe that the dominant discourse will ever be reformulated or superseded? The argument rehearsed so far suggests that such citizens accept their losses precisely because they know that outcomes are provisional, and that they have a fair chance of influencing later outcomes in ways more favorable to their own discourse.

Such a view is supported by Goodin’s implication that the state should ensure a diversity of expressive and imaginative activities: if the state works to ensure that many competing
viewpoints, and attendant expressive and argumentative norms, are on a roughly equal footing and that outcomes are indeed relatively volatile (i.e. in that no one discourse persistently dominates public policy), then something like Dryzek’s deliberative model of democratic legitimacy is reasonable. Thus Dryzek seems to me to be endorsing a fair deliberative pluralism of discourses, in which the ambiguities and tensions that attend public debate and opinion-formation are precisely the same features that allow for a stable political system: adherents of opposing discourses keep playing the game because the teams are more or less evenly matched.

The sort of strategic reciprocity required for fair contestation among discourses requires that outcomes are volatile enough to keep all parties interested in the political process embodied in prevailing democratic institutions, rather than attempting to subvert the principles and procedures that these institutions embody. Winners and losers in such contests will be determined by any number of factors, ranging from restrained and civil argument among experts, on the one hand; to the rhetorical grandstanding, selective reporting, distortions, and gross oversimplifications characteristic of media campaigns by issue-advocacy groups and political parties, on the other. Why should we trust such diverse and cacophonous processes to yield outcomes that adherents of competing discourses will honor as fair, even when they thwart their own distinctive values, interests, and opinions?

We may hope that the institutional proposals elaborated in this chapter will foster such trust, by forcing publicity and accountability, and ensuring fair access to the deliberative processes through which collective judgements are made in the formal public sphere. Dryzek in particular is arguing for the sort of deliberative pluralism outlined in chapter 2, in which adherents to a variety of discourses compete in the informal public sphere, trying to influence others in ways that eventually lead to the emergence of a coherent public opinion, and that in turn influences policies and regulations in the formal public sphere of legislatures, courts, and executive agencies. And given this, I have read Cohen and Sabel, Fishkin, and Goodin as together providing accounts of how citizens may actually participate in the institutions that connect the informal and formal public spheres, and how they might bring to these activities the necessary breadth of opinions and arguments to be genuinely representative in their public duties.

This attention to formative institutions leads to Part II, where I focus on modern cities to examine the deliberative ideal of legitimate democratic institutions so far considered. In
chapter 5 I consider the spatial and institutional conditions under which fair deliberative procedures may be feasible, arguing that modern urban regions ought generally to be places where structural features of day-to-day life privilege deliberative and associative forms of democratic governance in accord with the proposals just examined. Certain forms of city life should tend to exhibit just the technologies of communication, information-processing, transportation, and surveillance that make it possible to integrate a variety of local and regional associations, in ways that ensure timely and relatively unbiased exchanges of both information and citizen judgements on a variety of issues, even given diverse populations.

In reality, of course, modern capitalist cities rarely live up to the democratic promise I attribute to them, and so I consider why this is so. I suggest that, under prevailing political strategies for regulating economic production and exchange in urban regions, the same features of cities that appear conducive to enhancing democratic governance may instead reinforce spatial distributions of wealth and political influence that subvert democratic intentions. Indeed, problematic features of cities persist, even in the face of various participatory and deliberative efforts at reform and transformation. I argue that a critical factor in persistent exclusionary outcomes in cities and their regions is how urban spaces are valued – that is, which metric of valuation dominates public discourse and policy. Then, in chapter 6, I consider two approaches to problems of urban poverty and exclusion in light of these problematic strategies of spatial control.
Part II

City Life
Chapter 5

Deliberative Citizenship and the Spaces of Urban Life

What conditions might foster fair deliberative pluralism, without also demanding a considerable degree of social unity and modest spatial scales? I believe we may fruitfully address this question by looking to the spatial and organizational forms characteristic of modern metropolitan life. I will use the terms ‘metropolitan life’ and ‘city life’ interchangeably here, to refer to ways of life characteristic of modern urban regions, including both dense central city areas, and more dispersed outlying residential and commercial areas that are linked to a particular central city – or cities – by transportation and communication networks, and corresponding patterns of trade and employment. Metropolitan areas may also be understood in terms of characteristic legal norms and political interests (e.g. Frug 1980; Isin 1992), and distinctive psychological traits, and associated habits and inclinations (e.g. Simmel 1903; Sennett 1970). In this chapter, I examine the hypothesis that certain features of day-to-day life in modern cities and their regions should privilege deliberative and associative forms of democratic governance under conditions of pluralism. I suggest that, although certain material and structural features of city life do seem promising in just this way, these same features also coincide with political practices and widespread attitudes and motivations that instead undermine the democratic promise of modern cities.

But before turning to this analysis, I want first to offer some reasons for thinking that this is indeed a plausible and interesting hypothesis about democracy and city life, worthy of clarification, elaboration, and careful scrutiny.
First, we might think that the density of diverse traditions and interests in cities, combined with the practical interdependence characteristic of many aspects of metropolitan living, should favor a moral psychology of deliberative democratic citizenship: parties to disputes in such settings are likely to be inclined to at least consider the possible merits of those opinions and interests they initially find mistaken, even abhorrent, so as to cooperate across a variety of differences when necessary to arrive at mutually acceptable terms of social cooperation.

Second, the high population density of urban areas, paired with concentrations of certain technologies, should allow local associations to be networked in the ways proposed by recent advocates of deliberative and associative democracy. Specifically, urban regions tend to exhibit just the technologies of communication, information processing, transportation, and surveillance that make feasible the integration of a variety of local associations, in ways that ensure timely and relatively unbiased exchanges of both information and citizen judgements on a variety of issues, even given large and diverse populations. Under such conditions, the outcomes of various decision and allocation mechanisms (i.e. local legislatures, courts, markets) will rarely, if ever, be a foregone or final conclusion: economic interdependence and volatility of outcomes will constrain procedures to generate outcomes that do not systematically discriminate against, or favor, any one person or group. And so, by virtue of these features, modern urban regions ought to foster a fair equality of access to deliberative activities in both the formal and informal public spheres.

Something like this hypothesis has been offered recently by several democratic theorists (Young 1990 and 2000; Ryan 1998; Bickford 2000), who in turn have inherited a range of ideas and concerns developed across several academic disciplines and intellectual perspectives (Jacobs 1961; Dahl 1967; Sennett 1970 and 1990; Harvey 1973 and 2000; Garber 1993; Imboscio 1997; Lofland 1998; Frug 1999), a common theme throughout being the suggestion that we may find some measure of hope for fair democratic governance in modern cities.

The ideas and arguments of Jane Jacobs and Richard Sennett have featured prominently in recent attempts to recover democracy in modern cities, and this is entirely justified: Jacobs and Sennett each offer an account of urban life that seems ideally suited to an inclusive and pluralistic ideal of democratic citizenship, characterized by both free association and an engaged public. Jacobs (1961) points to the safety and vitality of urban neighborhoods
characterized by density and diversity of interests and activities, and she stresses the vital role of cities in economic life at broader spatial scales (1984). Sennett (1970) and (1990) defends a vision of public life grounded in the diversity and disorder that metropolitan life could exhibit, if such features had not been designed and regulated out of existence by architects and urban planners throughout the recent history of American cities.

But Jacobs and Sennett offer their observations and arguments in response to the unsettling realities of cities, that too often provide clear instances of domination, exclusion, poverty, and inequality. Although modern cities appear to be promising sites for a particular ideal of democratic governance, certain spatial and organizational forms characteristic of these regions are also deeply problematic with respect to this same ideal.

To be sure, the democratic theorists I have in mind here are not naive utopians: they understand that urban regions throughout the world tend to exhibit profound inequalities of wealth, life chances, and political influence. They, like Jacobs and Sennett, are imagining cities as they might be, not as they generally are. But my analysis in this chapter suggests that the democratic promise and failings of cities are not easily separated: under prevailing political strategies for regulating economic production and exchange in urban regions, the very features of cities that appear conducive to enhancing democratic inclusiveness and responsiveness can instead reinforce spatial distributions of wealth and political influence that subvert democratic intentions.

I begin with an explanation of why political theorists are justified in turning to cities for their democratic purposes. I then consider some of the obvious failings of cities with respect to democratic aspirations, and I show how the exclusionary motivations and corresponding practices characteristic of city life easily coincide with the very features of urban regions that seem so promising from a democratic perspective.

5.1 Why Cities? Diversity, Tolerance, and Metropolitan Life

Why look to modern urban regions to find conditions favorable to fair deliberative pluralism? After all, a range of commentators have suggested that city life is associated with a degree of anomie, characterized by a multiplicity of contacts with others, most of which lack any emotional depth and personal significance. At the turn of the twentieth century, Georg Simmel (1903) noted that, in cities, physical proximity does not seem to beget intimacy or solidarity; to the contrary, in cities we are proximate to a great many people, but this
density only accentuates the emotional distance between us. Indeed, city life may force us
to distance ourselves, or at least maintain our emotional distance from each other, simply
as a survival strategy: the cacophony of urban life leaves us jaded, our senses and capacity
for sympathy and solidarity completely overwhelmed. In particular, the scale on which
visceral human suffering is apparent in the city forces many to withdraw from it, practicing
a sort of emotional triage and physical distancing from the unlucky and downtrodden while
traversing urban space.

Of course we can and often do find in cities instances of love, friendship, ethnic and reli-
gious solidarity, familial loyalties, and principled commitment to helping others. But many
of these attitudes and associated practices are carefully sequestered, both emotionally and
physically: intimate associations are woven into our daily routines as we move between
particular locations within the city; we avoid other commitments, shutting out much of the
complexity around us as we navigate the variegated urban terrain to meet acquaintances,
good friends, or lovers in specific places. We carry out our routines and pursue our distinc-
tive interests, side by side with countless others doing the same. We move between enclaves
in which we feel welcome, and in doing so we ignore the indifferent occupants of the spaces
we must cross; or we move quickly, furtively, strategically through or around those spaces
whose occupants might be hostile to our presence. And for those who devote substantial
time and resources to helping others in cities, the scale of social problems in large urban
areas necessitates similar strategies of sequestering and exclusion. For instance, strict cur-
fews on shelters, and informal criteria for admission and eviction, are examples of how even
the most committed activists in cities must impose order on the unpleasant realities they
seek to transform.

Louis Wirth has argued that, in the city, a “juxtaposition of divergent personalities
and modes of life tends to produce a relativistic perspective and a sense of toleration of
differences” (1938, 15). But even if this is true, we should not assume that such toleration
involves anything more profound than a grudging acceptance of difference as an unavoidable
fact of urban life – not a fact to be celebrated but merely endured, and perhaps occasionally
feared or loathed. Both Simmel and Wirth suggest that the fractured and attenuated social
psychology of the urban citizen both reflects and sustains the complex, impersonal, com-
petitive, rationalized, and bureaucratized character of industrial society under capitalism.
It may even be a psychology suited to formal toleration of difference. But it does not seem
to be the basis of an inclusive ideal of citizenship grounded in mutual respect and reasoned cooperation toward shared ends, or at least mutually agreeable outcomes.

And yet Wirth also thought that the complexity of city life ought to encourage individuals to join a range of associations based on shared interests, and he expected that these "mutual interrelations" would tend to be "complicated, fragile, and volatile" (1938, 22). The complexity of experience in urban settings may, then, hold out the promise of a pragmatic and distinctly political toleration that converges with a democratic ideal of citizenship such as that espoused by Rawls in his account of public reason, and Gutmann and Thompson in their account of reciprocity. The promise of city life is that citizens will understand their interests as being intertwined in ways that demand cooperative activities, but that do not challenge their distinctive values, traditions, and aspirations in any fundamental way.

It is in light of this promise that Sennett understands Hannah Arendt's views on exile and politics as a sound basis for a theory of urban public life. For Arendt, politics is possible only once we move past our identities - the particularities of our past, our upbringing, our bodies - so as to forge a public life together. We do not discard our distinctiveness, but nor do we retreat into it. Rather, we take our distinct perspectives, traditions, and aspirations into public spaces to engage in speech with others. And in Sennett's reading, the plight of the exile - who may either turn inward to recover the past in memory, or outward to construct a future with others - is central to Arendt's thought. On this reading, "the problem of politics" for Arendt "was how people who could count on nothing, who could not inherit, might therefore invent the conditions of their own and their common lives" (Sennett 1990, 134). In this idea, Sennett finds

an attempt to understand the prime condition of the city - impersonality - as a positive value. The exile is an emblematic urbanite because he or she must deal with others who do not, who cannot, understand. Lacking a shared story, one therefore has to make a life on more impersonal terms. In discussing justice, one has to appeal to principles of justice, for instance, rather than invoking the folkways of a particular ethnic group. Principle rather than shared customs becomes the focus (1990, 136-37).

In some forms of urban life we find a richness of sensory experience, combined with a degree of practical interdependence and intertwining of lives. But although we are forced by circumstance to acknowledge and accept such diversity and interaction, we are not forced to discard our own values, interests, and aspirations. Instead, we experience these facts of
urban life while occupying spaces that remain significant to us because of who we are, and what we value; we are not forced to reassess our values and interests simply because we must cooperate with those who share these spaces with us. In the city we are moved toward cooperation on mutually acceptable terms, without discarding or transforming the fullness of our respective identities.¹ It is in this complexity that Sennett suggests we can achieve something like Arendt’s hopes for public life. And this may be a sound basis for the sort of democratic citizenship vital to political liberalism and deliberative democracy.

Something very much like Sennett’s hypothesis is at the root of recent efforts to find in urban life an ideal of democratic citizenship. In considering the democratic promise of urban life, Young (1990) and (2000) hopes that population density, paired with a diversity of land uses characteristic of modern cities, will lead to a habitual association of human difference with cooperative norms in public life. Her suspicion is that persistent informal exchanges among citizens from many cultural, ethnic, racial, and class backgrounds ought to lead citizens to respect other ways of life without demanding that conformity of beliefs and practices be a condition of community membership or political association. The central idea, then, is that the physical proximity and economic interdependence characteristic of city life privileges a conception of politics “as a relationship of strangers” (1990, 234).

Echoing Sennett’s reading of Arendt, Young argues that “in the city persons and groups interact within spaces and institutions they all experience themselves belonging to, but without those interactions dissolving into unity or commonness” (237). Ryan (1998) evinces a complementary concern with connections between the built forms of urban spaces and the character of citizens therein, sharing Sennett’s concern that the impulse to suburban living in the United States has resulted in spatial forms and widespread attitudes that undermine democratic aspirations; and suggesting that appropriately structured urban spaces might encourage fruitful public encounters across a variety of cultural and socioeconomic distinctions. And Bickford (2000) has urged political theorists to examine more carefully “how the built environment can cultivate or eradicate that specific stranger-like recognition that is central to the possibility of democratic politics in a diverse and unequal polity” (371).

But for something like Sennett’s hypothesis to be at all convincing as a normative account of the spatial and organizational forms best suited to deliberative democratic citi-

¹We might fruitfully compare this idea with the ‘weak ties’ discussed by Granovetter (1973).
zension, we must elaborate its implied socioeconomic underpinnings. We may then be able to determine whether the social and economic conditions characteristic of modern cities do in fact favor deliberative and associative democratic motivations and activities.

5.1.1 The Urban Democratic Hypothesis

When thus elaborated, the urban democratic hypothesis is as follows: close physical proximity in cities, combined with a variety of social and economic activities therein, lead to repeated public exchanges across lines of class, cultural, religious, moral, ethnic and racial difference; over time, these exchanges should favor cooperation across such differences, without cooperation being dependent on deep attachments of group membership along class, cultural, or ethnic lines. This hypothesis about city life emphasizes the emancipatory uses of technology and institutional design to foster cooperation among the holders of diverse values, interests, and expectations, without requiring either strong antecedent ties (ethnic, cultural, religious, national) among citizens, or relatively small and self-sufficient populations. The basic technological and organizational structures of modern city life ought to to create pervasive ties of economic interdependence, and should ensure that no one group can systematically oppress or exclude another from a variety of physical locations and activities therein. Modern city regions should tend to exhibit deliberative and associative democratic virtues: day-to-day informal acts of cooperation in shared public spaces should teach citizens not only to tolerate, but when necessary give sincere consideration to, the beliefs, values, practices, and aspirations of others, without demanding that their own interests and perspectives be privileged in public affairs.

Why? Because city life is characterized by density, diversity, and interdependence: residents of cities and suburbs depend on one another for a range of goods and services that make daily life possible in built environments characterized by relatively high population density. Urban dwellers come to expect easy access to potable water, electricity, petrol and

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2Such underpinnings are clearer in the writings of Simmel and Wirth, who linked the metropolitan psychology with capitalist forms of economic activity; but I think they lack there the possibility of the sort of democratic articulation suggested by Young, Ryan, and Bickford. More promising in this respect is the work of urbanists of a Marxist orientation, such as Lefebvre (1974), the early Castells (1972) and Harvey (1973) and (1989), who counsel us to explore the ways in which urban space is produced and reproduced through specific forms of human activity, and to be attentive to the political institutions and legal norms that sustain these activities, preserving their characteristic inequalities of wealth and control over resources. I will return to this theme later in the chapter, when I consider the apparent limits of the city as a site of deliberative and associative democratic citizenship.
natural gas, police and fire services, road and sidewalk maintenance, the availability of fresh produce at markets and grocery stores, and some measure of cooperation from neighbors in maintaining shared residential spaces, such as hallways and courtyards. These and other goods and services involve intricate networks of mutual dependencies over time and across space, dependencies that often become established across distinctions of race, culture, and socioeconomic class.

Furthermore, modern urban regions typically represent economies where widespread implementation of certain critical technologies – of communication, information processing, transportation, and surveillance – is feasible, indeed commonplace. These technologies provide network externalities, reducing transportation and communication costs; they thus provide the foundations for regional networks of highly participatory citizen associations across increasingly expansive physical spaces. And certain basic structural features of cities and their regions seem to provide safeguards against the misuse of these technologies: the density of residential and commercial land uses in cities and suburbs allows information about the impact of both government actions and private activities to be rapidly verified, disseminated, and evaluated. With these technologies in place, a variety of associations in urban regions should more readily overcome problems of collective action in holding authorities accountable for their uses of surveillance and policing. This in turn should make these authorities, and the private enterprises under their jurisdiction, more responsive to the distinctive needs of the communities that various citizen associations represent.

But if features of modern urban regions do in fact make them well-suited to deliberative and associative forms of democratic governance, then the relevant cities associated with these regions are very different from the the sorts of human settlements typically associated with participatory accounts of democracy in the past. Theorists who have looked for instances of substantive citizen participation and widespread civic virtue have often turned their attention to small and relatively self-sufficient communities, such as the city-states of ancient Greece and medieval Europe, the town meetings of the northeastern United States, or various community associations in specific neighborhoods of modern cities. In contrast, if the urban democratic hypothesis is at all plausible, then fair deliberative pluralism is ideally suited to the noisy and messy urban regions characteristic of industrialized, market-led, plural societies – just the places that were so often viewed with suspicion or outright condemnation by generations of sociologists and urban planners in the nineteenth and early
twentieth centuries.

5.2 Why Cities? Inequality and Exclusion

All of which is to say that democratic theorists have good reason to look to modern cities in search of settings that are especially conducive to an appealing vision of democratic citizenship and corresponding institutions. But regardless of whether or not these spaces are in fact promising sites for a desirable vision of democratic governance, they matter to democratic theory for their obvious failings: in reality, modern urban regions tend to be characterized by rigid patterns of social exclusion and economic inequality, particularly between parts of central cities and their regions. City life is too often characterized by profound inequalities of wealth and life chances, and extraordinarily unequal opportunities for citizens to have influence over public decisions or substantive voice in public deliberation.

5.2.1 Urban Failings

What are some of the obvious failings of cities with respect to democratic concerns? Consider the degree and character of political participation in many urban settings: cities tend to have relatively low rates of citizen involvement in local electoral politics. And when citizens do participate in local affairs it is often in divisive zoning disputes, or ‘not in my backyard’ activism by members of a specific neighborhood who see a proposed development as threatening their property values. Indeed, the few promising cases – those in which citizens do participate in fruitful discussions and negotiations among themselves, with other localities, and with government and industry\(^3\) – appear to be exceptions that confirm the general rule: urban politics does not tend to be especially participatory or deliberative, and insofar as urban residents do participate in local affairs, the democratic credentials of the activities they take part in are often suspect.

More generally, urbanization has generated patterns of industry and habitat that put considerable stress on surrounding ecosystems: urban residential sprawl and regional commercial developments consume arable land, deplete water tables, and contaminate ground water; and a range of associated activities – industrial production, commercial transportation, highway commuting by employees in private automobiles – contribute to declining air, water, and soil quality. Municipal and state politics rarely alter the prevailing incentives for

\(^3\) Again, some examples are discussed by Abers (1998); Medoff and Sklar (1994); and Fung (2001).
home and industry location that reinforce these patterns; indeed, some have argued that federal and state laws guarantee that city governments are relatively powerless to do so. To be sure, efforts are sometimes made by local and state governments to alter prevailing incentives: for instance, through urban growth boundaries, or new taxation schemes to fund municipal works and improve the quality of common pool resources shared by several local jurisdictions. But the result is often increased political antagonism between central cities and their regions, and officials interested in being re-elected (or maintaining their current appointments under a new administration) often have a strong incentive to accept the status quo with regard to taxation and regulations on land use.

These are vital concerns, more so given the trend toward increasing urbanization throughout the world. But I want to focus on the profound and enduring inequalities of wealth and political influence found in modern cities, and I further want to concentrate on the poverty and exclusion that characterize many cities, especially the central city neighborhoods of cities in the United States.

These are obviously not the only urban problems that should be of concern to democratic theorists: again, ecological degradation, institutional biases, and problematic attitudes and behaviors abound in urban regions around the world, and many of these pathologies arguably have consequences for the fairness and efficacy of democratic procedures and practices. But the patterns of exclusion and inequality that persist between the affluent and the poor in so many cities are striking for anyone concerned with a fair equality of life chances and political influence. Furthermore, many urban pathologies – declining environmental quality, divisive and ultimately unproductive disputes between central cities and suburbs, corrupt officials, low levels of trust in local government, widespread anomie and diminishing public spiritedness, discriminatory attitudes, rampant consumerism and resulting waste – are themselves variously implicated in the inequalities of wealth and opportunities that I want to focus on here.

For instance, the local politics of zoning and land use restrictions in many U.S. cities are certainly in part motivated by affluent suburban residents wishing to exclude from their neighborhoods those who are perceived as being a threat to property values and the quality of public services. And less affluent neighborhoods in U.S. cities tend to endure not only poorer services, but also lower air quality, as they are often located close to urban industrial sites or highway systems, and vacant lots are sometimes used as illegal dumping grounds.
These neighborhoods also show evidence of considerable despair and distrust of government among residents, which is often entirely justified, given the ineffectiveness of schools and other public services in these neighborhoods, and uninspired and often-unsuccessful efforts by local officials to improve these services.

The problems associated with inequality and exclusion are not, of course, unique to U.S. cities, nor to the relatively affluent industrialized economies of the world. In developing economies, the lure of city life is strong for those with little material wealth to lose; but without adequate infrastructure and employment opportunities for relatively untrained rural migrants, cities throughout the developing world evince similar patterns of stark inequalities and geographically and culturally isolated affluence.

These geographies of exclusion differ somewhat in their specific characteristics. Poor and marginalized neighborhoods are a central city norm in U.S. urban regions, and are strongly correlated with patterns of racial inequality and marginalization: whereas poor white households are often interspersed among both low- and middle-income households, black and Hispanic poverty still tends to be characterized by extreme concentration within central city neighborhoods that are physically, institutionally, and emotionally isolated from more affluent urban and suburban communities.\footnote{On this see Wilson (1987, 46-62), although see Jargowsky (1996). There are, of course, instances of concentrated poverty in predominantly white neighborhoods in some U.S. cities, and these neighborhoods tend to be statistically indistinguishable from similar predominantly black neighborhoods in terms of crime, unemployment, and welfare dependence; see Alex-Assenoh (1995).} In contrast, many European cities have historically shown the opposite pattern, with poverty and isolation tending to increase with distance from the central city.

And whereas race, ethnicity, and socioeconomic class are interwoven in the politics of marginalization and exclusion in the cities of all industrialized democracies, the specific histories of racial and cultural settlement, and of exploitation, and marginalization by dominant groups, are markedly different from the Americas, to Europe, to Oceania and Asia. For instance, in the United States the experience of slavery, and persistent obstacles to economic and political progress faced by Black Americans, are defining historical factors. By contrast in Canada, although geographically proximate and closely linked to the United States by ties of commerce and shared history, the relations between settlers of English and French descent, and the relations of both English and French settlers with indigenous peoples, are of critical historical importance. These traditional cleavages are, in both countries,
to an increasing extent complicated by the distinctive interests and demands of a diverse range of ethnic, cultural, and religious communities that have since become established, or which are continuing to emerge through patterns of immigration and association.\footnote{But one constant in both countries, and indeed throughout the world, is the dismal conditions faced by indigenous peoples within affluent democracies, particularly the United States and Canada, but also Australia, Brazil, New Zealand, and Japan. In these countries, indigenous communities remain – for the most part and with very few exceptions – exceedingly poor, extraordinarily marginalized from dominant cultures, and severely under-represented at most levels of government.}

But I want to focus here on the cities of the United States, my reasoning being that this broad geographic region has, in the twentieth century, been relatively stable, remarkably prosperous, and arguably democratic. If the cities of this affluent and durable liberal democracy cannot resemble the highly inclusive and pluralist democratic ideal presented in the preceding chapters, then the prospects for implementing key elements of the ideal elsewhere are grim indeed.

And although I certainly do not deny the pernicious effects of racist attitudes and institutions in American society, I want to emphasize patterns of division and exclusion based on socioeconomic class, rather than race \textit{per se}. Of course in U.S. cities, class divisions are generally also racial divisions between relatively affluent White Americans, on the one hand, and Black and Hispanic Americans, on the other. But even if patterns of poverty, inequality, and exclusion in American society did not fall along racial lines, and even if they did not do disproportionate harm to members of particular racial, ethnic, and cultural groups, these patterns would nonetheless be of grave concern to democratic theorists, suggesting as they do that some citizens are being systematically denied the fair equality of life chances and political influence required by fair deliberative pluralism – indeed, by liberal democracy more generally.

\subsection*{5.2.2 Poverty, Inequality, and Exclusion in U.S. Cities}

Consider two sorts of inequalities characteristic of U.S. cities over the past several decades.

First, there are economic inequalities: certain neighborhoods, typically in central cities, lack sufficient infrastructure to attract private investment. Housing stock is generally in poor condition, but access to credit for home purchases or improvement is difficult, a trend that is exacerbated by the fact that many residents of these impoverished neighborhoods are predominantly Black or Hispanic, and many banks continue to under-serve these areas in spite of federal laws that forbid racial or ethnic discrimination in home mortgage
and business lending. But even if discrimination by banks and realtors could be eliminated, characteristics of these neighborhoods nonetheless tend to discourage private home purchases and renovation, as well as commercial investment: these neighborhoods often lack a range of reliable public and private services, such as road repair, fire protection, effective policing, nearby medical clinics, or even decent grocery stores. Policing by local authorities is often irregular and uninspired, and so fails to provide a sufficient deterrent to criminal elements in these neighborhoods, thus discouraging private investment by small businesses and homeowners. And public schools in these neighborhoods are under-funded and under-staffed, rarely providing adequate training for the youths in their charge.

Second, there are what might best be described as cultural inequalities: in many spatially segregated and economically isolated urban neighborhoods, children grow up without sufficient emotional support and adult guidance; their households and immediate community provide few if any stable daily routines, nor the informal lessons of personal responsibility and the importance of education and self-discipline, lessons that are generally provided by adult role models in the homes and communities associated with more affluent neighborhoods. In contrast, children in poor and isolated central city neighborhoods often face neglect and violence, both within and outside of their homes. In addition to these pathologies, there is a particularly troubling form of association based in these areas that does give discipline, and a sense of belonging and obligation, to young children and adolescents: this is the neighborhood gang, an organization that is almost always involved in criminal activities.

Clearly these two broad classes of problems are related: a significant number of children and adolescents in these neighborhoods will lack the subtle but vital lessons of compassion, cooperation, and personal responsibility provided by a stable and supportive family environment and surrounding neighborhood. No matter how dedicated and creative teachers and administrators may be, public schools will be unable to compensate for the absence of these essential learning processes in the home and community. Lacking adequate formal and informal education, these neglected children will grow into young adults unable to compete in labor markets, and unlikely to possess much desire to contribute to their communities in

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6 On this problem see Taibi (1994, 1471-84); Munnell et. al. (1996); Immergluck (1998); and Schwartz (1998).

7 On these problems see Wilson (1987) and (1995); Alex-Assenoh (1995); and Anderson (1999).
constructive ways. For those children who give up on school early, gang membership is an obvious choice; and because of a high and relatively stable demand for illegal narcotics in the United States, the illicit distribution of drugs is a lucrative activity for these youths. The sense of despair and hopelessness associated with chronic poverty and unemployment ensures that some, perhaps many customers will be residents of the same neighborhoods as the sellers. This contributes to neglectful and abusive parents, poor work performance, widespread unemployment, and criminal activities – factors that reinforce discriminatory attitudes by potential investors and employers, thus perpetuating the social and economic isolation of these urban communities.⁸

Given this troubling dynamic, certain urban residents in search of work are handicapped in several ways. The social exclusion and various pathologies of their neighborhoods isolate them from formal and informal information networks that inform prospective workers about employment opportunities.⁹ Furthermore, new employment opportunities in manufacturing and retail are increasingly located in extended suburbs, as these firms seek lower overhead costs, easy access to transportation networks outside of the central city area, and proximity to suburban consumers. But many suburban communities have restrictive zoning regulations that sustain high housing prices, making it all but impossible for central city residents of modest means to relocate to neighborhoods closer to employment opportunities. Worse still, both central cities and suburbs are often poorly serviced by public transportation; indeed, getting from anywhere in many U.S. central cities to peripheral locations is generally very time-consuming, and sometimes practically impossible without a private automobile. These conditions make it very difficult for job-seekers in the central city to take advantage

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⁸It is worth emphasizing again that the apparent connection between race and such behaviors is almost certainly epiphenomenal; and again, Alex-Assenoh (1995) has provided a modest but elegant study of one city that supports this claim about the causal irrelevance of race to ‘underclass’ behaviors. Nonetheless, there is a great deal of anecdotal evidence suggesting that many prospective homeowners use race as a marker for bundles of behaviors and conditions (i.e. unemployment and welfare dependence, poor school quality, low property values, high crime rates) associated with neighborhood quality. A popular intuition is that persistent mixing across racial, cultural, and class lines will inevitably diminish discriminatory decisions by families in housing location and schooling for their children. There may be some limited evidence that such learning is occurring in U.S. cities: in recent work, Ellen (1997) and (1998) examines racially integrated neighborhoods in thirty-four U.S. cities between 1970 and 1990, and her findings suggest that stable integrated communities create a learning effect, whereby residents become increasingly aware that features of neighborhood quality are unrelated to the racial composition of their neighborhood. Ellen suggests that it is entry rather than exit decisions that now tend to be sensitive to racial composition: “residents living in a community are far less likely to consider race as a signal of neighborhood quality than outsiders moving in” (1997, 20).

of existing employment opportunities.\textsuperscript{10}

Given these economic and cultural inequalities, the play of urban politics in the affluent economies of North America and elsewhere only rarely suggests a keen sensitivity, on the part of relatively affluent citizens, to either the variety of potential land uses available, or the broader consequences of particular activities and their corresponding patterns of land use. Prevailing legal regulations can hinder the power of cities to direct development in their surrounding regions, instead giving community councils and municipal bodies considerable freedom to determine zoning regulations and investment decisions, which in turn are often swayed by homeowners to prevent construction of affordable housing options in their neighborhoods.\textsuperscript{11} Similarly, stifling opposition can arise to proposed bus routes to better serve central city workers commuting to jobs near affluent suburbs. Considerable opposition can arise even to uses of local tax revenues that seem obviously beneficial and relatively inexpensive, such as drug treatment programs for nonviolent offenders, subsidized prenatal care and training for low-income mothers, or job training programs for unemployed youth, especially those in low-income neighborhoods where public schooling is largely inadequate, and where informal social support networks tend to be less effective than in more affluent suburban areas.

\textsuperscript{10}See Harvey (1973, 56-79); Holzer (1991); Holzer \textit{et. al.} (1994); Ihlandfeldt (1997); and Stoll (1999); although see Cohn and Fossett (1996), who provide some evidence that questions the centrality of spatial mismatch as the primary factor generating racial differences in urban unemployment rates; but see also Martin (2001). In all likelihood discriminatory attitudes on the part of some employers also come into play, working in concert with other factors. Some researchers have also pointed to the consequences of a general decline in manufacturing employment in the U.S. economy, a decline identified by Kasarda (1989) as disproportionately greater in central cities. It is certainly the case that shifts in the location of industries, and in the composition of domestic and foreign production and demand more generally, can and do have an impact on urban employment: in the United States, Detroit, Columbus, and Baltimore are prominent examples of cities that have suffered greatly because of the locational and production decisions of a few dominant firms, and broader trends in demand for particular goods and services that motivate such decisions. However, the extent and consequences of these trends for the vitality of urban economies are not as straightforward as some scholars have supposed; on this point consider Krugman (1995), and Gertler (1997).

\textsuperscript{11}For a plausible argument about the legal and political genealogy of this problem in American cities, see Frug (1980). And if political and legal precedents have left many American cities competing for lucrative central city investments, they have also, as Frug (1999) suggests, allowed a degree of independence to suburban communities to pursue their own land use policies, which some suggest has hindered the capacity of city governments to maintain a range of public services through tax revenues and administrative authority over the surrounding region. Some empirical support for this position has been provided by Rusk (1995). However, other scholars, such as Ostrom, Tiebout and Warren (1961), have long argued that a multiplicity of relatively independent metropolitan jurisdictions is not necessarily pathological and that the desirability of metropolitan fragmentation needs to be assessed in terms of the nature and scope of the specific services in question. This remains a matter of some dispute in urban studies.
5.3 EVALUATIVE PRACTICES AND STRATEGIES OF EXCLUSION

In the above instances, the problem is not that fair markets are setting prices for safe neighborhoods with desirable services that poorer citizens cannot afford. Rather, the problem is that vested interests are capturing political institutions to regulate markets in their favor, and these markets determine the value of particular spaces and associated activities in cities and their regions. Efforts to control access to certain urban and suburban spaces by limiting or otherwise influencing patterns of public transportation investment involve a similar process – that is, political efforts to maintain a spatial status quo. More generally, these sorts of processes suggest an unwillingness on the part of relatively affluent urban and suburban residents to imagine that their duties of citizenship might extend beyond the spatial boundaries defined by class-differentiated neighborhoods in cities and suburbs.

That is, affluent citizens in urban regions do not tend to exhibit the attitudes and behaviors expected by the urban democratic hypothesis: they do not generally appear to embrace diversity in their decisions about residential locations, nor do they evince an eagerness to engage, in any regular way, in specific deliberative activities across various lines of difference, especially differences of socioeconomic class. Rather, many affluent American citizens have, since the 1950’s, instead sought to live intensely private family lives within relatively large private homes, located in carefully policed residential neighborhoods that are relatively homogeneous in terms of ethnicity and race, and even more so with respect to socioeconomic class, and that are often located well away from central cities, or are maintained in well-policing enclaves within what have traditionally been the ‘city limits’.

I do not want to overstate the cultural, class, and racial homogeneity of suburban areas as a general point, as these areas are increasingly diverse in many respects. But the contrast between specific, relatively affluent urban and suburban residential neighborhoods, on the one hand, and dense central city areas, particularly neighborhoods characterized by concentrated poverty, on the other, remains as striking today as it was to Sennett in the late 1960’s: a great many affluent American families continue to seek relatively large houses in safe residential neighborhoods with very little variety of land uses, near good schools and characterized by stable property values. Furthermore, these citizens generally drive to and from their homes in private automobiles, using extensive highway systems that link their neighborhood to a central city and suburban shopping centers.
Given these widespread attitudes and motivations among so many affluent residents of American urban regions, structures of local decision-making and public service provision tend to sustain the spatial patterns of land development that favor extended suburbs and the isolation of impoverished central city neighborhoods. Nor is this tendency obviously misguided, from the perspectives of commercial interests and political actors: developers, planners, and officials can plausibly argue that they are simply responding to what American consumers have wanted for several decades, as reflected in market demand for: personal automobiles; large suburban retail centers featuring chain stores that can reap economies of scale; and large houses on private lots in low-density residential developments, located in communities that are relatively homogeneous with respect to race and class. And insofar as developers and planners are in fact meeting widespread demand for particular sorts of goods and services, politicians are motivated to support policies favorable to these commercial interests.

5.3.1 Exclusionary Motivations

Why are modern U.S. urban regions characterized by these attitudes and motivations, rather than those predicted by the urban democratic hypothesis? Outright racist attitudes, or more subtle discriminatory sentiments among affluent and predominantly White Americans, are no doubt partly responsible for the exodus of affluent families to extended suburban communities, particularly following migrations of Black workers to northern and midwestern cities during the early to mid-twentieth century (see Massey and Denton 1993, esp. 17-59 and 88-114). Others have noted a long tradition in American culture of ambivalence about life in large cities (see, for instance, Rybczynski 1995).

Another factor is considered by Richard Sennett in his seminal 1970 study, The Uses of Disorder. Sennett argues that the exodus of families to suburban communities during the latter half of the twentieth century was driven not simply by racial discrimination, economic imperatives, and cultural values, but instead by a desire on the part of many Americans to avoid diversity and complexity in their life experiences (1970, 68-73). Sennett further suggests that this tendency has been buttressed by a corresponding increase in the social roles that the family has been expected to play in the minds of many Americans:

Students of modern urban life are coming to understand, still in a piecemeal way,
that people who now live in suburbs value their home settings because they feel that closer family ties are more possible there than in the city center. The closeness is not so much a material one – after all, families in city apartments are extremely close physically. Rather, as it is now being learned, it is the simplification of the social environment in the suburbs that accounts for the belief that close family life will be more possible there than in the confusion of the city (1970, 69-70).

Economic affluence is central to Sennett’s analysis: a general rise in affluence during the latter half of twentieth century allowed many middle-class Americans to act on a desire for simplicity in their lives – for a ‘purified identity’ centered around the family and household – by moving away from the diversity and disorder of city life. Outside of the city, these Americans have created carefully controlled communities in which family life is the dominant form (and the household the dominant space) of social interactions, around which other activities and spaces are organized. Sennett’s characterization of this pattern is as accurate today as it was more than three decades ago:

... in the suburb, physical space becomes rigidly divided into functional areas: there are wide swatches of housing, separated from swatches of commercial development concentrated in that unique suburban institution, the shopping center or shopping strip; schools are similarly isolated, usually in a parklike setting. Within the housing sectors themselves, homes have been built at homogeneous socioeconomic levels. When critics of planning reproach developers for simplifying the environment in this way, the developers reply, truthfully, that people want to live “with people just like themselves”; people think diversity will be bad for social as well as economic reasons. The desire of people beyond the line of economic scarcity is to live in a functionally separated, internally homogeneous environment; that is the crux of the matter (1970, 70).

But developers and planners cannot be entirely exonerated of responsibility for the bias toward suburban living of this sort in America. In their eagerness to satisfy the preferences of affluent families for a particular vision of family life, they have foreclosed other potentially viable forms of urban organization.

In her enormously influential 1961 work, *The Death and Life of Great American Cities*, Jane Jacobs emphasized a lack of attention among planners to the ways in which high population density, combined with mixed land uses, could lead to robust social networks in urban neighborhoods. Jacobs argued – against the conventional wisdom among planners and scholars of her day – that high population density along relatively short city blocks,
with a diversity of residential and commercial primary uses and a mix of old and new buildings, are desirable features of urban neighborhoods. These features ensure that streets are frequented often for several primary uses (residence, work, recreation), thus ensuring the safety of pedestrians in the area by maintaining frequent public encounters and allowing informal mechanisms of community monitoring and enforcement.\textsuperscript{12}

Notice that a contrasting model of neighborhood safety and vitality is, on the face of it, just as plausible as the one I've here attributed to Jacobs. According to this alternative explanation, mixed uses of predominantly residential urban spaces may interfere with the very informal mechanisms of local citizen control that Jacobs takes to be central to neighborhood safety. Non-residents – drawn into the neighborhood for employment or shopping, for instance – have no vested interest in the community outside of the specific activity that has brought them there, and thus they will have less incentive to report or attempt to deter vandals, litterers, and suspicious persons who may pose a threat to residents and non-residents alike. On this model, each non-residential use in a predominantly residential area interferes with informal mechanisms of citizen control over their shared territory.\textsuperscript{13}

Although some evidence suggests that this territorial model may apply rather well to contemporary American cities,\textsuperscript{14} I think we should expect Jacobs's model to fail when applied to cities for which the political and economic climate of past decades has deliberately selected against a close proximity of workplace and residence for middle-income and upper-income housing and employment. Many central city communities in the United States have become relatively homogeneous in terms of the limited employment opportunities and the range of housing options available to residents. It follows that many neighborhoods in such

\textsuperscript{12}In a recent essay, Glaser (2000) notes that, while urban density makes monitoring easier, heightened mobility in such settings may make credible enforcement difficult. But Jacobs's point is about the role of monitoring activities in discouraging certain criminal behaviors, not enforcing compliance with a law after a criminal act has been committed. While it is true that enforcement by citizens themselves is probably unlikely when dealing with observed criminal acts, the likelihood of there being many witnesses to an act of theft or vandalism, for instance, should deter all but the most determined criminals from committing the act in the first place. Glaser's observation is, however, very relevant to the question of whether monitoring without credible enforcement is sufficient to discourage deviations from communal norms in relatively homogeneous neighborhoods.

\textsuperscript{13}This model compliments a parallel set of arguments and analyses having to do with 'defensible spaces' in urban neighborhoods; see Newman (1972).

\textsuperscript{14}For instance, Taylor et. al. (1995) provide a relatively recent test of the territorial model, and they find a correlation between physical deterioration and nonresidential land uses in Baltimore and Philadelphia. The Taylor study does not, however, provide a direct test of Jacobs's model, since they do not account for block size and type of nonresidential use; the former factor is vital to Jacobs's theory. For a more complete test of Jacobs's argument for the city of Toronto, see Fowler (1987).
cities are already homogeneous in terms of class structure.

In the sorts of urban neighborhoods that Jacobs endorses, one benefit of mixed land uses will be the availability of diverse job opportunities within residential areas, reducing the costs of finding and keeping employment for city-dwellers, who can reach work easily and cheaply on foot, by bike, bus or subway. The likelihood that the same citizens will use their neighborhood for two primary uses – residence and employment – creates an incentive for neighborhood maintenance through informal monitoring and reporting. But in a political-economic climate that deliberately selects against a close proximity of workplace and residence for middle-income and upper-income housing and employment, this benefit will not be realized. Instead, inner-city communities will become relatively homogeneous in terms of the limited employment opportunities and the range of housing options available to residents.

That several contemporary cities in the U.S. show a coincidence of non-residential land uses and physical deterioration should not surprise us, given the long-term tendency in the U.S. economy to subsidize suburban location decisions for both businesses and middle-class homeowners. American history in the last half of the twentieth century has persistently selected against the sorts of mixed-use, solidaristic neighborhoods that Jacobs praised. Patterns of residential land development and highway construction provide incentives for living well away from work locations, and well outside of central cities. Again, it is arguably the case that these incentives have originated in the preferences of increasingly affluent middle-class Americans for larger homes in non-urban surroundings. In satisfying this demand, however, prevailing patterns of development have constrained the possible forms of urban communities in the United States. A consequence of this state of affairs is that the only samples left in many central cities with which to test Jacobs’s account against the territorial model are already homogeneous in terms of class structure, and are prone to dilapidation and crime. Jacobs’s conjecture cannot be viewed in isolation from historical-material forces that work to undermine the economic viability of central cities.¹⁵

Cities ought to be, in Jacobs’s view, natural generators of diversity. When processes of demographic and economic concentration are left to run their course in urban areas, Jacobs suggests that the result will often be communities in which a diversity of land uses concentrated into relatively compact areas ensures safe and frequent exchanges among mem-

¹⁵On this compare Fowler (1992).
bers of many cultures and professions. And so planners had, Jacobs argued, overlooked something of value in the cities they wished to transform.

Sennett agrees, noting that urban planners have often appeared to exhibit a reverence for schemes that failed to respect the diversity of actual human lives, instead treating plans as somehow “more ‘true’ than the historical turns, the unforeseen movements in the real time of human lives” (1970, 7). Sennett faults planners for drawing on a mechanistic metaphor of the city, viewing it as well-ordered, harmonious, machine-like system in which conflict is ruinous to the desired function of the whole.

It is rare that planning under this guise should even contemplate, much less encourage, the development of social situations that might lead to communal tension through the encouragement of human differences. Conflict is conceived as a threat to some “better,” conflict-free city life. And when conflict in cities comes, no conception even exists among the professional planners as to how conflicts can be expressed fully without leading to violence (1970, 97).

This orienting vision leads to planning that stifles the potential for spontaneity and complexity in urban life, and it does so as surely as the flight of middle-class families to carefully organized and maintained suburbs or urban residential enclaves.

Again, for Sennett, the fundamental problem driving these trends towards carefully ordered spaces and lives in and around cities is one of personal development: many Americans

\[16\] Although I am here following theorists such as Sennett, Young, and Bickford in stressing the informal social consequences of urban density and diversity, Jacobs has also developed a detailed theory of the role of cities and their regions in fostering economic innovation (Jacobs 1969), and in shaping the composition and performance of national economies (Jacobs 1984). These arguments converge with two important literatures. The first is the vast body of historical work on the the place of towns and cities in the rise of capitalism, and tensions between the competing imperatives of cities, as emerging centers of commerce and culture, and states, as emerging bearers of military force; for instance, see Pirenne (1925); Braudel (1981, 484-558 and (1984, 21-385); and Tilly (1992, 1-95). The second body of work includes more recent contributions to the study of cities and capitalism, particularly the role of urban regions and particular cities in regional and global communication and distribution networks; for instance, see Castellis (1989); and Sassen (1991). In Jacobs's view, cities become self-sustaining economies when they generate import-substituting regions of producers and supporting transportation and communication networks, to provide for the diverse demands of residents and exporting industries in and around the urban center. The diversity of firms in these urban economies creates the conditions for knowledge transfer across sectors, spurring economic innovation and growth. Such dynamic information externalities have been the subject of considerable scrutiny, and the evidence supporting Jacobs's theory of urban growth is mixed. For instance, some findings support Jacobs's prediction of inter-industry spillover effects driving growth; other evidence favors Marshall-Arrow-Romer (MAR) externalities, which involve knowledge transfers between firms within the same industry; and several researchers have found both Jacobs and MAR externalities at work in urban economies; see, Glaeser et. al. (1992); Henderson et. al. (1995); and Henderson (1997); see also Glaeser (1999). Also, in a somewhat speculative, but nonetheless elegant and insightful analysis, Glaeser (2000) suggests that dynamic information externalities facilitate not only transfers of new information and techniques across firms, but may also facilitate ethical and political innovations in cities.

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had not, Sennett thought, moved beyond an adolescent urge for stability and simplicity in their lives. Affluence allowed adults to persist in an adolescent state of personal development; and urban and suburban developments began to reflect and reinforce this adolescent outlook, with its emphasis on strong familial and communal ties within homogenized spaces. A more mature outlook, Sennett suggests,

... is one in which a man knows that his being cannot be annihilated by the plans of others. From failing to coherently manipulate the space around him, the adult learns also its limits in manipulating him. ... The act of caring about something, then, of reaching outside oneself to explore something unknown, is thus a way of reaffirming and strengthening the sense of being a full personality, by being alone at the core. The caring cannot be justified, cannot be sustaining, simply on the grounds that it is something shared between men (1970, 133).

In this psychological account, we develop a mature identity not through either isolation or idealized unions with others like us, but instead through a complex process of disconcerting and sometimes-painful discoveries of the world around us, a world we both influence and are influenced by. And for Sennett, the more mature outlook can emerge from the diversity and disorder of modern city life.

We can, I think, find much of value in Sennett’s account as an explanation and critique of the motivations behind many affluent citizens in urban regions, without relying too heavily on his psychological model of personal development, or upon the urban-suburban spatial distinction that was perhaps more relevant thirty years ago than it is today. The categories underlying Sennett’s discussion of adolescence and adulthood ought to be understood as normative-ethical categories of citizenship. Indeed, by drawing explicit analogy with Max Weber’s contrasting ethics of responsibility and final ends (Weber 1918), Sennett himself hints at just such an interpretation:

A responsible act, Weber said, is always impure, always painfully mixed because of diverse motives and desires; an absolute act, on the other hand, is a struggle towards purity of desire and act, as well as toward a “pure” end. The desire for purified identity I have described clearly resembles this absolute ethic. It is a cathartic feeling for men; it leads them to dream of a world order purified of painful challenges, an order fixed, trustworthy, and predictable (1970, 130).

In contrast,
an ethics of responsibility means performing acts that are impure, having a
variety of motives that may even conflict with each other. And this is what
accepting the mosaic of one’s past will lead a man to feel about his own motives.
The very diversity of these acts makes them painful: a man feels that it is
impossible to get things right, to follow a simple course, to feel certain inside
about what he must do. This realization replaces the self-lauding dignity of
the saint or the revolutionary dreamer, the smug certitude of the respectable
community leader, with the doubts of a man. What Weber sought to evoke by
an ethics of responsibility was exactly the feeling of self-limitation involved in
adult lives: what the self-limitation leads to, Weber said, is not a weariness and
withdrawal from social situations, but a willingness to get involved in the kind
of messy, disorganized social experiences that are immune to some transcendent
end or justification (1970, 131).

In Weber’s distinction between an ethics of responsibility and an ethics of ends Sen-
nett finds the basis for a model of psychological development that leads adults to “attempt
to deal with ‘otherness’, to become engaged beyond one’s own defined boundaries of self”
(1970, 132). But Weber’s own ambition was in fact more limited: he was chiefly concerned
with the psychology of leadership (Weber 1918, esp. 114-17). On Weber’s view, the political
leader pursues ends using the characteristic means of politics: coercive force (78 and 116).
The good leader understands the consequences of these actions, and bears responsibility
for them (127). To experience “the vocation for politics in its deepest meaning” we must
confront “the world as it really is in its everyday routine” (128), never conforming in full
to any one comprehensive aesthetic, philosophical, or moral ideal. Sennett has democra-
tized Weber’s “calling for politics,” drawing from it a model of emotional development and
mature personal identity suitable for an affluent modern society. And in light of the urban
democratic hypothesis, I think Sennett’s ‘mature adult personality’ is easily recognizable as
a description the reasonable democratic citizen under conditions of pluralism.

Deliberative citizenship in plural settings requires a willingness to explore the reason-
ableness of other interests, ideas, and perspectives, while accepting that our own beliefs and
interests may be transformed in important ways through such encounters. The acceptance
of this possibility follows from the understanding of one’s own identity as a work in progress,
yet not constrained by some ideal antecedent scheme given by community, nation, religious
tradition, or philosophical reflection. Rather, we define ourselves, and the reasonableness
of our ends, in part through our encounters with others, and not exclusively or overwhelm-
ingly in terms of antecedent ideals. The conception of comprehensive doctrines as coherent
discourses makes the intersubjective and formative dimensions of such doctrines clear: we
affirm them through discursive and imaginative encounters with others. Such is the citizen that Sennett seems to me to be describing in his account of adulthood.

Sennett argues that such a personality can be fostered and sustained in urban settings where centralized authority structures are avoided whenever possible, and where planning does not seek to shape city spaces according to some antecedent plan of the well-ordered, functional city. The central theme underlying these two proposals is to let historical relations between citizens themselves define the institutional forms characteristic of the spaces they occupy. This is not to deny the importance of central authority in providing some services, nor the virtues of planning before building, so as to prevent avoidable conflicts of interest over land uses. But it is to suggest that one particular vision of how people ought to live, and where, should not constrain the possibilities for alternative ways of living. And to avoid such constraints, people must be aware of how their interests and activities affect others, and must accept that other interests may reasonably be brought to bear on their own; there must be ample opportunities for conflict, experimentation, and learning among citizens. Shaping urban areas into homogeneous zones of land uses interferes with such a vision, by imposing order from without, instead of letting it emerge as a tentative and fragile stasis in the multifaceted process of social cooperation among the bearers of diverse and sometimes-conflicting values and interests. To impose order from without is, Sennett thinks, to suppose that conflicting values and interests must always issue in violent disputes, rather than novel institutional solutions (1970, 147-48).

In this spirit, Sennett proposes that "if we could increase the complexity of confrontation and conflict in the city, not polarize it, the aggression, still there, would channel itself into paths that allow at least mutual survival" (1970, 149). Cities have high population density, and a relatively high turnover of people passing through or living in any one place, making it difficult for coercive norms of conduct to be imposed by longtime residents, as they sometimes are in smaller cultural and religious communities (1970, 151-53). Paired with these demographic features are a diversity of land uses that provide "multiple contact points" through which citizens encounter one another in they day-to-day affairs (1970, 151). Under such conditions, to arrive at agreements with others is not to appeal to antecedent standards of the community, but to reason with others in the face of a variety of different beliefs, interests, traditions, and perspectives.
5.3.2 Exclusionary Politics

In a particularly succinct and evocative passage of *The Production of Space*, Henri Lefebvre echoes Sennett’s attention to disorder and conflict, suggesting that the possibility of violent disputes may well be the chief democratic virtue of city life: “liberty engenders contradictions which are also spatial contradictions. Whereas businesses tend towards a totalitarian form of social organization, authoritarian and prone to fascism, urban conditions, either despite or by virtue of violence, tend to uphold at least a measure of democracy” (1974, 319). Urban organization has too often been planned in ways that satisfy and sustain – without sincere and informed public interrogation – the freely stated preferences of citizens, in much the same way as firms attempt to hone their internal structure to be competitive in the face of consumer demands.\(^{17}\) But by doing so, we threaten to resolve the contradiction of freedom in favor of exclusionary strategies of control over urban spaces and activities therein, appealing to mere preferences, rather than reasoned judgements about common goods for a heterogeneous political community.

Unfortunately, this is precisely what happens in modern American cities, particularly central cities: given prevailing residential patterns, the preferences implicated with these patterns, and federal and state laws, city administrations are often forced to concede a considerable measure of local autonomy to surrounding municipalities with respect to land use planning. And urban governments must, of course, attract investment, and secure revenue to sustain the services they do offer; they tend to do so in ways that privilege commercial interests, and select against the density, diversity, and complex patterns of conflict that are central to a more democratic metropolitan order.\(^{18}\)

Under prevailing political and legal institutions, and spatial patterns of residence and commerce, city politics must generally privilege business interests that either have a great

\(^{17}\)For an argument that strongly hierarchical models of the firm are not in general the only viable mode of organization in a market economy, see Vela (2000); also, consider Greenberg (1986).

\(^{18}\)On the constraints faced by urban governments, a classic argument is Peterson (1981), suggesting that political power in cities is limited to promoting production: in practice, distributional issues are largely state and federal concerns, and the increasing mobility of capital undermines the freedom of local governments to tax businesses to support redistributive policies. Such constraints may have been exacerbated by the subordinate legal status of cities compared to states and commercial corporations in the United States, a point emphasized by Frug (1980). In such settings, competition for private investment limits the issue spaces in which local governments can act effectively. In contrast, others have argued that internal political incentives are the dominant force driving the focus on production instead of distribution in city politics; see Stone (1987) and (1993). A more nuanced position is outlined by Imbrie (1997), who suggests that both external context and internal politics matter in biasing local politics towards business interests; see also Imbrie (1998); also relevant are Katznelson (1981), and Frug (1999).
deal invested in relatively fixed locations within or around the central city, or hold the promise of such investment for the city. Aside from generating incentives for corruption within revenue-strapped city governments, this systematic bias gives these interests greater effective voice in local politics, particularly on issues of land use and taxation. Because of this systematic bias, the costs and benefits associated with many location decisions tend to be assessed in terms of these privileged interests, while the costs borne by other, less advantaged citizens – for instance, lowered property values, disrupted neighborhoods, shifting patterns of employment, and exposure to pollutants – are systematically discounted.  

Use Values and Exchange Values

This bias in how costs are assessed, and interests represented, can be usefully framed in terms of the distinction between use and exchange values: the exchange values that emerge in urban land markets often do not adequately reflect the use values of a significant number of citizens who live in the central city, but do not own the properties they reside in or use daily (such as parks and workplaces). These residents will tend to think of the value of property in and around their communities in terms of its various uses in their day-to-day affairs; but property owners, prospective developers, and commercial tenants will be more inclined to think of property values in terms of exchange value in relevant markets. And it is the interests characteristic of these latter groups that tend to be privileged in urban politics. It follows that exchange values will tend to be assessed in terms of interests that do not adequately reflect alternative uses of the spaces in question: nonresident property owners and private developers will tend to base their estimated returns in developing a location on criteria that discount the use values of some current residents, or that discount the impact, on nearby areas and their residents, of negative externalities likely to be generated by proposed uses of specific locations.

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19 On the ways in which the interests vested in relatively immobile locations are translated into disproportionate political influence in municipal politics, see Elkin (1987, chs. 3-5) and Inbruscio (1997, chs. 1-2). On the consequences of spatial exclusion for political equality, particularly along racial lines in U.S. cities, see Cohen and Dawson (1993). On the impact of locational distortions that traditional notions of market efficiency fail to capture, and the exclusionary consequences of political coalitions in cities, see especially Harvey (1973, ch. 2); and (1989, chs. 1 and 5). An example of the latter: Orfield (1997) points to a perverse phenomenon in Minneapolis-Saint Paul, where the structure of public funding for municipal highways and sewers has, since the 1980's, amounted to a subsidy for higher-income suburban communities by lower-income central city taxpayers. Orfield argues for active legislation to remove restrictions on affordable housing development in extended suburbs, and for a more equitable distribution of tax burdens across city regions for funding municipal public services such as highway maintenance.
For city officials, privileging these biased evaluative practices may be advantageous: upscale housing developments and a variety of commercial land uses – such as shopping centers, sports arenas, new hotels, convention centers – promise lucrative revenues for city administrations, as well as easily publicized increases in employment opportunities within the city limits. For city councils and planners, the use value of much of the city’s space will reflect this desire to increase employment and revenues, and encourage further investment, all of which in turn has distinct political benefits: as Elkin notes, “major land use projects – and high levels of development in general – generate flows of money and other material benefits in the form of jobs and contracts that are relatively easy to transfer to the campaign treasuries and the personal pocketbooks of officials” (1987, 38). To this end generous compensation packages, promising tax breaks and infrastructure renewal, may be offered to prospective companies in an effort to lure investment into the city, often at considerable initial capital outlay by the city itself.

However, a growing body of research suggests that the gains from these sorts of investments – convention centers, hotels, and especially sports complexes – are at best unclear, and tend not to extend in any systematic way to other parts of the city. Entry-level employment for nearby residents is often limited in the number of jobs, and those jobs that are made available generally offer unsatisfying work (often in retail or janitorial positions), low wages, few if any benefits, little if any job security, and no significant opportunities for promotion.20

Furthermore, the externalities associated with these patterns of land use can be damaging for nearby neighborhoods. Increased traffic flow demands new and improved surface access, resulting in disruption of neighborhoods and increased pollution. Changed patterns of use for nearby spaces (parks, walkways, restaurants, bars) can alter the composition of a neighborhood in ways that long-time residents may find disconcerting, and often unpleasant (drunken patrons of a new nightclub or bar, for instance, or increased traffic around a new parking facility). Although increased traffic and subsequent municipal investment (i.e. in improved roads and expanded public transit) could have a positive impact on the local economies of adjacent neighborhoods, in practice the sphere of influence tends to be limited.

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20For instance, see Baade and Dye (1990); Baade (1996); Kent (1994); Rosentraub et. al. (1994); Hamilton and Kahn (1997); and Hudson (1999). Danielson (1997, 275-86), provides a good overview of the social-cost concerns associated with stadium projects for professional sports teams in urban regions.
For instance, beyond the fringe regions surrounding new commercial developments, road or surface rail construction often simply disrupts residential neighborhoods in surrounding low-income areas, most often without any appreciable efforts by the city to provide the sorts of secondary infrastructure investments (i.e. improved pedestrian access, more effective policing of walkways and public transit waiting areas, financial incentives for commercial investment on adjoining properties) that would help existing and prospective residents in these areas to benefit from the new transportation lines that are being put through their neighborhoods. And to the extent that such investments are sometimes made, the free play of real estate markets often prices out those of modest means.

5.4 Deliberative Citizenship and Urban Failings

By virtue of their characteristic demographic features and economic roles, cities foster diversity and disorder, situations in which our own characteristic values and interests rest uneasily with, or may come into conflict with those of others. When our own ideals and interests are thwarted in this way, we can be led toward either of two strategies. We may retreat from the broader social sphere, perhaps by finding those who share our ideals, and establishing an insular, purified community with them. Or we may engage with others, exploring their ideals and interests, and reconsidering our own, so as to come to agreements that are mutually acceptable.

My point in this chapter has been to emphasize that prevailing patterns of urban politics and planning have tended to privilege the first strategy, whereas the diversity and disorder of city life could instead make the second strategy viable, if the social and spatial forms of cities were allowed to unfold without the restraints imposed by prevailing urban planning and associated political institutions.

By way of conclusion, I want to emphasize the fluidity of this vision of a more democratic urban order: the vision does not commit us to specific claims about what a city is, in terms of spatial form and demographic characteristics. I want to stress this point because much of what has been said so far closely resembles well-known criticisms of urban sprawl, on the one hand, and suburban culture, on the other. But rather than accepting either of these prevalent lines of critique, I want to distinguish my analysis and argument here from popular claims about what a city ought to look like. Certainly, my favored account of urban democracy draws an intuitively appealing connection between the density and diversity of
city life and the possibilities for deliberative and associative forms of democratic governance. But there are myriad specific spatial and organizational forms that comport with this vision.

To see this contrast with prevalent lines of criticism, consider the vision of urban life advanced by neotraditionalism, or the new urbanism, a recent movement in architecture and city planning. New urbanists decry the prevailing spatial forms of modern urban regions, arguing that suburban sprawl, dependence on the private automobile, and single-use zoning are imimical to vibrant and cooperative communities. These spatial forms undermine the public-spiritedness of citizens, leading to widespread alienation, antagonism, mutual distrust, and despair. The new urbanists argue that the history of urban development in the U.S. has drastically constrained the possibility of livable urban communities – that is, neighborhoods where workplaces, shopping centers, and recreational activities are all within walking distance for most residents; and where the near-constant use of public spaces for a variety of activities, combined with some sort of neighborhood solidarity, make the streets safe. Some prominent new urbanists, such as Kunstler (1996), advance this argument as part of a broader claim about the authenticity of certain forms of community, and the dependence of such authentic communities on specific features of the built environment.

The new urbanism is on strong ground, I think, when criticizing the extraordinary power that our governments often grant to private developers to shape the character of public spaces, and the lack of effective opportunities for citizens to discuss the character of our shared public spaces. But insofar as this observation leads some new urbanists to make claims about the authenticity of certain sorts of community and their characteristic spatial forms, they fall into a dilemma: if residents of a neighborhood are concerned with the safety and vitality of their community, they may have an incentive to purify their public spaces of disturbing difference, securing themselves against intrusion by outsiders who are perceived as threats to the dominant norms and practices in that community.

Informal policing of community spaces by residents may lead to deterrence of crime, as Jacobs and the new urbanists suggest, but also to a purification of public spaces according to a roughly shared standard of what count as acceptable behaviors and appearances. Who

\footnote{On this point I think Kunstler provides an illuminating critique of prevalent planning practices in American towns and cities (1996, 234-49), and widespread property taxation schemes, that generally tax buildings rather than locations, thus discouraging the development and maintenance of properties, particularly affordable housing, in central cities (1996, 196-206). This too is a point about how formal and informal political institutions control urban spaces in objectionable ways, and in this respect my argument converges with the new urbanist view.}
decides what counts as a suspicious person? Clearly there are certain basic standards that, when enforced, would protect anyone and everyone: a gang of maskeč youths with firearms and crowbars, approaching a store’s back entrance from a dark alley, would seem to be unambiguously suspicious and undesirable. But how often are matters this clear? Is it suspicious for a group of black youths to be talking together in a suburban coffee-shop with mostly-white clientele? What about boisterous teenagers loitering in a downtown shopping complex frequented by wealthy older patrons?

The fear of difference, and the resultant exclusionary efforts to purify public and semipublic spaces, are common themes of suburban development in cities throughout the industrialized world. Private security forces patrol shopping malls and gated suburban communities, assigned by property owners the duty of monitoring those who appear ‘suspicious’ – which is to say, those who occupy these spaces, but whose appearance and activities do not conform to a specific conception of what behaviors are appropriate to these spaces (Sibley 1995; Lofland 1998, 208ff).²²

An emphasis on encouraging neighborhood solidarity through specific forms of architecture and land use may well be in tension with any attempt to combine enhanced participation with a commitment to social diversity and extensive personal freedoms. Instead, a commitment to neighborhood solidarity through specific spatial forms may lead to an interest-based politics of divisive intercommunity bargaining that inevitably under-represents, and often actively excludes those disadvantaged by history or brute-luck inequalities. The new urbanism does not seem to give us the moral resources to challenge these sorts of exclusionary processes, even though a liberal-democratic concern with effective freedoms and fair equality suggests that we should.

As Harvey (2000, 164-79) notes, several of the new urbanists make the same problematic assumptions as those they criticize: like the urban planning of earlier generations, they assume that one particular conception of community is authentic and desirable, and that these authentic communities emerge from particular spatial forms of political and economic

²²Although for another, somewhat communitarian perspective on shopping malls in particular, see Rybczynski (1995, 210): “I think what attracts people to malls is that they are perceived as public spaces where rules of personal conduct are enforced. In other words, they are more like public streets used to be before police indifference and overzealous protectors of individual rights effectively ensured that any behavior, no matter how antisocial, is tolerated. This is what malls offer: a reasonable (in most eyes) level of public order; the right not to be subjected to outlandish conduct, not to be assaulted and intimidated by boorish adolescents, noisy drunks, and aggressive panhandlers. It does not seem much to ask.”
organization. Insofar as the new urbanists question the prevalent trend of reifying personal preferences and market forces in urban politics and culture, I find their attention to alternative orderings of city space attractive; but in doing so, the new urbanists may have uncritically embraced a particular vision of community that I believe is problematic.

I think that, if we take the legacy of Jane Jacobs seriously, we should be sceptical of any claims that only one form of community, with its characteristic political and economic forms, is authentic and desirable; and we should be outright dubious about accompanying claims that spatial forms strictly determine social processes. Jacobs herself was accused shortly after her seminal work of uncritically accepting an assumption of physical determinism, namely that physical environments determine social conditions.\textsuperscript{23} The new urbanists sometimes read as though they would accept this charge of physical determinism, but deny that it is an uncritical or undesirable position. However, I think Jacobs should inspire us to take a very different view of the relations between built forms, shared values, and public institutions. We should call into question the plausibility of any simplistic assumptions about such relations.

Physical environments do constrain us in important ways, certainly; but these environments are themselves shaped by the social practices that arise within them. This reciprocal causality has been recognized at least since Marx's early writings,\textsuperscript{24} and it is central to several prominent philosophical examinations of how particular spaces are constructed through a variety of social practices, and in light of specific values and interests.\textsuperscript{25} What is controversial, however, is any claim that there are antecedent and generally applicable ethical and aesthetic standards that are independent of spatially situated social practices, in terms of which the desirability of specific relations between social organization and physical environments can be assessed.

The dominant themes in urban planning before Jacobs and Sennett proceeded from the assumption that certain conceptions of human well-being and aesthetic value could be used as independent standards by which to judge the desirability of patterns of urban land use. According to this standard, constructed urban spaces were seen as typically destructive.

\textsuperscript{23}See Fowler (1987) for a succinct review of these charges.
\textsuperscript{24}Marx and Engels argued that normative standards emerge from specific historical relations between material practices of production and exchange, on the one hand, and the social relations characteristic of these practices, on the other; see their \textit{German Ideology}, esp. 154-57 and 172-74.
\textsuperscript{25}See, for instance, Lefebvre (1974); and also Gottdiener (1985).
of human well-being and social order. Thus these spaces had to be carefully controlled to provide aesthetic conditions conducive to civilized life. Left to themselves, processes of urbanization were considered corrupting and degenerative, aesthetically unpleasing and ecologically unsound.

An important theme of Jacob's work is its sceptical challenge to this normative stance: Jacobs disentangled the assumed linkages between the ethical and aesthetic values of specific urban spaces, and the social and economic practices characteristic of those spaces. There is, on this reading of Jacobs, no ethically compelling connection between prevailing aesthetic standards, the physical forms of specific communities, and the political and economic viability of these communities. Imagining that there is one true connection between physical form, institutions and practices, and quality of life leads to planning that can stifle the structural bases of community solidarity and vitality, by ignoring the ways in which the practices and spatial forms of a given community may come to be particularly well-suited to certain material and organizational conditions, even though they fail to meet a prevailing aesthetic ideal – for instance, one that sees urban economies as dirty, unhealthy, and bound up with crime and misery.

On the view of city life I am endorsing here, we need to acknowledge the contingency of the historical relations between aesthetic ideals, values and practices, and the physical forms of public and private life. And these relations need to be critically assessed at every turn against other important standards of human well-being, such as the safety and economic viability of neighborhoods. This was and is, I think, the profound normative import of Jacobs's and Sennett's early work on cities.

A virtue of this approach is that it does not to commit us to any one conception of what a city and urban region are: there are myriad particular configurations of residential and business land uses, and associated communications and transportation networks, that are arguably urban, and that may sustain viable economies, as well as fair and stable social forms.

Consider, for instance, the ongoing debate about 'urban sprawl'. Some authors, including several new urbanists, have argued that sprawl is undesirable, resulting from perverse incentives for home and industry location that have led to inefficient uses of space and congested traffic arteries, features that benefit no one but construction and automobile companies, property developers, and real estate agents. The assumption is that most urban
residents do not value sprawl, but must accept it given prevailing incentives: good jobs, schools, public services, and safe neighborhoods require a car and a house in the suburbs. Change the incentives, these authors argue, and we will find a significant number of citizens who would prefer pedestrian-based urban communities characterized by mixed land uses, as prescribed by the new urbanism. Against this position, another group of authors suggest that sprawl is in fact the result of preferences: citizens really do want bigger properties and houses, away from central cities; they want neighborhoods that are relatively homogeneous with respect to culture and socioeconomic class; and they enjoy the convenience of a private automobile, and are willing to accept the costs (in fuel, auto repairs, insurance, and traffic congestion) that come with suburban living.

There are attractive intuitions and plausible conjectures on both sides of this debate. On the one hand, prevailing incentives for home and firm locations do seem to impose rigid constraints on the feasible forms of urban living: for instance, in many cities, a pedestrian-based lifestyle is expensive, often impractical, and inevitably hazardous. And these incentives are often sustained by local, state, and federal laws regarding taxation and service provision. On the other hand, the convenience of the private automobile is undeniable, and some features of suburban life do seem to reflect the preferences of a great many citizens: many Americans do seem willing to pay for private homes on relatively large lots in low-density suburban residential developments; furthermore, large malls and warehouse chains can reap the benefits of economies of scale and low overhead costs, providing goods at much lower prices than smaller retailers in the central city.

The stance I’ve adopted here allows us to take a more constructive approach to reconciling these competing intuitions: many forms of urban life were once deemed undesirable, even intolerable, but appear in an altogether different light when evaluated according to alternative criteria of desirability. Sprawling suburbs and edge cities may well feature emergent identities and associations that require a reconsideration of prevailing moral and aesthetic standards regarding the desirability of these spatial patterns. This said, we should be sceptical that citizen preferences and prevailing incentives ought to constrain the possible forms of urban life as severely as they generally do. We should be open to new technologies and institutions, and innovative applications of existing technologies, that can lessen the
constraints that prevailing preferences, incentives, and existing infrastructure impose on a diversity of life choices with respect to where we live, and how we live our lives together.
Chapter 6

Democratic Hopes in Fractured Cities?

Several features of city life are problematic from the perspective of fair deliberative pluralism. I have examined the attitudes and behaviors that give rise to these troubling features, suggesting that a critical factor in persistent exclusionary outcomes in urban settings is how particular spaces are valued. In modern American cities we see how political strategies for controlling and valuing urban spaces – typically in the interests of sustaining property values and neighborhood quality – undermine the democratic credentials of much local participation, by reifying the preferences of affluent Americans without considering how these preferences fit within a vision of democratic citizenship appropriate to a heterogeneous public.

I now want to consider two distinct approaches to urban economic and political reform, with special attention to the problems of poverty and exclusion in America’s central cities. As in chapter 5, I understand urban ghettos in America – regions characterized by concentrated poverty, poor public service provision, dilapidated housing stock, high crime rates, and very few employment opportunities – as a profound challenge to fair deliberative pluralism, indeed to any democratic conception of justice.

The persistence of such ghettos in the midst of relative affluence and personal freedoms would, of course, be cause for grave concern among democratic theorists, even if they were not also distinguished by racial segregation, and located within economic regions that ought instead to favor a stable politics of cooperation across difference. But the fact that ghettos
in America are typically a central city phenomenon, and that they coincide with profound and enduring racial inequalities, makes them that much more troubling, and puzzling, to the advocate of fair deliberative pluralism.

I have suggested that this puzzle is at least partly explained by the ways in which formal and informal strategies of control over land uses sustain inequalities across urban space, favoring attitudes and preferences that allow exclusionary outcomes, and thus undermining the effective freedoms of some citizens. In this chapter, I consider whether a range of proposals and initiatives might be able to transform modern urban regions, and especially central cities, in accord with the ideal of fair deliberative pluralism.

First, I consider the democratic value of community development initiatives designed to bring investment into distressed urban neighborhoods, through job training, information networks, community mobilization, and flexible strategies of credit provision. Second, I consider what appears on the face of it to be a more radical strategy: sweeping incentives and other government actions to break up the ghetto, encouraging voluntary relocation to safer neighborhoods closer to employment opportunities. The second approach, although attractive in certain respects, depends on the first in important ways. The first approach has to date had only modest successes at very limited spatial scales, but such initiatives hold the promise of empowering lower-income citizens to transform certain features of the public sphere — for instance, gaining control over land uses at the neighborhood level, and providing for themselves basic commercial services through small business loans, grants, and related incentives — even as existing legal and political institutions in the formal public sphere persistently neglect these citizens. In this important sense, these initiatives are in accord with the ideal of fair deliberative pluralism.

6.1 Community Associations in Distressed Neighborhoods

There are in U.S. cities a variety of associations that seem promising from the perspective of fair deliberative pluralism: I have in mind a range of community development initiatives that might subvert the problematic trends considered in chapter 5, such as grassroots neighborhood advocacy groups, and community development banks and related borrower-training programs. These programs are highly participatory, and generally aim to be responsive to local needs that are not met by existing institutions; and they are often deliberative, in that they involve group discussions, intensive consultation, information pooling, and train-
ing groups that encourage practical learning. Furthermore, in urban regions these initiatives can make use of a range of social networks and information technologies to interact with related programmes elsewhere.

Such community-based initiatives have a long history, and to be sure, much of that history is rather uninspiring. Isolation of the poor by other segments of society seems to be a feature common to all modern industrialized societies; and in U.S. cities this isolation has been closely linked with historically durable patterns of racial discrimination. Furthermore, the isolation of poverty along class and racial divisions appears to be largely a structural problem, arising out of city-wide, and also state- and nation-wide patterns of decision-making and control over various territories and activities. In spite of this, politicians have often appealed to neighborhood-based solutions to these problems of isolation and exclusion, problems that have in large part been imposed on poor neighborhoods from without.¹ Not only does the emphasis on neighborhood-based action suggest a willingness on the part of many Americans to shirk some measure of shared responsibility for the distributional consequences of regional and national political decisions and economic arrangements; it also seems to suggest that a disproportionate share of effort ought to be provided by those most adversely affected by unemployment, poor public services, and persistent discrimination.

¹A recent example of national enthusiasm for neighborhood-based development initiatives is provided by the sudden attention paid to faith-based community associations in U.S. cities. Another example is the ‘Empowerment Zone/Enterprise Community’ (EZ/EC) program, established under the 1993 Omnibus Budget Reconciliation Act: this program involves a coordinated effort to foster community empowerment through local management, state and federal consultation, and federal funding and incentives to employers and investors. Under this program, municipal and state governments nominate areas for consideration by the federal EZ/EC board. In 1994, 105 candidate sites were selected, of which 72 were urban areas. The goal of these grants and incentives is to spur job creation, improve infrastructure, and generate private investment within and around communities plagued by poverty, crime, narcotics use, deteriorated infrastructure, and high unemployment rates (HUD 1994). The results to date of both faith-based initiatives and targeted investment programs are at best ambiguous, although of course few if any systematic studies have been feasible, given the relatively short time-frames involved. Some research on investment programs similar to the federal EZ/EC initiative has been conducted: prior to the federal initiative, several states had already initiated a range of ‘Enterprise Zone’ (EZ) programs, and a comparative study of these initiatives (Bondonio and Engberg 2000) finds no discernible impact of state-level efforts on local employment. This is not a surprising discovery: after all, these programs have tended to emphasize business investment in specific areas through a variety of monetary incentives; they have rarely, if ever, emphasized the improvement of human and social capital in targeted areas. Subsequent studies will need to determine whether such efforts as education incentives and worker training groups represent a promising direction for EZ/EC programs. Several such programs currently exist in select neighborhoods in U.S. cities; but research suggests that, although sometimes successful in certain respects, these programs do not seem to have an appreciable impact on economic well-being at broader spatial scales; they certainly do not seem to alter the prevailing spatial patterns of poverty and isolation characteristic of urban regions – on this, more shortly. Whether faith-based initiatives will fare better, or if they will perhaps serve to complement other programs, such as investment incentives and training programs in inner cities, remains to be seen. To date, the evidence is limited, anecdotal, but somewhat promising; see, for instance, Dilulio (1997).
(Halpern 1995).

Community-based development efforts do, however, at least potentially avoid the imposition of development goals and policies on neighborhoods by planners who often have little direct experience — and certainly few if any vested interests — in the areas they plan to transform. Indeed, the motives of urban planning boards in U.S. cities have often had little to do with the well-being of lower-income residents of the neighborhoods that come under their scrutiny. Since the 1950s, urban reform and economic revitalization in the United States have more often than not involved forcing low-income and typically non-white residents out of an area by demolishing or otherwise diminishing the supply of affordable housing, and then bringing concentrated wealth in, in the form of entertainment complexes, high-rent office space, or relatively expensive homes and condominiums.

An emphasis on coordinating development from within marginalized communities, rather than imposing reforms upon them from without, seems to respect citizens’ basic freedoms to associate and act without being told by others what needs to be done (purportedly) in their best interests. And it is in this respect that a substantial degree of autonomous local control with respect to neighborhood development strategies is relevant to the deliberative and associative democratic ideas and proposals explored in the previous chapters.

In particular, a disturbing feature of urban regions in the United States is the degree to which lower-income citizens form a class whose distinctive reasoned judgements are rarely reflected in land-use planning and resource allocation decisions. The democratic promise of community development initiatives that interests me here is the possibility that lower-income communities may be able to marshal resources and coordinate activities so as to reshape features of public space around them, transforming elements of the informal public sphere, even as prevailing democratic institutions are largely unresponsive to their particular values and interests.

*Coordinating Community Development*

The local coordination of funding and programs in the United States is often carried out through community development corporations (CDCs). In a recent analysis of CDCs as a ‘bottom up’ urban renewal strategy, Randy Stoecker notes that, in practice, capital scarcity has forced CDCs to emphasize “supply side approaches of attracting capital” to low-income communities, instead of focusing on “demand-side approaches and political action” that
conceive of these neighborhoods "as oppressed communities requiring mobilization." And as Stoecker notes, the supply-side approach "can only work by assuming that capital (in the form of for-profit corporations) and poor communities have complimentary interests" (Stoecker 1997, 5).

This is, however, far from evident, and leads to another concern: CDCs mediate between capital and communities, but they must of necessity draw upon sources of funding outside of the communities they serve. Hence genuine community control over CDC activities is difficult, often impossible, since the CDC management must meet the conditions imposed by these external funders. Given these concerns, Stoecker argues that community development associations ought to focus on organizational issues, rather than practical development matters such as construction and finance. The business of organizing and voicing community interests should be kept separate from the business of funding and development, and if CDCs want genuinely to represent the interests of oppressed, marginalized communities, they must prevent their organizational role from being captured by the interests of external financiers and developers (1997, 12-13).

An Example. Boston's Dudley Street Neighborhood Initiative

Stoecker's argument appears to be supported by a prominent community development success story: Boston's Dudley Street Neighborhood Initiative (DSNI). After its first community meeting in 1985, the DSNI has been led by the neighborhood itself — a large majority of seats on the governing board are allocated for representatives from particular areas and groups within the neighborhood proper — rather than external financial and political interests. Through attentiveness to community needs and opinions, and careful management of relations with municipal and state agencies, DSNI's representatives have maintained their independence and responsiveness to the community (Medoff and Sklar 1994, 60-65), forging a coherent neighborhood plan for land use and investment, including coordinated action for street cleanups and pressuring the city to shut down illegal waste transfer stations in the neighborhood (Medoff and Sklar 1994, chapters 3-4). Perhaps the most remarkable success of the DSNI has been its acquisition of the financial and legal resources necessary to make a successful claim of eminent domain authority over vacant land within a thirty-acre segment of the neighborhood (Medoff and Sklar 1994, chs. 5-6; Halpern 1995, 204). Throughout these efforts, however, the DSNI has maintained an strong emphasis on its role as a gen-
uniformly representative neighborhood organization, within which residents can play an active role in formulating and voicing shared interests and plans of action. It is this sort of autonomous representation and coordination of distressed communities that Stoecker sees as crucial.

**Community Finance Initiatives**

The DNSI example demonstrates that local coordination of land uses is feasible, even in distressed communities; but the DNSI also makes clear that an important component of any community development initiative is providing improved access to financial services for traditionally under-served clientele in low-income central city neighborhoods.

Access to insurance and credit is important to the economic vitality of a community. As one commentator puts it,

> Banks, as an important source of capital, play a pivotal but often invisible role in determining whether a community will thrive or decline ... Mortgage and construction lending decisions are often made based on expectations about risk. Thus, banks’ expectations of neighborhood growth or decline often become reality – a self-fulfilling prophecy. Without a steady flow of credit, neighborhoods are reduced, even during periods of economic growth.\(^2\)

Some of the enthusiasm for credit provision as a community development tool is based on the successes of a few prominent ‘microlending’ and ‘microenterprise’ initiatives overseas, such as Bangladesh’s Grameen bank. Also relevant are the modest successes of similar lending programs in major U.S. cities, the most prominent of these being Chicago’s South Shore Bank. Also, Accion and Finca, best known for their efforts in developing countries, have both established small-scale lending programs in several U.S. cities, including New York, Chicago, and San Diego. In providing credit and related services (i.e. insurance, consultations, and borrower training programs) to traditionally under-served borrowers, these initiatives aim to spur economic transformation from within and nearby poor communities themselves, attracting external investment towards distressed neighborhoods through the active participation of local workers and entrepreneurs.

Debt can, of course, be especially catastrophic to poor households. But there are reasons to think that, under certain conditions, access to credit may be beneficial to some

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\(^2\)Charles Finn, quoted in Medoff and Sklar (1994, 25).
low-income borrowers. Credit can serve as a substitute for insurance in areas where conventional insurers refuse to offer policies, where opportunities for savings are scarce, or where the value of savings as insurance against income fluctuations is undermined by a variety of factors, such as high inflation, fluctuating prices of basic foodstuffs, or cultural disincentives to saving (Eswaran and Kotwal 1989; Udry 1990; Besley 1995). Although these conditions are most commonly cited by development economists with reference to agrarian communities in the developing countries of Africa, Asia, and the Americas, the similarities to impoverished and isolated neighborhoods in U.S. cities are striking: in both cases, basic infrastructure (schools, roads, water supply, and housing stock) are in poor condition; and residents who do find employment are exceedingly sensitive to fluctuations in the demand for labor. Furthermore, there are reasons to think that credit might have a positive impact on the welfare of communities, rather than just a few individuals. A 'community empowerment' argument for targeted credit initiatives stresses the need to provide effective means for entrepreneurs to transform their local economies in productive ways, encouraging external investment in the community, creating employment, and in general improving local economic circumstances.  

However, even when opportunities exist for poor borrowers to invest in private homes, start small businesses, or expand their present commercial activities, a lack of credit history and collateral may leave this clientele shut out of conventional credit markets. There is a growing body of evidence, from both developing and industrialized economies, to suggest that credit is in demand in poor communities, and that careful attention to the design of both institutions and contracts can overcome problems of screening, monitoring, and enforcement that plague even well-established credit markets.

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3The implied argument is that some degree of far-sighted risk-taking is critical to economic transformation, whether the economy in question is that of an advanced industrialized nation-state, or a relatively impoverished urban neighborhood. Classic statements of such an argument are provided by Veblen (1921) and Schumpeter (1934). On Schumpeter's view, for instance, the entrepreneur puts novel ideas into practice by accepting great risks, so as to provide the sorts of technological and organizational innovations essential to changing dominant means of production and thereby dramatically improving productivity. But novelty generally entails considerable risk, and risky endeavors cannot be financed without credit, which in turn requires lenders willing to accept risk themselves.

4On these problems see Stiglitz and Weiss (1981), who demonstrate that, where too little information is available for lenders to distinguish low- from high-risk borrowers, credit will be rationed, leaving excess demand. Under imperfect information, lenders will set interest rates below the market clearing rate, reasoning that demand for credit at higher rates suggests either (a) that the borrower accepts the high rate because she has a low expected probability of repayment (the problem of adverse selection), or (b) that in accepting the higher rate of interest, she will choose a correspondingly riskier investment than she might otherwise select, in an effort to achieve enough of an increase in return to compensate for the higher cost of credit (the
Limits to Credit as a Development Strategy in Urban Settings

In spite of the modest successes of several targeted credit initiatives in both industrialized and developing economies, there are good reasons to think that credit may not have a generally positive impact on poor communities. Poverty-stricken inner-city communities are in general bad places for businesses to start operating, given poor infrastructure, the limited resources of prospective customers, and often relatively high crime rates. In the absence of suitable incentives and opportunities for investment, credit is of no benefit to prospective borrowers. For credit to be at all useful to the urban poor there need to be investment opportunities available with expected rates of return that make repayment feasible and borrowing profitable, which in turn requires that there be markets for the goods and services that invested capital will be used to create. Furthermore, both lenders and borrowers need to be confident in the security of titles to both borrowed capital and to subsequent returns on investments. High crime rates and lax police response to emergency calls, both common features of distressed inner-city communities, can act as a strong disincentive to invest time and resources in or near crime-prone locations.

Given this concern, one scholar has recently argued that funding and incentives – such as tax benefits and wage subsidies to employers who meet quotas on hiring out of low-income neighborhoods, but also microlending initiatives – should target businesses that are already successful, and avoid prospective entrepreneurs (Bates 1995). But successful firms, although meeting formal employment quotas, may still find ways (less obvious than wage discrimination) to exploit workers from low-income neighborhoods, knowing that unemployment is an especially unattractive prospect for them. Hence a practical problem in the financial integration of poor communities, even once we have determined what counts as a viable target for credit and incentives within and nearby these neighborhoods, is how to promote and support entrepreneurship and investment while controlling or compensating

problem of moral hazard). In addition to problems of imperfect information, poor prospective borrowers often lack an established credit history or collateral, making them unattractive prospects for established banks. Furthermore, they often require loans in amounts too small to be justified by conventional lenders, for whom the high transaction costs relative to expected returns makes lending unattractive; on these problems and provision strategies, see Braverman and Guesch (1986); and Besley (1995); also, see Stiglitz (1990), and Besley and Coate (1995) on the formal properties of peer monitoring and group lending strategies that can be expected to pool risk and shift monitoring costs in favorable ways under certain conditions. Whether contract design is more critical in practice than either antecedent solidarity, or emergent solidarity inspired by institutional rituals and dedicated field workers, remains a point of empirical dispute: see Mosely and Dahal (1995); Bratton (1986); Hosain (1988, esp. 24-54); Hulme (1990); Wenner (1995); and Jain (1996, esp. 83-87).
for deleterious effects that financial opportunity and narrow self-interest can generate.

An Example: Chicago's South Shore Bank

An example of the ambiguous standing of credit-based initiatives is provided by what is arguably one of the most successful of such efforts in the United States: Chicago's South Shore Bank. Founded in the early 1970's under the auspices of the Illinois Neighborhood Development Corporation, the bank has managed to attract much-needed investment capital from outside of the South Shore neighborhood, and is now a viable commercial lending institution. Much of the bank's early activity was based on an explicit development focus, paired with an insistence on personal guarantees attached to individual loans – a very stringent condition (Taub 1988, 21-23), and a clear example of the bank's dual commitment to being both a community development institution and a profit-oriented enterprise. In his detailed history of the bank, Taub draws out the tensions that have arisen out of this dual nature, particularly in the bank's early years: in 1978 the Neighborhood Institute (TNI) was established as a non-profit affiliate of the Shorebank Corporation, designed to provide services that a for-profit organization such as the South Shore bank would likely have difficulty justifying to shareholders. Such services as job training, improved education, and tenant rights advocacy were prominent features of the TNI agenda. And as a non-profit organization, TNI was eligible for funding from non-profit foundations and certain government programs (Taub 1988, 116-22). Taub suggests, however, that after 1986 the institute has focused less on organizing communities around such issues as culture and education, and more on a concrete development issue: housing rehabilitation (121-22).

Recall that the DNSI example suggests the importance, for effective community-based development associations, of institutional designs that genuinely represent community interests and opinions, foster conditions conducive to neighborhood cooperation toward shared goals, and secure access to necessary financial services. The South Shore Bank/TNI case, however, provides an example in which relatively autonomous community organization is not clearly relevant to local economic reform through innovative financial institutions and practices.

But the successes of the South Shore Bank are ambiguous. The bank has succeeded in some modest sense as a financial institution, working in locations and serving a clientele that other banks have avoided; and the bank's activities have spurred some local investment.
However, the aggregate picture remains bleak: the South Shore of Chicago and nearby neighborhoods (Woodlawn, Hyde Park, Washington Park, Greater Grand Crossing, Avalon Park, Englewood and South Chicago) remain some of the poorest areas of the city. Several of these neighborhoods — including the South Shore — in fact saw a decline in physical infrastructure investment (commercial and residential) between 1977 and 1992 (as indicated, albeit incompletely, by the number of building permits issued for repair and improvement). All of these neighborhoods experienced rising unemployment between 1970 and 1990, and each of these neighborhoods saw a decline in the number of retail establishments in their areas between 1982 and 1987 (Immergluck 1994). Nor is the South Shore case unique: Boston’s Dudley Square neighborhood still faces relatively dire socioeconomic conditions, in spite of the successes of their neighborhood initiative.

To date, then, the successes of such existing community-based initiatives as grassroots community development associations, and local development banks with borrower training programs, are modest at best, and show no clear signs of becoming more profound and far-reaching, nor of making existing political institutions more inclusive and responsive to a variety of values and interests that are at present effectively excluded, or at the very least undervalued. But these initiatives do hold some promise as means of coordinating local interests in the areas they serve, giving these citizens effective voice in public matters that are of direct consequence to them, and giving them opportunities to reshape features of the informal public sphere (i.e. cleaning public spaces, creating or repairing neighborhood parks, establishing community centers for local youth, improving heath services), even as prevailing legal norms and political institutions tend to exclude them from effective influence at broader political scales.

6.2 Breaking Up Ghettos

But perhaps this democratic hope for community initiatives is too modest? Perhaps a more aggressive strategy is called for to break up the ghettos of American cities? In a recent essay, Owen Fiss (2000) suggests such a strategy. In contrast to the community-oriented initiatives just described, Fiss’s solution extends the intuition behind the famous 1976 supreme court decision in *Hills v. Gautreaux* that upheld a lower court judgement in 1969, ruling that both the Chicago Housing Authority (CHA) and the federal Department of Housing and Urban Development (HUD) bore responsibility for racial segregation in their location decisions
for public housing within the city of Chicago. The resulting *Gautreaux* program allowed residents of public housing to relocate throughout the Chicago metropolitan area.\(^5\)

But Fiss’s proposal is not limited to current residents of public housing in American cities; rather, his is a more ambitious effort to to break up the concentrated poverty and social isolation of entire ghetto neighborhoods, by using government programs and subsidies to create incentives for relocation by current ghetto residents to safer middle-class and racially integrated neighborhoods closer to employment opportunities. Fiss hints that the physical spaces of the former ghettos can then be left to private developers, to be transformed as markets dictate.

*Gautreaux* is not, of course, the only – or even the most prominent – attempt to solve the seemingly intractable problem of the central city ghetto in the United States. Federal and state welfare reform, and tougher police tactics in central cities, are prominent recent initiatives, and in the long term, they might end up having the desired consequence of breaking the self-perpetuating cycle of poverty, broken families, and welfare dependence within distressed central city neighborhoods. But the more immediate consequence of such measures has arguably been to exacerbate the painful results of the vicious cycle of poverty, discrimination, and fractured communities. Welfare reform has been justified to voters as a way to increase the efficiency of government by eliminating ineffective programs that have always been prone to exploitation; and certainly the trend toward tougher police tactics in cities such as New York has been politically popular, in that officials can appeal to safer city streets for affluent and predominantly white urban residents and suburban or out-of-town visitors. But these measures risk reifying treatment of symptoms – petty crime, vandalism, drug use, welfare dependence – at the expense of careful attention to the underlying pathologies that generate and sustain these symptoms.

A more promising set of strategies have involved efforts to intervene in the cycle of poverty, unemployment, welfare dependence, parental neglect, and general culture of despair and violence characteristic of the ghetto. The cycle begins early in a child’s life growing up in the ghetto, and efforts such as Head Start have tried to intervene early, to provide children with better guidance than they might otherwise receive in broken homes and fractured neighborhoods. Similar efforts have attempted to use public school curric-\(^5\)See Fiss (2000, 8-9); and see Rubinowitz and Rosenbaum (2000) for a history and evaluation of the program.
ula or neighborhood youth organizations to impart upon children the values of personal responsibility, self-respect, care for others, and a love of learning. But as Fiss notes, these programs can only reach so far into the lives of children and adolescents: eventually the child or teen must return home from the school or neighborhood community center, and if their home life is grossly inadequate, then these programs can have little effect there.

And then there are the strategies already discussed, that have tried to bring investment and employment back into the ghetto, along with improved access to credit and job training programs, and reform of public schools and other services. Fiss suggests that these efforts are doomed to failure. I think such an assessment is too strong: community-based initiatives – such as Chicago’s South Shore Bank, Boston’s Dudley Street Neighborhood Initiative, FINCA’s and Acción’s microcredit efforts in several U.S. cities, and a variety of faith-based community initiatives – seem to have some positive social and economic impact, however modest. And I think we ought to recognize the potential of these community-oriented initiatives to allow citizens to transform some features of the informal public sphere, in the face of marginalization by existing institutions in the formal public sphere. It must be noted, however, that in practice, these initiatives do not seem to be especially beneficial to the poorest and most troubled members of the communities they serve.  

But Fiss is correct, I think, to suggest that such strategies must fight an uphill battle against the many attitudes and incentives – both within distressed communities themselves, and outside of them – that sustain the poverty and isolation of the ghetto. Indeed, when efforts such as community banks and job training programs are successful, they may well have the perverse consequence of robbing communities of potential role models: as already noted, these programs tend to select for those residents who already possess sufficient motivation and some level of education and training; when these participants have been taught specific skills, given the necessary resources, and encouraged to succeed in, say, a business venture or community development project, they may eventually choose to leave the ghetto, in search of more lucrative opportunities and safer neighborhoods elsewhere.

Of course, the departure of talented and motivated citizens from the ghetto may not be a bad thing – an observation that leads to Fiss’s proposal: generate incentives and opportunities for people to leave the ghettos and settle in middle-class and racially integrated communities with good public services, and close to a variety of employment opportunities.

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6Again, see Bates (1995), and Servon and Bates (1998).
Such a project will be long and expensive, to be sure; and it will involve more than simply rent vouchers and reform of some zoning ordinances in residential neighborhoods: also required are the vigorous enforcement of existing anti-discrimination laws in realty and home financing, as well as supplementary education and job training programs, so that former ghetto residents can take advantage of these new opportunities.

Fiss is drawing on the intuition that, given the chance, many residents of poor and isolated urban ghettos would choose to find a home and job somewhere else, if only their effective mobility were not severely restricted. After all, many ghetto residents are honest, well-meaning, and dedicated people who would prefer a secure job located in or near a safe neighborhood with reliable public services and good schools; what prevents them from achieving these desired ends is the spatial structure of contemporary urban economies, and the exclusionary politics that prevents job seekers in the central city from locating near, or even easily commuting to and from, jobs in outlying areas. Given these conditions, Fiss argues that, as a point of justice, we owe citizens of these neighborhoods the chance to leave them, and find safe residence and gainful employment elsewhere.

I share Fiss’s sense that there are good reasons to challenge the motives behind – and the incentives that sustain – cultural, class, and racial homogeneity in U.S. urban areas, even if the costs of such a challenge are formidable. Indeed, the use of tax revenues to support such a sweeping and comprehensive venture seems eminently justifiable: after all, such uses of public funds and state powers are not simply the redistributive efforts criticized by libertarians such as Nozick (1974), and viewed with scepticism by scholars such as Epstein (1985). Rather, redistributive efforts in this case arguably represent an effort to correct past injustices and, in so doing, establish fair terms of political organization and economic activity.

Fiss’s proposed redistributive efforts ought to be understood in this way because prevalent patterns of spatial exclusion in American urban regions represent an interference with both political equality and freedom of choice: by virtue of the choices of others, political liberties have little value for some citizens in particular locations. And the choices of more affluent citizens constrain the effective mobility of these citizens, meaning they are not in any meaningful sense free to choose opportunities for residence and employment that are attractive to them. Of course, in a free society with a market-based system of economic production and exchange, we all face constraints on opportunities, and some of these are
plausibly implicated with the choices of others; but such constraints are objectionable insofar as they are sustained by institutions that encourage practices that violate the fair equality of political access and influence that democracy requires.

There are, to be sure, a range of ambiguities here, having to do not only with deep questions about the nature and appropriate extent of personal freedom, property rights, and legislative power; but also practical problems of adverse incentives and efficiency considerations associated with the sorts of policies Fiss is proposing. Obviously these are important and difficult issues, but rather than leaping directly into these complex debates, I instead want to emphasize two specific problems with Fiss's proposal.

First, even if feasible and justifiable, the incentives for voluntary relocation endorsed by Fiss also require a particular sort of democratic citizen, and it is not clear that Fiss's proposal is sufficient to foster the requisite sort of citizenship. And second, suppose that we care deeply about those citizens who, for whatever reason, cannot take advantage of incentives for exit from distressed central city neighborhoods. That is, suppose we think that justice demands concern with misfortune; for instance, the misfortune of being born and raised in the ghetto. We might think that such concern is especially important when misfortune seems to have originated in some sort of injustice, passive or active, past or enduring. If we take this stance, then we have good reason to think that Fiss's proposal requires some of the alternative strategies of reform that he himself criticizes, such as efforts to encourage investment and improved services in ghettos themselves. After all, not everyone can take advantage of Fiss's proposed incentives for training and relocation, and if we are committed to the ideal of fair deliberative pluralism, then those who remain behind in the ghettos under Fiss's scenario must still have a fair equality of life chances and political influence in the formal and informal public spheres.

Mobility, Mixing, and the Duties of Democratic Citizenship

If incentives can be put in place that succeed in breaking up the social and economic isolation of the ghetto by enhancing the mobility of residents, then citizens already in desirable neighborhoods must be discouraged from using political institutions and informal social mechanisms to re-establish purified spaces characterized by relative racial, cultural, and class homogeneity. Fiss implies that aggressive enforcement of existing anti-discrimination

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7On this see Sklar (1990).
laws may be sufficient in this respect, but I am less confident that good citizenship can be fostered in this way.

Somehow, citizens must be encouraged to respect diversity and complexity in their public lives, not simply to accept such diversity and complexity because of the likely legal consequences of opposition. But as Sennett and others have shown, this is just the sort of propensity that is generally lacking in the very residential neighborhoods that Fiss hopes to integrate with residents relocating from ghettos. And as I have argued, the spatial forms characteristic of residential life in relatively affluent neighborhoods tend to reinforce these attitudes, by allowing their bearers to sustain exclusionary regulations on land uses and public service provision in efforts to sustain property values and neighborhood quality. Yet Fiss’s proposal seems to allow these spatial forms and associated political institutions to remain intact, hoping that aggressive enforcement of anti-discrimination statutes will prevent these spatial forms from simply reproducing themselves over time, as the relatively affluent again seek to distance themselves from the less affluent, avoiding complexity and disorder in their public lives.

How can we at once respect the sovereignty of the autonomous rational agent as a bearer of reasonable life plans and attendant preferences; and yet also demand that citizens value diversity, complexity, disorder, and conflict? Some citizens may strenuously object to the idea that their neighborhoods should be heterogeneous in terms of class and culture, race and ethnicity. To this concern Fiss may reasonably rejoin that, over time, former ghetto residents who choose to relocate will raise themselves into the middle class: they will find employment, learn new skills, make new friends, and provide for their children, who can now attend good schools. These neighborhoods will become racially integrated, but will become more homogeneous in terms of socioeconomic class, and associated cultural values.⁸

But this rejoinder assumes that class homogeneity is acceptable, and in doing so it ignores both (i) the evidence that class homogeneity in urban settings tends to be implicated

⁸In their study of the Gautreaux program, which ended in 1998, Rubenowitz and Rosenbaum (2000) found that although many participants experienced setbacks and discouraging encounters after moving to suburban neighborhoods, they were nonetheless relatively successful in integrating into predominantly white and middle-class suburban communities, and racial discrimination by established residents (in the form of outright harassment, or more subtle forms of exclusion from neighborhood activities) tended to decrease over time. Of course, as both Fiss and Rubenowitz and Rosenbaum note, the Gautreaux program was rather modest in scope; and when relocation involved placement in suburban neighborhoods rather than other city locations, generally only a few families at a time would be placed, and they would find themselves in areas that remained overwhelmingly white and middle-class.
with objectionable strategies of social and economic exclusion; and (ii) the question of what will become of those ghetto residents who cannot integrate successfully into middle-class suburban communities, or who do not wish to do so. After all, Fiss’s proposal can only really help those citizens who have the means and motivation to help themselves once opportunities present themselves, and who desire to join the distinctive culture of the American middle class in metropolitan areas.

*Justice for Those Left Behind*

Some might conclude that this is the best that can be done for those citizens who, by brute bad luck, were born into a ghetto and never gained the necessary skills and motivation to enable them to leave. However, if this is the conclusion drawn, then the distinction between Fiss’s proposal and those he criticizes seems less clear: in each case, the proposed reforms only help a small number of people who already possess sufficient skills and personal motivation. Why, then, would we favor Fiss’s proposal over others, especially if these alternative proposals have the added, if modest, advantage of making the ghetto a slightly better place for those who cannot leave, even when new opportunities are provided?

We may still think some version of Fiss’s proposal is required as a point of justice, as he himself emphasizes; but we are unlikely to think of it as sufficient. If we care about justice in cities, then it will not suffice merely to enhance opportunities for employment and residence across boundaries of class and race; we must also attend to the processes that give rise to the spatial status quo, and provide marginalized voices with the opportunities to alter that status quo.

6.3 Takings, Mobility, and Fairness in Cities

To see the likely merits of Fiss’s approach — but also the degree to which the motives behind it counsel community-based efforts alongside Fiss’s favored initiatives — consider the practice of eminent domain claims in the United States. The fifth amendment of the U.S. constitution allows governments to take private property for public uses, provided that owners are appropriately compensated. Takings may involve the actual sequestering of resources, as when private land is taken for establishing a highway or waste processing facility. Or takings may involve the enactment and enforcement of regulation that effectively diminishes the market value of property in private ownership, as when conservation goals
motivate a municipal or state government to restrict commercial development near wetlands, or forest habitats of endangered species.

Of course many state actions serve the public interest, but do not seem to require compensation: I may have legal title to property, but if my use of that property harms others, then the state may use its police powers to restrict my activities, so as to prevent harm to others. Such actions do not require compensation, as I had no right to engage in such activities in the first place.

But other state actions serve the public interest in ways that do seem to require compensation. The state is charged with providing and maintaining vital public services, such as roads, communications infrastructure, and a range of regulations that ensure public health or secure ends that many citizens value highly. These services require activities and facilities that must be located somehow, and this inevitably imposes unequal and unexpected burdens: when new highways or waste management facilities are required, some citizens must bear the costs associated with having these facilities located on or near their property. Similarly, new scientific discoveries may inspire government regulations that serve the public interest, by restricting activities the harms of which could not have been foreseen by reasonable persons prior to the discoveries in question. When new regulations are enacted based on these discoveries, they will often alter the market value of some properties and commercial activities, and the current owners may have a reasonable claim to compensation: after all, prior to the discoveries that precipitated the new regulation, they could not have foreseen that their property would change in value so dramatically.

In such cases, the 'just compensation' requirement has generally been interpreted in terms of fair market value for the property in question. Some philosophers have taken the position that any effort to redistribute resources from private ownership for the public interest is an act of taking. Nozick (1974) has defended such a position, arguing that efforts to achieve any standard of equality in distribution must interfere with the rights of individuals to dispose of their property as they see fit. Epstein (1985) has argued for a similar position, allowing government takings, but strictly limiting the scope of such claims, and requiring more by way of compensation than has been the norm in U.S. legal history. Munzer (1991) has framed the takings problem in terms of more complex understandings of property rights, while Fischel (1995) has emphasized the importance of political structure and scale in determining appropriate limits to property use, and acceptable terms of compensation.
I do not intend to summarize, much less to intervene in these richly textured philosophical, legal, political, and economic debates, save to note that each of the major contributors proceeds from plausible and attractive intuitions, and each is sensitive to both the benefits of regulation and the importance of personal freedoms. Rather, what I wish to stress here is that too few of these arguments consider the problem of privileged voices in urban politics, or the uses of local political institutions and informal social mechanisms to control access to, and uses of, spaces in ways that maintain location-specific inequalities.

What is required is explicit attention to how local and state governments determine the common interest in takings cases. What we need is some way of determining whether or not a claim of takings – whether in actual claims on land, or through regulation – is indeed in the public interest as determined by the relevant public, and how the use values lost through takings could be compensated in ways acceptable to those so burdened. Attention to the deliberative formulation of use values and compensation schemes through local assemblies may address this concern to some extent, although tensions obviously remain between competing use values over the same or proximate spaces.

The Dudley Street Neighborhood Initiative in Boston provides an example of how eminent domain claims can be initiated by local groups in creative ways that are responsive to a range of local interests that have trouble being heard in existing legislatures and administrative agencies. The DSNI collected funds sufficient to purchase vacant lots, and made an eminent domain claim over these spaces, allowing the neighborhood itself to exert direct control over land uses. In contrast, many eminent domain claims in cities involve the siting of commercial facilities such as new stadiums, hotels, famous chain warehouse-style stores (such as Ikea or Home Depot), or convention centers. From a democratic standpoint, the difficulty with the latter sorts of cases is that the public interest is too often appealed to in terms of increased employment and consumer choice, but without adequately considering a range of use values, the bearers of which have difficulty being heard and taken seriously in the relevant political and legal proceedings.

Nonetheless, some such inequalities of voice and consideration might be justified, if compensated citizens could in fact choose favorable places of residence elsewhere – that is, if they could realistically ‘vote with their feet’. But at present, fair compensation according to market value does not account for the fact that many low-income citizens cannot realistically move to other neighborhoods. By appealing to market values, existing means of calculating
and negotiating compensation do not account for the exclusionary practices that sustain the relevant markets for property and services, and that in doing so strictly limit mobility for some of the citizens being compensated. Many tendencies in urban land use are thus problematic insofar as they tend to disadvantage a particular class of citizens who cannot easily opt to leave their neighborhoods for more attractive jurisdictions, where market processes and government policies and services better reflect their favored use values. The political processes of valuation and control over spaces and land uses ensures that effective mobility is extraordinarily limited for just those citizens who endure grossly inadequate services.

This feature of urban reality typically receives inadequate attention in Tiebout-style justifications of decentralized authority over public service provision: a powerful argument for providing services through a range of municipalities rather than a central authority was provided in 1957 by Charles Tiebout, who argued that competing municipal governments might approximate a market for public services. If municipal governments offered particular bundles of services at a certain tax rate, citizens could ‘vote with their feet’, moving to the municipality that provides the services they most value, at the tax rate they are willing to pay. For most public services there will be increasing returns to scale up to a critical membership level, beyond which increased numbers of recipients will increase the tax rate required to provide the same bundle of services. Thus an equilibrium should emerge, with the most efficient means of providing particular bundles of public services being limited to an ideal membership level at which tax rates are lowest.\(^9\)

Decentralized municipal governments might, under some conditions, approximate markets for local public services. And they seem intuitively pleasing from a democratic standpoint, insofar as relatively independent jurisdictions promise to allow citizens more control over outcomes that affect their daily lives. However, municipal institutions modeled after Tiebout-style prescriptions threaten to sustain the biased assessments of values in urban spaces examined in chapter 5: these political divisions create barriers for those facing rigid budget constraints, and who are excluded from a variety of formal and informal social

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\(^9\)This and related models have been the subject of some controversy (for instance, see Lightbody 1999) and numerous extensions (for instance, see Ostrom, Tiebout and Warren 1961; Schneider 1989; Lowery and Lyons 1989; de Bartolome 1990; Percy and Hawkins 1992; Schneider and Teske 1992; Teske et. al. 1993; Economides and Rose-Ackerman 1993; and Kollman, Miller and Page 1997), particularly in the study of school choice (see Chubb and Moe 1987; and Henig 1994), and the organization of public school districts (see Schneider et. al. 1997).
networks related to employment and housing opportunities. These disadvantaged citizens cannot realistically choose the bundle of goods and services that best suits their budget and preferences.10

Could we increase the effective mobility of some relatively disadvantaged citizens by using state and federal tax revenues to support rental and school voucher programs, education incentives, training programs, and aggressive enforcement of existing statutes against discrimination by employers, banks, and realtors? Perhaps, and insofar as Fiss’s proposal promises to increase effective mobility in this way, we have good reason to support such an initiative. But if we believe, as Fiss does, that justice requires us to correct the wrongs associated with the spatial and socioeconomic status quo in American cities, then we must surely also support initiatives that seek to make distressed central city communities safer and more economically viable for those who cannot relocate for reasons they are not responsible for, or for those who simply do not wish to do relocate, for reasons that other citizens of a free society have no good cause to dispute. And we would support such initiatives not only out of concern for those left behind, but also to ensure that these citizens can contribute to assessments of the public interest, and play an active role in negotiations over competing land uses that affect them.

10 On this idea, compare Hill (1974); and see Weir (1994); but see Ostrom (1983); also, Morgan and Mareschal (1999) examine a sample of U.S. metropolitan areas and find that income disparities between suburbs and their central cities are not clearly associated with three plausible measures of metropolitan political fragmentation. They do, however, find that political fragmentation is associated with a higher degree of black racial isolation in these urban areas.
Conclusion

I began this work with several questions: when is democratic authority legitimate? what conditions are favorable to legitimacy? do such conditions exist? if so, do we find legitimate democratic governance when favorable conditions prevail? if not, why not? Let me conclude by outlining the answers to these questions that I think emerge from the preceding reflections on democracy and city life.

When is Democratic Authority Legitimate?

An account of legitimacy involves assumptions, principles, and arguments in terms of which authority is justified. Democracy is an ideal of popular sovereignty, according to which legitimacy is ultimately assessed in terms of the judgments of those governed. Republican accounts of democratic legitimacy since Rousseau have made strong claims about the motivations and capabilities of citizens, and the circumstances of political organization. Since Locke, procedural and constitutionalist accounts of legitimacy have made similarly strong claims about the acceptability of particular standards of fairness and right. But the fact of reasonable pluralism, central to Rawls (1993) and Cohen (1993), undermines any strong claims about the common good, citizen virtue, natural law, or the likelihood of rational consensus on fundamental principles of fairness and right. I have followed several theorists in arguing that such conditions favor a deliberative account of democratic legitimacy. I have further argued that a key virtue of the deliberative account is that it can accommodate a republican concern with virtue, while remaining attentive to the acceptability of fair procedures in plural settings, especially to persistent minorities.

Why deliberation? We might try to justify a deliberative account of legitimacy in terms of epistemic properties, arguing that inclusive public deliberation improves the quality of information and private judgements about public matters. Or we might appeal to the
transformative consequences of such deliberation, arguing that it can shape beliefs and opinions towards consensus, or at least encourage convergence along one or a few fundamental issue dimensions. But I have suggested that the legitimating potential of epistemic and transformative consequences of deliberation is modest at best. Insofar as we might hope for deliberation to yield the correct answer to shared problems, these problems must admit of answers that can be meaningfully described as ‘correct’; and deliberation must be carefully structured and monitored, to avoid unjustified deference by some participants toward others, and to ensure that a variety of relevant facts and contending reasonable arguments actually receive fair consideration in public debate. And insofar as we may find deliberative transformations desirable, we must already have an account of legitimacy — and corresponding conceptions of citizenship and fairness — in terms of which deliberative practices are constrained.

I have argued that one such account is especially persuasive: legitimate collective decisions emerge from procedures supported by reasons acceptable to those governed, procedures which themselves involve the public offering and evaluation of reasons for specific policies, through a variety of associations and assemblies in both the formal and informal public spheres. This normative stance is relevant whenever and wherever collective decisions lead to significant burdens that may be forcibly imposed on others: such burdens, and claims that they may be imposed in the public interest, create a constituency that must be addressed in terms of sincere and informed reasons. Indeed, fair deliberative procedures for the public evaluation of reasons are desirable just because the significance and necessity of imposed burdens will often be contentious matters, especially under conditions of social diversity and organizational complexity. This account of democratic legitimacy leads naturally to an ideal of democracy as fair deliberative pluralism: fair deliberative procedures must be widely inclusive; self-evidently grounded in a commitment to reasonableness and mutual respect; and they must be such that members of persistent minorities have a reasonable expectation that their deliberative activities will eventually transform at least some features of the public sphere, in ways that are more responsive to their distinctive values and interests.
Favorable Conditions for Legitimacy?

Although both the deliberative account of legitimate democratic procedures and the ideal of fair deliberative pluralism are broadly relevant, I have focused on features of modern urban regions to explore both the empirical conditions favorable to legitimate democratic governance, and the factors that interfere with the realization of any such ideal. We can find in cities certain spatial and organizational features that are favorable to a distinctly democratic psychology of citizenship under conditions of diversity, disorder, and conflict. Technologies of communication, transportation, and surveillance can be deployed in urban regions in ways conducive to the associational richness and deliberative networks favored by recent theorists of deliberative and associative democracy.

But although I turn to modern cities in my analysis, the conditions favorable to realizing the deliberative account of democratic legitimacy are demographic and structural, and are not limited to any specific geographical, cultural, or historical setting. Indeed, the features of cities that I emphasize – density and diversity of populations and associated values and practices, economic interdependence, high-volume transportation and communications networks and associated technologies – are increasingly widespread both within, and among, industrialized regions, even among historically defined nation-states in Europe and North America. Urban regions increasingly mirror the spatial and organizational features of the modern world.

Do Favorable Conditions Sustain Legitimate Democratic Governance?

Cities should matter to democratic theorists because critical features of urban regions are increasingly also features of broader geographical regions. And of course cities should matter to these theorists for their promise of sustaining ethically appealing forms of democratic governance. But at an even more basic level of concern, cities should matter to us because a great many people live in urban regions, and these regions are sites of acute and persistent inequalities of resources and life chances.

The inequalities and exclusions characteristic of city life are the democratic failings of cities: spatial and social conditions that ought to favor institutions and practices associated with the deliberative account of legitimacy are instead implicated with an exclusionary politics of spatial control that is not especially deliberative, and which undermines the democratic credentials of much of the citizen participation that we do find in urban settings.
Under these conditions, some citizens will that find their sincere interests and reasoned judgements are only rarely influential in the formal public sphere.

In modern U.S. cities, legacies of racial discrimination have combined with both (i) economic imperatives favoring locations away from city centers for an increasing number of businesses, and (ii) a widespread preference among affluent citizens for private homes on large lots in low-density residential areas. The results have been capital and middle-class flight into sprawling suburban communities and exclusive urban enclaves, and the emergence and persistence of urban ghettos, characterized by concentrated poverty and unemployment; extraordinary physical, social, and emotional isolation from the rest of the urban region; inadequate public services and declining infrastructure; high crime rates; and very few employment opportunities. And while affluent urban enclaves and outlying suburban neighborhoods tend to be relatively safe, and offer favorable public services and an increasing array of employment opportunities, they also tend to be poorly serviced by public transit from other parts of the metropolitan area, particularly the central city. Worse yet, local politics in many suburban communities sustain high housing prices and land use restrictions that make it all but impossible for less-affluent city residents to move to safer neighborhoods with better services and more employment opportunities. Market speculation achieves much the same effect in exclusive urban enclaves. In outlying communities, political efforts are too often directed at preventing easy access to these neighborhoods by public transit, or by any unauthorized person, as in the case of gated communities with guarded entrances and regular patrols by private security forces.

I have argued that political strategies of spatial control – through which urban spaces are valued and boundaries maintained – are central to persistent patterns of urban inequality and exclusion. In modern economies, the dominant valuations of urban spaces arise, either directly or indirectly, from a variety of markets. A great deal of local politics in suburbs is bound up in efforts to sustain the market values of private housing and the perceived quality of neighborhoods; this tends to sustain spatial boundaries that preserve homogeneous neighborhoods, residents of which show little interest in extending their concerns beyond their own neighborhood. In contrast, city politics is often dominated by efforts to attract and sustain commercial investment within the city limits; this tends to privilege businesses and property owners who are often not themselves the users of the spaces they own.

These spheres of political interests and activities are often in tension: for instance,
suburban residents demand quality public services and yet are often resentful of high tax burdens. But what is lost in these political and market processes are the values of some uses of urban spaces; and certainly lost is any sense among many affluent citizens that politics could involve a broadening of one’s perspective, to accept burdens that might not be in one’s own immediate interests, but which would better secure the conditions under which all citizens face a fair equality of access to, and influence over, political decisions that affect their lives.

Prospects for Legitimate Democratic Governance

The account of democracy as fair deliberative pluralism argues that fair access to, and influence over, processes of public deliberation leads to authoritative decisions which approximate an ideal of social cooperation according to which authority over others is justified in terms of principles and procedures that are supported by reasons acceptable to those so burdened. And when reasonable interests conflict, equal access to public deliberation ensures that compensation is negotiated according to processes which pool diverse sources of information such that no interests and perspectives are marginalized or excluded in a systematic way, while also allowing for spaces for dissent and organization toward eventual change.

Even when some interests persistently fail to be decisive under formal democratic institutions, bearers of these interests (and associated values, traditions, and aspirations) must have access to spaces of dissent and resistance in the informal public sphere, and they must have the reasonable expectation that their activities in these spaces will shape some features of public life to be more accommodating of their values and interests. I have suggested that, although the economic and political impact of community development initiatives seems modest according to most conventional measures of political influence and economic well-being, they nonetheless hold the democratic promise of allowing citizens to give voice to their distinctive values and interests, shaping the circumstances of their lives, and exerting control over relevant public spaces, even as prevailing institutions remain largely unresponsive. This is faint praise, perhaps, but it is nonetheless a democratic virtue, however modest.

But this is not the only virtue of such associations and attendant practices: in the case of urban politics, a fair equality of access to public deliberation through local associations
can have epistemic value, in the sense that decisions about fair terms of compensation include all relevant voices, and are open to subsequent reexamination and reformulation. By including residents’ voices more effectively in local decision-making, and use and resource allocation decisions can be made in light of more informed and nuanced uses of available information. This in turn will lead to fairer and more reliable estimates of costs and benefits. Given these estimates, options can be considered with input by those who actually reside in the areas zoned for specific developments, and more equitable compensation for residents can be negotiated. The depth of economic interdependence in cities makes the emergence of public discourse and deliberation among citizens relatively easy to encourage. And once these activities are recognized, encouraged, and linked to broader regulative authorities, informational benefits can be gained that are either (i) easily lost in the more bureaucratized, hierarchical systems of neighborhood representation typical of some existing municipal governments; or (ii) difficult to achieve in fractured cities characterized by multiple independent jurisdictions.

The point of this epistemic claim is not just that certain forms of associations can empower those whose interests tend to be neglected in city and regional politics, although this is obviously an important concern as regards democratic fairness and, as I have argued, it is required by the ideal of fair deliberative pluralism. But the epistemic argument buttresses a concern with fair influence in public decisions, by further ensuring that estimates of costs and benefits by decision-making bodies accurately reflect the costs estimated through informed and sincere public consideration that includes those who will actually bear these burdens. It is in this vital sense that fair access to public deliberation in local settings has epistemic value.

An obvious problem with this position is that rational agents will have some incentive to behave strategically in deliberative settings; for instance, those in search of generous compensation are likely to overstate the costs they expect to bear if a particular land use is decided upon. The role of deliberative public arrangements, when suitably constrained by appropriate accounts of fairness and responsible citizenship, is to place all judgements about such matters before the scrutiny of others, a prospect that ought to discourage parties to deliberation from making unjustifiable claims based only on self-interest, since revelations of dishonesty or merely strategic posturing may well carry significant reputational costs during subsequent public deliberations. This is especially so in urban settings: in cities, there is a
rapid enough turnover of population to ensure uncertainty about the distribution of values and interests; however, there is also a degree of stability to neighborhood populations, so that residents can expect to interact with many of the same neighbors, merchants and local officials on a regular basis for months, often years.

But here we see a critical dilemma for any application of the deliberative and associative account of democratic legitimacy, not only to modern urban regions, but anywhere that vested interests attend to fixed locations: the relative stability of a subset of an urban population is precisely what leads to unequal voice and political influence in urban regions. Those citizens with relatively fixed interests in cities, who intend on living and working in the area for some time, are the ones whose voices are heard more often in urban politics.

This dilemma suggests a constraint on deliberative fairness in the politics of land use and boundary construction and maintenance, certainly. But it does not suggest that such a politics is impossible. The ideal of democracy as a fair pluralism of deliberative associations can accept unequal voice and influence arising from vested interests in specific locations, but only to the extent that these inequalities arise from differing use values of urban spaces, as determined through free and fair deliberation by those citizens who are clearly stakeholders.

The intuition here is that nonresident interests should not be permitted to trump the considered judgements of residents about the costs and benefits of particular land uses, and related investment decisions, in or near their neighborhoods. For instance, merely to assert that a new development will increase employment opportunities and provide valuable commercial services to residents does not adequately account for the range of use values that residents may associate with the spaces to be developed. If eminent domain claims are based in such assertions about the public good, assertions that are dominated by privileged commercial voices, then they are presumptively undemocratic. To the extent that nonresidents are stakeholders in certain land use decisions (and in the case of expensive land uses, such as road repair or new housing stock, this will almost always be the case), compensation to residents for takings should reflect the considered judgements of residents themselves, voiced through free discussion in light of available information. In particular, it is vital to ensure that negotiated compensation accounts for the severe limits on the mobility of some citizens being compensated. Appeals to the market value of properties in determining just compensation tend to ignore this important point about the political and social sources of effective constraints on mobility that some citizens face.
Nor should compensation necessarily be final: if new information comes to light about the actual costs of particular investments and activities, then residents must have not only formal legal recourse to corrective measures, but also the effective means to pursue legal remedies in a timely fashion. This observation has radical implications only insofar as it suggests that legitimate democratic governance requires efforts to enhance the effective legal and political recourse available to presently disadvantaged citizens, when their interests are threatened by actions purportedly taken in the public interest, and when a range of formal and informal norms and practices constrain their effective mobility, thus limiting the opportunities available to them once compensated.
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