

## Why Can't We Have It All?

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In "Activist Challenges to Deliberative Democracy," Iris Marion Young suggests some important revisions to the theory of deliberative democracy, in particular, that the theory should include strategies for exposing structural inequalities and systems of cultural hegemony that inhibit democratic decision making, even in genuinely inclusive settings. Young presents significant challenges to currently existing theory and contributes valuable modifications. In her essay, however, Young examines deliberative democracy's potential, not primarily for social criticism from the perspective of ideal theory, but mainly for directing citizen action under actual conditions and not merely counterfactual ones. Thus I want to examine the debate between the deliberative democratic and the activist as purportedly conflicting prescriptions for how citizens ought to be politically engaged. At this level of real world engagement I see more potential for a combination of activist and deliberative strategies than Young apparently does (although she does hold that the "deliberative democrat and the activist ought to be allied").

As initially described (though this position is softened later), the deliberative democrat rejects all activist strategies that are non-deliberative as being too much like interest group politics, presumably a matter of power rather than rational persuasion. The deliberative democrat finds the "stance of the activist wanting in civic virtue." She regards activist tactics as "uncooperative, unreasonable, and unproductive" and holds that they undermine "trust and civic engagement" and "are damaging to healthy democracy." The rejection is mutual. Although initially concerned about deliberation with powerful elites, by the end of the essay, the activist refuses virtually all efforts at deliberation under conditions of structural inequality and cultural hegemony (that is all real world deliberation). Given such wholesale rejection of each other's positions, the citizen is compelled to choose between deliberation and activism, both on each particular occasion of action and as life stances. It appears that one or the other must win the day as the proper prescription for virtuous citizens who are trying to bring about greater social justice.

But why not both? In *Democracy and Disagreement*, deliberative democrats Amy Gutmann and Dennis Thompson consider the example of the strategies used by Senator Carol Moseley Braun to defeat efforts to renew the Daughters of the Confederacy's patent on the Confederate flag insignia.<sup>1</sup> Moseley Braun initially persuaded the members of the Judiciary Committee to deny the request, but Senators Jesse Helms and Strom Thurmond attached the renewal as an amendment to the national service bill. After the amendment passed a test vote, Moseley Braun took to the Senate floor. She argued that putting the Senate's "imprimatur" on a racist symbol was an "outrage" and "insult" that was "absolutely unacceptable" to her and millions of Americans both black and white. Her speech was described as an "oratory of impassioned tears and shouts" and she threatened a filibuster. At the end of a three-hour debate, the amendment failed. Commenting on this example,

Gutmann and Thompson write: “even extreme non-deliberative methods may be justified as necessary steps to deliberation.” Thus they are willing to accept a combination of activist tactics and deliberative methods.<sup>2</sup>

There is a debate in the literature about how best to analyze this example, each side wishing to claim it for themselves. Stanley Fish thinks that Moseley Braun succeeded, not by changing the senators’ minds through offering justifying reasons against the patent renewal (the deliberative method) but by upping the political ante so high that the senators had reason to fold (the activist strategy). On Fish’s view, the senators folded because they could not afford to be seen as supporting racist symbols, especially when confronted by the only black Senator.<sup>3</sup> Perhaps we cannot know whether Moseley Braun changed the senators’ minds or only their votes. But I think Gutmann and Thompson have a point when they argue that Moseley Braun might not have succeeded if her appeal had been “purely strategic, asserting only a claim of interest and making no appeal to moral principle.”<sup>4</sup> It was the combination of activist tactics and deliberative argument that brought success. And if one can combine these stances on particular occasions while remaining both civically virtuous and strategically successful, then one need not make an overall commitment to one stance or the other. (Of course, deciding when and how to take each stance or what combination of methods to use will be an enormously difficult matter of moral and political judgment.)

So what is the argument against the intuitively appealing stance of deliberating when one judges that the appeal to moral principle and justifying reasons for a particular course of action has some hope of changing minds, but remaining willing to employ morally permissible activist strategies to get the deliberative process off the ground, or even to negotiate a mutually advantageous *modus vivendi* when that is the best that can be accomplished in the circumstances? What reasons do the deliberative democrat and the activist have for total rejection of each other’s stances?

Young’s debate confronts the deliberative democrat with four challenges by the activist. As a consequence of the first two challenges, Young’s deliberative democrat does come to accept the appropriateness of activist strategies on some occasions. She “will likely join the activist to protest outside exclusive and private deliberations” and she agrees that “protesting and making demands from the outside may be an effective way to bring attention to injustices that require remedy.” At this point, she agrees with Gutmann and Thompson that non-deliberative methods may be justified as steps toward deliberation. The activist, however, remains unwilling to combine his activism with deliberative methods. The activist’s final challenges all concern his worry that, under conditions of structural inequality and cultural hegemony, his joining in deliberations with those with whom he disagrees will simply confer legitimacy on a process that cannot produce the just social arrangements he desires.

What response does the deliberative democrat have to the very real possibility of co-optation? While granting that activist strategies have point in revealing injustices, Young’s deliberative democrat holds that moving social arrangements

toward greater social justice requires entering deliberative fora to shape the form such changes should take and to attempt to convince those who disagree that justice requires these changes. While Young presents this argument as a response to the activist's second challenge (that is, that formally inclusive settings will still favor the privileged), it appears to apply to the final two challenges as well (that is, that the procedures and agenda and the modes of discourse of even truly inclusive settings will still favor the privileged.) Had Moseley Braun adopted the activist stance, she presumably would not have run for the Senate and hence would not have been in a position directly to affect the Senate's vote on patent renewal for the confederate flag insignia. Would democracy really be better off, the deliberative democrat might ask, if no citizens of civic virtue concerned with social justice were among our political representatives or in corporate board rooms or other crucial decision-making venues? Is it possible to both enter such deliberative fora and use activist strategies to raise the stakes, as Moseley Braun did? Is it possible to work from within to point out the unjust constraints on the decision-making process that the activist reveals and work to transform them? Could this be one way of embodying Young's suggestion that the "responsible citizen should remain at least *partially* outside [deliberative processes]?" (my italics) Does being "partially" outside mean that one can also be "partially" inside, participating in deliberations but not forsaking activist strategies and insights? Can one be *in* the deliberative forum but not wholly *of* the deliberative forum?

It is the activist's stance in the final challenge that I find particularly puzzling. Here the activist rejects entering deliberative fora that are "removed from the immediacy of the given economic imperatives and power structures, where representatives of diverse social sectors might critically discuss those imperatives and structures, with an eye to reforming the institutional context." The activist refrains from participation because he fears the conversation will be distorted through the operation of hegemonic discourse. Even if agreement is reached under such conditions, he believes it cannot be regarded as the result of genuinely free consent.

I think the activist fears of decisions arrived at under conditions of cultural hegemony are well founded. But I assume that those citizens attracted to critical discussion of current structures with the intent of reform will likely be members of oppressed groups and their allies, although they may be affected by the operation of hegemonic discourse. Would the activist reject deliberation with the oppressed who are victims of cultural hegemony and with their allies who are interested in transforming unjust structures? Would not this be a forum for uncovering and challenging hegemonic discourse? What other course of action is left to the activist? Does he, in Paulo Freire's words, become a "leftist sectarian" who attempts to make the "transformation *for* the oppressed rather than *with* them?"<sup>5</sup>

To conclude, I do not find the argument of the activist compelling that "citizens committed to promoting greater justice should stand *outside* the houses of power and sites of deliberation." I think one can, like Moseley Braun, both employ deliberative methods and use activist tactics without being a dupe and, on occasion, with some prospects of success. I certainly do not suppose that it is easy to do so. Nor would

I reject those who devote their lives solely to the activist role. They often play an indispensable part in calling attention to social injustice and bringing a halt to business as usual. But I think we are better served if not *all* virtuous citizens make activism their sole stance. How can one argue for the creation of more inclusive settings of deliberation and at the same time urge honorable citizens not to join those deliberations until conditions are ideal? On the other hand, I do agree with Young that deliberative democrats who refuse all activist strategies in real world political settings need a more robust sense of political reality.

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1. Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge: Belknap Press of Harvard University Press, 1996).

2. *Ibid.*, 135.

3. Stanley Fish, "Mutual Respect as a Device of Exclusion," in *Deliberative Politics: Essays on Democracy and Disagreement*, ed. Stephen Macedo (New York: Oxford University Press, 1999), 100.

4. Amy Gutmann and Dennis Thompson, "Democratic Disagreement," in Macedo, *Deliberative Politics*, 258.

5. Paulo Freire, *Pedagogy of the Oppressed*, trans. Myra Bergman Ramos (New York: Continuum, 2000), 38, 67.