



DELIBERATIVE FREEDOM

*Deliberative Democracy
as Critical Theory*

Christian F. Rostbøll

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Deliberative Democracy as Critical Theory

CHRISTIAN F. ROSTBØLL

State University of New York Press

Published by
State University of New York Press, Albany

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For information, contact State University of New York Press, Albany, NY
www.sunypress.edu

Production by Eileen Meehan
Marketing by Michael Campochiaro

Library of Congress Cataloging-in-Publication Data

Rostbøll, Christian F.

Deliberative freedom : deliberative democracy as critical theory / Christian F. Rostbøll.

p. cm.

Includes bibliographical references and index.

ISBN 978-0-7914-7459-4 (hardcover : alk. paper)

1. Democracy. 2. Liberty. I. Title.

JC423.R6176 2008
321.8—dc22

2007036638

10 9 8 7 6 5 4 3 2 1

For Kathrin, Leo, and Siri

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Acknowledgments

I began this book as a graduate student at Columbia University and I would like to begin by expressing my gratitude to my teachers there. I owe a special debt to Jean Cohen, who has been a continued source of inspiration, encouragement, and critical comments. I also feel extremely fortunate to have had Jon Elster as a reader. His analytic clarity and astute comments have helped me avoid many invalid arguments. I am immensely grateful to them both for their invaluable advice. Other teachers at Columbia who have inspired me by their teaching and/or commented on my work and whom I wish to thank are Robert Amdur, Brian Barry, Bernard Berofsky, David Johnston, Philip Pettit, Jeremy Waldron, and Nadia Urbinati.

Many friends have commented on my work over the seven years or so I have worked on this project. I would like to thank Pablo Gilabert, Tore Vincents Olsen, Reidar Maliks, Andreas Kalyvas, Daniel Cordes, Hans-Martin Jaeger, and Scott Morison. A special thank you goes to Chris Zurn, who did much more than what one could expect from a reviewer and who gave me a lot to think about. I thank Laura Inman and Katherine Pettus for diligent copyediting, and Theresa Scavenius for her help in composing the index. At SUNY Press, I thank Michael Rinella and Eileen Meehan.

I also would like to thank my students at Columbia and Wesleyan during the period 2001–2004. At Wesleyan, I was fortunate to be able to teach two courses directly related to my research, one on deliberative democracy and one on freedom. At Columbia, teaching contemporary civilization helped me situate my thinking in the tradition of great books.

I have presented a number of papers that in some form or another found their way into this book at different conferences and seminars,

including the Annual Meeting of the American Political Science Association in Boston in 2002 and in Philadelphia in 2003; the 11th Annual Critical Theory Roundtable, Stony Brook University, 2003; the 61st Annual National Conference of the Midwest Political Science Association, Chicago, 2003; the Colloquium on *Philosophy and the Social Sciences*, hosted by the Institute of Philosophy, Academy of Sciences of the Czech Republic, in cooperation with Charles University, Prague, in 2001 and 2003; and the Thirty-fourth Annual Meeting of the Northeastern Political Science Association, Providence, 2002. I would like to thank the participants in these events, in particular, Susan Bickford, Elizabeth H. Ellis, Cathrine Holst, Arto Laitinen, Michael Lipscomb, and Brent D. Lollis.

I dedicate this book to my wonderful wife Kathrin and to our children Leo and Siri.

I thank Sage Publications for permission to reprint and rework parts of the following articles:

“Preferences and Paternalism: On Freedom and Deliberative Democracy.” *Political Theory* 33:3 (June 2005): 370–96. (© Sage Publications, 2005)

“Emancipation or Accommodation? Habermasian vs. Rawlsian Deliberative Democracy.” *Philosophy & Social Criticism* 34. (© Sage Publications and David Rasmussen, 2008)

Introduction

[E]very democracy, they say, has liberty for its aim.

—Aristotle, *Politics* 1317a40

Democracy and freedom are clearly related in the popular imagination. Political actors often use them synonymously—promoting democracy is seen as identical to promoting freedom. This is true both of governments and among protest movements.¹ When the United States, under the Bush administration, initiated “Operation Iraqi Freedom” in March 2003, it was taken for granted that bringing freedom to Iraq meant bringing democracy to Iraq.² Assessing the progress of the operation in his 2004 State of the Union Address, George W. Bush said, “As *democracy* takes hold in Iraq . . . the Iraqi people will live in *freedom*.”³ When Chinese students demonstrated against the authoritarian Communist regime on Tiananmen Square in Beijing in May 1989, they called their statue resembling the Statue of Liberty “the Goddess of Democracy.” For the protesters there would be no meaning in distinguishing between fighting for freedom and fighting for democracy; it was one and the same struggle.⁴ In the history of Western political thought a connection between democracy and freedom also has been drawn since its beginnings in Plato and Aristotle.⁵ However, even if it is agreed that every democracy has liberty for its aim, as Aristotle claimed, we are no wiser, since both “democracy” and “freedom” have been understood in very different ways, both in theory and in practice. What exactly is it about democracy that makes citizens free? Which conception of freedom

does democracy promote? And which model of democracy makes citizens most free? Remarkably, these questions have not been addressed in the discussions of *deliberative democracy*, the most prominent theory of democracy today.⁶

In most, if not all, models of democracy we find, explicitly or implicitly, both a theory of what freedom means, a conception of freedom, and some theory regarding why and how democracy is needed for the sake of this freedom. Thus a model of democracy encompasses both a conception of freedom and a theory about the relationship between democracy and freedom. This book is about the conception of freedom presupposed by deliberative democracy and about the connection between democracy and freedom in this model of democracy. Deliberative democracy refers to the ideal of increasing citizen participation in public deliberation and making collective decision making responsive to public deliberation rather than to economic and social power. Even though this model of democracy has been the object of extensive debate over the last two decades, no one has systematically addressed the issue of which conception of freedom it is committed to. It is therefore unclear what makes it a distinct model of democracy in terms of freedom. Does deliberative democracy promise to make people more free or free in a different and better sense than other models of democracy? Only when we have answered this question will we be able to judge whether it is an ideal worth striving for.⁷

By bringing together writings on deliberative democracy and on conceptions of freedom, this book seeks to clarify the possible connections between democracy and freedom and the meaning of each notion. It is a starting point for my argument not only that every democracy has liberty for its aim but that we fruitfully can differentiate different models of democracy in terms of which conception of freedom they are committed to. Different models of democracy—elitist, pluralist, participatory, protective, and so on⁸—can of course be distinguished in terms of other differences than their view of freedom, but the latter concept gives us a particularly valuable way of distinguishing them. It is not the aim of this book to show this for all the different models of democracy that we may think of but rather to show that the uniqueness and the attractiveness of the deliberative model of democracy can be better assessed by explicating the conception of freedom it presupposes. Actually there is no single, clearly defined model of deliberative democracy but many different versions, so I also will develop and demarcate my version

of the model from the others, which I do via a discussion of different conceptions of freedom as well.

The main argument advanced in this book is that *deliberative democracy presupposes a complex and multidimensional conception of freedom*. The theory as well as the practice of democratic deliberation is dialectically interrelated with multiple dimensions of freedom. The multidimensional conception of freedom is the theoretical foundation and normative justification of deliberative democracy. Moreover, the different dimensions of freedom are what make actual deliberation possible; the former are the condition of the latter. But it works the other way too; democratic deliberation is needed in order to understand, justify, and realize the different dimensions of freedom. The relationship between deliberative democracy and the different dimensions of freedom, thus, is dialectical and coconstitutive. It is a relationship of mutual justification and reciprocal reinforcement.

Among the authors endorsing deliberative democracy we find normative commitments to a wider range of dimensions of freedom than we do among proponents of other models of democracy. From living in a deliberative democracy citizens should expect to experience a fuller freedom than they would under the other models. It is this normative commitment to multiple dimensions of freedom that demarcates deliberative democracy as a distinct model of democracy. As the theory has advanced up until now, however, even though we do find examples of commitments to several different dimensions of freedom, they are not all made explicit, nor does any one author refer to them all, and no attempt has been made to integrate them. What this book attempts, therefore, is to develop a theory of freedom and democracy that clarifies the different dimensions of freedom that deliberative democracy should be committed to and to show how, if at all, they can be integrated, and where they cannot be integrated to make manifest the tensions that have to be negotiated. I call this multidimensional and complex conception of freedom *deliberative freedom*.

The theory of deliberative freedom developed in the following chapters seeks to incorporate four conceptions of freedom that have emerged in the history of democratic theory and practice. In doing so the relationships between democracy and freedom and the meaning of the freedom aimed at in earlier models of democracy are not merely incorporated, they are reinterpreted. The contention is not only that deliberative democracy as a theory should be normatively committed to multiple dimensions of freedom but also that the *practice* of public deliberation entails, expresses,

and develops the different dimensions of freedom.⁹ As a theory, deliberative democracy is in my formulation a regulative ideal that in terms of dimensions of freedom suggests what we should aspire to and in light of which we can see the deficiencies of present conditions and institutions.¹⁰ But it is only in the actual practice of public deliberation, which attempts to mirror the ideal, that we fully develop and understand the different dimensions of freedom. Deliberative democratic practices do not merely aim at protecting existing freedoms but also at interpreting and justifying the freedom that should be protected. In addition, they aim at doing so in a way that itself is not coercive but that respects the freedom of each and everyone not merely in a negative manner but also positively as participants in a common enterprise.

So what are the “dimensions of freedom” to which I am referring? Two dimensions are familiar, namely, public autonomy and negative freedom, or the freedom of the ancients and that of the moderns.¹¹ Deliberative democrats have attempted to reconcile these two dimensions,¹² but even if these attempts are judged successful, another challenge remains. A third dimension of freedom is neglected by the concern for reconciling public autonomy and negative freedom—and in the closely related discussion of the relationship between democracy and constitutionalism.¹³ This dimension concerns free (noncoerced and nonmanipulated) formation of political opinions, what I shall call “internal autonomy.” Internal autonomy has played a crucial role in the development of the theory of deliberative democracy. It has been a key argument in this development that the formation of preferences and opinions is endogenous to social conditions and political institutions. It is mainly for this reason that we should go beyond seeing the democratic process merely as one of aggregating preferences. This dimension of freedom gets very different formulations in the “*Ideologiekritik*” of Frankfurt School critical theory and in theories of adaptive preference formation. Both lines of inquiry have influenced the development of the theory of deliberative democracy, and the dimension of freedom they emphasize must be included in any analysis of it. When the facet of internal autonomy is revealed and restored, the full potential of deliberative democracy, as a theory of emancipation becomes clear.

The idea of the “liberty of the ancients,” as it is most often used, obscures a distinction between two different dimensions of freedom. The liberty of the ancients often is seen as referring to a Rousseauist idea of popular sovereignty or public autonomy. But Rousseau’s notion of freedom

as public autonomy is a modern one, as it is closely connected to the modern idea of sovereignty. A different understanding of freedom—one that is independent of the modern idea of sovereignty—is the idea of freedom as status. The freedom interest at issue here is not making the laws to which one is subject but to enjoy a certain status among others and within a political structure. Freedom as status is associated with the republican tradition in political theory but gets very different formulations in, for example, Hannah Arendt's participatory version and Philip Pettit's more recent and democratically minimalist version. For Arendt, freedom as status is a form of freedom as praxis, and it is concerned with *experiencing a form of activity that is without constraints*.¹⁴ Pettit's status conception of freedom is more passive and more concerned with security than with praxis. I shall later develop a deliberative democratic interpretation of freedom as status. The status dimension of freedom has not been given as prominent a place among deliberative democrats as the other three, but I shall argue that it is indispensable both in terms of checking the other dimensions and because it is presupposed by them. In short, it is required because the processes in which we learn what our political opinions are (internal autonomy), in which we determine what individual freedoms we should give each other, and in which we give ourselves laws must themselves be an expression of freedom—or at least not violate freedom.

Thus we arrive at four main dimensions of freedom. In addition to (1) public autonomy or collective self-rule, and (2) negative freedom or freedom as noninterference, we have (3) autonomous opinion formation or internal autonomy and (4) freedom as status. None of these dimensions of freedom is exclusive to deliberative democratic theory, but I shall argue that the latter has a unique ability to incorporate all four dimensions, and that the theory as well as the practice of deliberation can supply new and valuable interpretations of them. The four dimensions of freedom come together in the overall conception of freedom that I call deliberative freedom.

It is not only deliberative democracy that is dialectically related to deliberative freedom, but the four dimensions of freedom that together form the conception of deliberative freedom are closely related among each other as well. They are so in two different ways. First, they are needed to *balance* each other. Too much concern for one dimension of freedom can undermine the prospects for freedom along another axis. A classic example of this is when public autonomy is used to limit negative freedom: democratically formed majorities can interfere in citizens' private sphere. Another

example is when the concern to promote the experience of freedom in political participation (freedom as praxis) threatens the negative freedom to decide one's own conception of the good; this happens when people are forced to participate even if they would prefer not to. A third example is when the aim of transformation into autonomous persons turns into paternalism and a threat to privacy. Conversely, a one-sided concern for negative freedom can be used against both public and internal autonomy: if we think that freedom is only about being left alone, then democratic politics cannot be seen as contributing to freedom, nor can learning from others and developing our internal autonomy in intersubjective practices of deliberation. I argue that the simultaneous concern for and systematic inclusion of several dimensions of freedom, first, make clearer the normative basis and importance of these tensions; second, they give us a unique way of analyzing them; and, third, they open up avenues of sometimes overcoming them and at other times negotiating the appropriate balance between the different freedom interests that they express.

Interestingly, even if the different dimensions of freedom sometimes compete and are in tension with each other, they also *presuppose* each other. No dimension of freedom is complete in itself. Freedom cannot be protected before it has been defined, interpreted, and justified, hence, negative freedom cannot stand alone but presupposes the more social freedoms involved in the deliberative process. The laws that set the boundaries of our negative freedom must be given by ourselves, otherwise the limits of coercion are determined coercively, which is contradictory, thus negative freedom presupposes public autonomy. And the process of determining the meaning and boundaries of freedom must itself be an expression of our freedom; otherwise, the way in which we aim at freedom would itself be a negation of freedom, which also is contradictory. Thus public autonomy presupposes freedom as praxis and status. Finally, the acceptance of the laws defining and conditioning our freedom must not be coerced but must be products of free processes of opinion and will formation: public autonomy presupposes internal autonomy.

Deliberative freedom, as I have said, incorporates four dimensions of freedom. These four dimensions are deliberative democratic reinterpretations of conceptions of freedom that we can find in the history of political thought, namely, popular sovereignty, negative freedom, personal autonomy, and freedom as praxis. I also claimed that most models of democracy not only encompass a conception of freedom but also a theory of how democracy relates to that conception of freedom. In earlier models,

democracy has been seen as *connected* to the four traditional conceptions of freedom in the following way:

1. *Democracy as popular sovereignty*: The only way in which we can be free in society is to be authors of the laws to which we are subject. Democracy aims at *converting* an inevitable dependence into freedom (Rousseau).¹⁵
2. *Democracy as instrumental to negative freedom*: Democracy is required in order to protect a form of freedom that in itself is prepolitical or outside political activity. Democracy aims at *protecting* an already understood and demarcated freedom (the liberal view).¹⁶
3. *Democracy as instrumental to personal autonomy*: Participation in democratic politics creates citizens with autonomous characters. Democracy aims to *transform* individuals into autonomous persons (Rousseau, Mill).¹⁷
4. *Democracy as intrinsic to freedom as praxis*: Participation in democratic politics is a form of freedom. Democracy aims at *creating a new experience* of being free (one republican view).¹⁸

In the first of these democracy is seen as conceptually or definitionally connected to freedom; the definition of democracy is the definition of popular sovereignty, which is (a form of) freedom. But democracy also is seen as having the causal effect of turning a form of slavery into freedom. The relationship between democracy and freedom in both (2) and (3) is purely instrumental, and in (4) it is intrinsic. The idea that democracy is instrumental to freedom means that the enjoyment of that freedom is a *consequence* of democracy. For freedom to be intrinsic to democracy it must be *part of* democracy. I shall in this book show how these relationships and conceptions are reinterpreted in and by deliberative democratic theory and practice.

The need for a clarification of the normative commitment to a wider and more complex theory of freedom is especially urgent if we see deliberative democracy as a critical theory, as I argue we should. Critical theory is both intrinsically linked to a multidimensional conception of freedom—because of its concern with emancipation from all forms of oppression—and committed to clarifying the standards in light of which social criticism is made.¹⁹ As a critical theory of contemporary society, deliberative democracy should contribute to analyzing which aspects of

contemporary society limit our prospects for enjoying the multiple dimensions of freedom, which it presupposes. But it also should investigate whether it is possible to free ourselves from certain forms of oppression without creating new ones. Thus it is not only deliberative democracy that needs critical theory, it is also the other way around. The concern of critical theory with, for example, ideological delusion very easily turns into paternalism if emancipation from ideological domination is not integrated with respect for (some understanding of) negative freedom, public autonomy, and discursive status. But democratic theory also needs critical theory and ideology critique to remind us that there is more to freedom than constitutional rights. In addition to the liberties of the ancients and the moderns, there is a dimension of freedom that was not theorized until after Constant: the freedom from ideological domination.

Other proponents of deliberative democracy have recently noted and lamented the uncritical direction the theory has taken and urged a return to critical theory.²⁰ But none has discussed how their complaint relates to the understanding of freedom emphasized in different versions of deliberative democracy, and none has noted the connection to the neglect of internal autonomy in the later theoretical developments.²¹

It is not only the aim of this book to demarcate my version of deliberative democracy from other models of democracy by discussing which dimensions of freedom they aim at but also to differentiate between different versions of deliberative democracy from the same perspective. I address the differences between various versions of deliberative democracy developed hitherto and argue that none of them has developed a sufficiently multidimensional and coherent theory of freedom. The one- or two-dimensionality of earlier versions of deliberative democracy leads either to a neglect of theorizing the other dimensions or, more seriously, to suggestions that promote one or two dimensions at the cost of the others. My aim is to remedy this deficit and to develop a theory of deliberative democracy that integrates the different dimensions of freedom.

There are two dominant versions of deliberative democracy: a version with roots in Habermasian critical theory and a version based on Rawlsian political liberalism. The main contrast between Habermasian critical theory and Rawlsian political liberalism, I argue, is their different understandings of freedom. Critical theory is based on a belief both in the importance of learning processes for freedom and in a concern for emancipation from ideological domination. Political liberalism reduces the concept of freedom to a more modest concern for accommodation

of people with different worldviews or comprehensive doctrines. This important difference has been ignored because of lack of self-reflection regarding which dimensions of freedom the two traditions build on. The version of deliberative democracy that I propose seeks to retrieve the critical thrust of Habermas's earlier writings. It does so, however, in a way that is not blind to the importance of the dimension of freedom stressed by political liberalism. It is exactly for this reason that deliberative democracy must be seen as committed to a number of different dimensions of freedom. The version of deliberative democracy that I argue for, then, should be distinguished both from Habermasian and Rawlsian versions and from the convergence between the two.

Why "Dimensions" of Freedom?

Why speak of "dimensions" of freedom and not the more common "conceptions" of freedom?²² In fact, I will be concerned with *both* dimensions and conceptions of freedom. Some disputes over how best to understand freedom refer to different dimensions of freedom, while others are based on different conceptions of freedom. It is important to distinguish between these different discussions. In addition to dimensions and conceptions of freedom, there also are various "concepts" of freedom. In this work I will be concerned with only one concept of freedom (political freedom), while I will discuss several dimensions and conceptions of freedom. Now what are the differences between concepts, conceptions, and dimensions? The most instructive way to approach this question is to consider the thesis of "essentially contested concepts." The idea of "dimensions of freedom" is not a rejection of the essential contestability thesis but complements and refines it in important ways.

Concept and Conception

The concept refers to the overall idea or the core meaning of a term; conceptions are rival ways of understanding, applying, and/or specifying the concept.²³ John Rawls, for example, sees his "justice as fairness" and utilitarianism as rival conceptions of the same overall concept of justice.²⁴ The distinction (but not the terminology) lies at the heart of W. B. Gallie's original formulation of the notion of "essentially contested concepts." Essentially contested concepts are characterized by having a "general use" (the

concept) and “a number of mutually contesting and contested uses” (the conceptions) of the former.²⁵ If there were no general use or core meaning to which the contestants all referred, then it would not be a common or single contest. Moreover, without a common uncontested concept, we would have vagueness, ambiguity, or confusion and not essential contestability.²⁶

The concept under discussion in this book is not “freedom” as such but “political freedom.” If we were concerned with freedom as such we would need to include a discussion of free will, which I do not do. I see the distinction between political freedom and free will *not* as a matter of interpersonal or social relations versus intrapersonal or psychological ones.²⁷ Rather, discussions of political freedom are concerned with what could be different, what could be affected by collective human action and political institutions. The dimension of political freedom that I call “internal autonomy” is in a sense intrapersonal, but it is political insofar as it depends on socioeconomic and political-institutional conditions. Philosophical discussions of free will, in contrast, concern what is and what cannot be otherwise. This also means that there is an inevitable normative and practical dimension to issues of political freedom that is absent from the free will debate. Our understanding of political freedom has consequences for how to act. Admittedly, the distinction between free will and political freedom is not complete; rather, conceptions of freedom are primarily of one kind or the other.

Conceptions

It is not part of this book to evaluate the intricate discussions about the validity of the thesis that some political concepts are essentially contested. I shall accept the general idea (as outlined below), but my main aim is to argue that there can exist a *different type of relationship* between different formulations of “freedom” than the one suggested by the notion of essential contestability. This different type of relationship we find among the various “dimensions” of freedom. In order to see the distinctiveness of the type of relationship that exists between the multiple dimensions of freedom that I argue that deliberative democracy should incorporate, we must first understand the relationship that often is believed to exist between different “conceptions” of freedom. I characterize this relationship by highlighting five aspects that are usually (if not always) accepted by the proponents of the essential contestability thesis.

First, different conceptions are put forth as *rivals* that are *competing* about giving the best formulation of a concept. Thus in Gallie’s words, “To

use an essentially contested concept is to use it against other uses . . . [it] means to use it both aggressively and defensively.”²⁸ Or, as Jeremy Waldron puts it in a recent article, “Each conception is put forward as an attempt to *outdo* others in capturing an elusive sense, that we all share, a sense that *somewhere* in the midst of this contestation there is an important ideal that social and political systems should aspire to.”²⁹

Second, a conception “arises out of and operates within a particular moral and political perspective.”³⁰ Thus the contest between different conceptions does not only concern disagreement over that particular concept but is indicative of a more profound dispute over how to understand a whole range of other normative and theoretical concepts. It is a contest regarding entire “conceptual frameworks” or “world-views.” In short, it is an “ideological dispute.”³¹

Third, the thesis of essential contestability entails that *one must take sides*. Gallie uses the illustration of competing sport teams, where each team has its supporters. The supporters not only want acknowledgment of their team as champions but just as importantly acceptance of it as expressing “the proper criteria of championship.”³² Thus each person must take sides not only in terms of who should win but also regarding which criteria for winning should be accepted.

Fourth, the contestation between competing conceptions is unsolvable and endless.³³ No conception will ever achieve success in its attempt to outdo the rest.³⁴ It is because the contest “inevitably” is endless that it is an *essential* contest and not merely a contingent one. Conceptual contests are endless and hence essential when there are “no logically coercive reasons” for preferring one conception to another.³⁵

Fifth, contestedness is part of the very meaning of an essentially contested concept. More precisely, a concept is essentially contested when its users understand that it is contested, that is, when they understand that others inevitably will have different and competing conceptions of the same concept. Gallie’s idea is (in Waldron’s words) “that someone who does not realize that *democracy*, for example, or *art* are sites of contestation really doesn’t understand the concept he is invoking.”³⁶

Dimensions

When I speak of “dimensions” of freedom it is, as mentioned, in order to emphasize that these dimensions stand in *a different type of relationship to each other* than do conceptions of freedom. To see what this means more specifically, let us compare the idea of dimensions of freedom with the

idea of conceptions of freedom, relating the former to the five aspects of conceptions explained in the previous section.

First, the different dimensions of freedom are not rivals but stand in a *complementary* relationship to each other. Earlier I described how the multiple dimensions of freedom both balance and presuppose each other. Formulating and advocating a specific dimension of freedom *do not necessarily* entail an attempt at outdoing other dimensions—though it can, contingently, entail such an attempt. I do not see negative freedom and public autonomy, for example, as different and competing conceptions whose aim necessarily is to outdo each other—that some partisans advance as if the latter was the case is accidental. To be sure, there can be conflicts between claims of public autonomy and claims of negative freedom, but they are not necessarily conflicts over the true meaning of political freedom, but rather over which dimension of freedom should be given most weight. Thus there can definitely be contests between the various dimensions of freedom, but they are not essential conceptual contests.

Second, dimensions of freedom *do not necessarily* belong to different and competing moral and theoretical perspectives. To be sure, some ideologies are committed to only one dimension of freedom, but this is neither a conceptual nor a normative necessity. There are other moral and theoretical perspectives committed to more than one dimension of freedom; consider Rousseau or Kant, for example, both of whom are committed to negative freedom, public autonomy, and ideals of personal and moral autonomy.

Third, when discussing dimensions of freedom there is no requirement that one “take sides” for one specific dimension. Rather, it is my contention in this work that deliberative democratic theory makes it possible to adhere to various dimensions of freedom simultaneously. There is nothing contradictory in a democratic theory incorporating and a citizen being attracted to and enjoying, say, both liberal and republican dimensions of freedom. As a theorist, therefore, I also do not take sides, for example, *for* freedom as status *against* negative freedom. My aim is to show that the adherents of different “understandings” of freedom should not see each other as competitors but as developing different aspects of a common aspiration, namely, maximally free citizens. Or, to put it differently, some formulations of “freedom” can be put forward either as conceptions or as dimensions; I aim to show the value of the latter alternative.

Fourth, since there is no necessary competition between the different dimensions in the way there is between rival conceptions, we obviously

cannot speak of resolving a contest in the sense of finding a winner. There is, however, a different form of competition between the various dimensions of freedom. This is not one of giving the best definition or theory of the same concept but rather of how much weight each dimension should be given. Previously I mentioned well-known balancing acts. Based on experience—not conceptual analysis—this balancing will never find a resolution. The relationship between the different dimensions is not, however, only a matter of balancing them in practice. There also might be definitional disputes involving different dimensions of freedom. For example, as I show in Chapter 1, some liberals want to define public autonomy as a form of negative freedom and thus collapse what I take to be two different dimensions of freedom. This admittedly muddies the waters. But liberals also want to balance individual rights and political rights, negative freedom and public autonomy. So I maintain the value of distinguishing between disputes over competing conceptions of freedom and disputes over how to balance different dimensions of freedom.

Fifth, the *meaning* of a dimension of freedom does not lie in its competition with other dimensions, as follows logically from what has already been said. However, I shall argue that we cannot gain a full understanding of any dimension of freedom without in some way engaging the other dimensions. The argument for this is complicated and will be given in due course, but earlier I gave some indications of the idea in the discussion of how the different dimensions of freedom presuppose each other.

What I have said might lead to the impression that I take sides with the adversaries of the essential contestability thesis, so note that my main aim is to distinguish discussions regarding dimensions of freedom from discussions of conceptions of freedom. The reason for doing this is not to defend some of the important targets of the thesis of essential contestability. My aim is *not* to remove definitional issues from the contested field of politics to some theoretical neutral level.³⁷ However, I maintain that the different dimensions of freedom stand in a different type of relationship to each other than do conceptions of freedom. This leads to my second disclaimer: I am *not* claiming that the way in which I formulate the different dimensions of freedom is final and unchallengeable. That would go against some of the basic assumptions of deliberative democracy as I see it: fallibilism, that no one has privileged access to truth, and that justification also of definitions must happen discursively, to name a few that will be explained later.

To summarize, different “understandings” of freedom can be understood either as conceptions of freedom or dimensions of freedom. I do not reject the idea that there are competing conceptions of freedom, but the idea of dimensions of freedom is an important addition to this. Conceptions of freedom relate to my dimensions of freedom as follows: There can be different and competing theories of how best to understand each of the four dimensions of freedom. The characterizations of the four dimensions of freedom that I give in this book are rivals to other conceptions of the same dimensions. In a deliberative democracy the exact meaning of the different dimensions will and should be determined by citizens themselves. Fortunately, the political theorist also is a citizen and can contribute to public deliberation. “Deliberative freedom” is the overall conception of freedom advanced in this book, and it includes multiple dimensions of freedom; of course, there will be competitors to this conception, which might include any number of dimensions of freedom.

Overview of the Book

Deliberative democracy often is seen as a model of democracy based on the transformation, rather than the mere aggregation, of preferences. Chapter 1 presents several arguments against demarcating deliberative democracy in this way and suggests, rather, that deliberative democracy involves a distinctive theory of freedom. This theory of freedom can most clearly be demarcated by contrasting it to a tradition in the history of political thought that sees the aim of democracy as being limited to the aim of protecting negative freedom. A one-dimensional focus on negative freedom does not exclude the transformation of preferences but rather the idea that democracy should aim at a specific type of preference formation. Deliberative democracy is not aimed at transforming preferences *as opposed to* merely aggregating them, but at securing the transformation of preferences in a *free* manner as opposed to under conditions and processes that distort the free exchange of reasons and information. The focus on multiple dimensions of freedom also makes it clear that negative freedom requires a positive counterpart both in order to give meaning and justification to the negative freedom we aim to protect and in order to do so in a noncoercive manner.

The republican tradition offers the main historical alternative to the liberal understanding of freedom and democracy and the relation between

those ideas. Some thinkers have associated the republican tradition with deliberative democracy. Chapter 2 discusses Philip Pettit's comprehensive and ambitious contemporary attempt to reconstruct a republican theory of freedom and democracy. Even though Pettit's republicanism has some clear advantages over the liberal theory discussed in Chapter 1, it does not supply us with the multidimensional theory of freedom that deliberative democracy presupposes. In particular, it fails on two levels. First, it misconstrues how democratic processes of political opinion and will formation play an important epistemic role for freedom. Not only is insufficient room given for the dimension of learning and internal autonomy, it also is ignored that freedom as nondomination for its own definition and justification is parasitic upon the epistemic dimension of public autonomy. Second, in rejecting more participatory versions of republicanism, Pettit disregards the importance of the intrinsic properties of the democratic process for freedom. He overlooks that the process employed to determine the meaning and bounds of freedom might itself constitute a violation of freedom if it does not have the right properties.

Both the liberal and republican traditions focus on the external dimensions of freedom or freedom of action. From the perspective of deliberative freedom, we see that this is insufficient. Deliberative democracy is a model of democracy that also must be—and has been—concerned with the free formation of the political opinions that form the basis of democratic decision making. Chapter 3 discusses one approach to the notion of free preference formation, an approach beginning with the idea of adaptive preference formation. (Chapter 5 discusses another, based on the critique of ideology.) In analyzing and discussing Jon Elster's and Cass Sunstein's important contributions to this approach from the perspective of deliberative freedom, it becomes clear that the idea of autonomous preference formation must be checked by other dimensions of freedom, in particular to avoid turning into paternalism. While deliberative democracy must reject the idea that people can never be wrong about their own interests, or if they are, any and all ways of dealing with the issue would be a violation of their (negative) freedom, we should not fall into the opposite camp of paternalistically imposing independent standards of what is good for people. If we see deliberative democracy as also being committed to two other dimensions of freedom, freedom as discursive status and freedom as being a participant in self-legislation, then it is possible to avoid the paradoxical situation where in attempting to make people more autonomous we simultaneously violate their freedom. It is argued

that public deliberation properly understood entails a commitment to all these three dimensions of freedom. I also suggest that the deliberative democrat as a critical theorist can initiate processes of self-reflection about adaptive preferences without paternalistically substituting her or his own judgment for those of others. But the latter point is not fully elaborated on until Chapter 5.

Whereas Chapters 1–3 begin from conceptions of freedom and relate them to democracy, Chapters 4 and 5 begin with theories of democracy, deliberation, and public reason and consider which conceptions of freedom they imply. Chapters 4 and 5 are devoted, respectively, to Rawlsian and Habermasian models of deliberative democracy. By making a sharp distinction between these two traditions, I go against what I see as an unfortunate tendency to convergence between Rawlsian political liberalism and Habermasian critical theory. To some extent my own project can be seen as part of this alliance insofar as I attempt to show that deliberative democracy can be committed to both the dimensions of freedom emphasized by the Rawlsians and those underlying the Habermasian versions of deliberative democracy. But the union has been an unbalanced one, moving more in the direction of the Rawlsian pole—stressing freedom as accommodation (a conception of negative freedom)—and away from Habermas’s roots in critical theory—focusing on freedom as emancipation. This means that the dimension of freedom stressed by the earlier Habermas and other critical theorists is neglected. When conceptions of freedom are discussed as dividing the two traditions, the focus is exclusively on the weight given to negative freedom and public autonomy, respectively. This discussion leaves out the notion of internal autonomy or free formation of political opinions, which informs the ideology critique of earlier critical theory. The result is a convergence around an understanding of freedom with less critical potential.

Rawlsian deliberative democracy is more concerned with accommodation of citizens with different comprehensive doctrines than with public deliberation as a process that aims at emancipation through learning and enlightenment. Chapter 4 shows how Rawls’s idea of public reason entails a protection of citizens from having their fundamental ideas discussed and hence *excludes* seeing public deliberation as a learning process. I argue that this can be connected to a lack of normative commitment to freedom as internal autonomy. I agree with the proponents of political liberalism, that autonomy should not be promoted as constituting the good life; to impose a uniform conception of the good violates an important

dimension of freedom. But we need to distinguish between autonomy as constituting the good life and autonomy as the source of our moral and political obligations. I do not think that deliberative democracy can escape, or should try to escape, from a commitment to the latter view.

The notion of internal autonomy has been deemphasized in later writings on deliberative democracy, also by Habermas(ians). In order to clarify and rehabilitate this dimension of freedom I show in Chapter 5 how it informs the theory of ideology, as the earlier Habermas and other critical theorists formulated it. Connecting deliberative democracy to ideology critique changes the main aim of deliberation from one of overcoming fundamental moral disagreement to one of politicizing self-imposed forms of coercion and challenging instances of unreflective acquiescence.

While I think internal autonomy is a crucial dimension of freedom, I also argue that it must be checked by other dimensions. Chapter 6 reveals that a commitment to internal autonomy is compatible with the protection of important negative freedoms. The first step here is to show that internal autonomy is not based on an untenable perfectionism but should be limited in its application to the formation of political opinions or relations of justification. Second, I counter the argument that transformative dialogue is a threat to privacy. The deliberative perspective, however, must reject the idea that any form of dependence or interference is wrong and violates freedom. The deliberative conception of freedom requires that we be able to distinguish between forms of dependence that limit freedom and forms of dependence that are neutral to or even enhance freedom. Deliberation itself implies dependence or, better, interdependence; we need each other to learn and to gain internal autonomy and to exercise public autonomy. But deliberation also requires the freedom to say no. I therefore introduce the idea of procedural independence, a notion that allows for the required distinctions between different forms of dependence and independence.

Chapter 7 analyzes the relationship between freedom, reason, and political participation. The main aim is to clarify the relationship between the intersubjective epistemology that informs my view of public deliberation, on the one hand, and deliberative freedom as a “procedural epistemic conception of freedom,” on the other hand. The chapter responds to two opposing objections to deliberative democracy, both of which concern participation and elitism. On the one hand, the focus on reason and rationality has been charged with leading to an elitist politics where only the participation of the wisest is needed. I counter this objection by showing

that the epistemic aims of deliberative democracy actually depend on the participation of everyone. In making this argument I show that deliberative freedom is a form of what I call “procedural epistemic freedom.” What characterizes this freedom is both that it stresses individual learning over collectively getting it right and that what makes us free is not being right but, rather, forming our opinions and giving laws following procedures with epistemic value. The response to the first objection gives rise to the second, namely, that deliberative democracy is elitist exactly because it requires that everyone participate (and that they do so in a certain way), while many people would prefer not to participate (or to do so in some other way than through public deliberation). The second objection thus holds that deliberative democracy is not neutral between conceptions of the good but is committed to participation as a good. I show that this is a misunderstanding, while I accept that deliberative democracy, of course, is not neutral with regard to its own normative content. The latter *does* mean that participation in deliberation must be seen as a (moral) obligation in a deliberative democracy committed to multiple dimensions of freedom. This obligation, however, has nothing to do with a commitment to a certain view of the good but with a certain view of the right and of practical reason.

The final chapter, Chapter 8, summarizes and elaborates on the four dimensions of freedom that comprise deliberative freedom. It also briefly suggests some institutional implications of the idea of deliberative freedom.

CHAPTER ONE

Deliberation, Aggregation, and Negative Freedom

Despite the large quantity of writings on deliberative democracy over the last two decades, it is not clear what exactly distinguishes deliberative democracy as a model of democracy from other models in terms of freedom. This chapter is an attempt to clarify this issue. In the first section, I begin by making some qualifications to the most common way of demarcating deliberative democracy, namely, the idea of seeing it as a matter of transforming rather than merely aggregating preferences. The second section argues that deliberative democracy can be contrasted to a specific tradition in political theory that reduces freedom to noninterference with private interests and sees democracy as merely instrumental to securing this freedom. Freedom should not be seen merely as the end of democracy, as something to which democracy is only a means, but as what democracy *is*. Democracy is a form of exercising freedom, as well as a way of understanding and protecting freedom. It is my contention that deliberative democracy can be seen as a theory of freedom, and that this can demarcate it as a unique model of democracy.

Beyond the Aggregation and Transformation Dichotomy

It is tempting—and the attempt has often been made—to set up a sharp dichotomy between deliberative democracy and aggregative democracy.¹ But, for several reasons, this is an unfortunate dichotomy, especially when the contrast is drawn as one between transforming preferences versus aggregating preferences.² This way of demarcating the theory of deliberative democracy has led to many misunderstandings of what the deliberative

project is about and also of what and who its targets are. The idea that deliberative democracy can be understood as being essentially about transforming rather than aggregating preferences goes against the conception of deliberative freedom developed in this book. The exclusive focus on transformation is too outcome oriented and risks sacrificing dimensions of freedom intrinsic to the deliberative process. Thus it does not do justice to the multidimensional understanding of freedom to which deliberative democracy, in my view, should be committed.

I suggest six reasons to go beyond the sharp dichotomy between transformation and aggregation. In discussing these, I hope to counter—while learning from—some objections to deliberative democracy and simultaneously make a preliminary clarification of what I think deliberative democracy is and what it is not.

1. First, the point of the theory of deliberative democracy, as I see it, is not that we need more proper deliberation *in order* that preferences can be changed. Because of the stress on the endogenous change of preferences by deliberative democrats, it is sometimes thought that the argument is that in other forms of democracy preferences are not changed and we need deliberative democracy in order that preferences can be transformed. But that, I think, is a misunderstanding. Preferences are malleable and subject to change in any model of democracy, indeed, under any form of government. It is on the basis of this insight that we must develop a theory of *how* preference and opinion formation can happen in a nondistorted and free manner. That is part of what the theory of deliberative democracy should attempt to do.

Some criticisms of deliberative democracy seem to rely on a failure to recognize this point. Adam Przeworski and Susan Stokes, for example, both think that deliberative democracy is especially susceptible to manipulation of preferences. But the reason they think so is that deliberative democracy according to their definition is a theory of democracy, which posits the change of preferences as the *aim* of the political process.³ Both critics go on to accuse deliberative democrats for not having considered the danger of manipulation in public communication. The latter claim is no less than absurd.⁴ One of the main proponents of deliberative democracy, Jürgen Habermas, has since the early 1960s been concerned exactly to point to the dangers of manipulation in

communication.⁵ Since this is so often overlooked—and since it has moved to the background of even Habermas's own later writings—I argue for reviving some of the earlier concerns of critical theory (see especially Chapter 5).

The criticism of being particularly susceptible to the problem of manipulation if directed at deliberative democracy as a *theory* is therefore unfair. As a theory, one of the main concerns of deliberative democracy has been to distinguish between forms of public communication that are manipulative and undermine freedom and autonomy and forms of communication that are undistorted and hence enhance freedom and autonomy. But the criticism also could be directed at deliberative democracy as *practice*. The objection would then be that promoting deliberation would open up for more manipulation. But this objection also would miss the point of the deliberative project, or at least of the project as I conceive it. What deliberative democracy should be calling for is *not* more communication in some uncritical fashion.⁶ Rather, the call should exactly be for more deliberation. And to call for more deliberation is to call for less distorted communication. Deliberation should not be defined as “the endogenous change of preferences resulting from communication,” as Stokes does,⁷ since this definition excludes the possibility of differentiating different forms of communication and hence overlooks the very point of the deliberative model. Rather, deliberation should be seen as a process of mutual reason giving and reason seeking that gives people the opportunity to form their opinions on the basis of insights gained intersubjectively. The call for more deliberation, however, is not (or at least not mainly) a moralizing call to individuals to communicate in a specific way; it is, rather, a matter of calling attention to the socioeconomic and institutional features of contemporary society that inhibit proper deliberation. Deliberative democracy should, among other things, be a critical theory that addresses the aspects of contemporary society, which limit deliberation and which affect or transform preferences in a nonautonomous manner.⁸ It should not merely be considered a call for the transformation of preferences but rather of going from one mode of transforming preferences to another.

This argument suggests that it is unhelpful to characterize deliberation as a matter of changing preferences as opposed to

just aggregating them. Preferences are always being transformed in the political process and in society in general. What is important is *how* and under what conditions they are changed. Deliberative democrats' quarrel with other models of democracy does not mainly concern the constructedness of preference but what we should do about this fact. After all, Joseph Schumpeter—who if anyone must be placed in the opposite camp than deliberative democrats—agrees with and emphasizes the idea of endogenous preference formation.⁹ The point on which deliberative democrats differ from a minimalist democrat such as Schumpeter is not the malleability of preferences but what to do about it. According to Schumpeter, the will of the people is constructed from above, by political elites. The conclusion he draws from this is, roughly, that since the people have no will independently of the elites, then popular sovereignty is impossible, and we should let the elites rule. Deliberative democrats disagree with this so-called realist and uncritical conclusion. It might be true that “the popular will” today is fabricated from above, but that does not have to be the case; it is not a natural, unalterable fact about all politics. It makes a difference under what conditions and in what processes citizens form their opinions and will, and deliberative democrats are—or should be—concerned to show how opinion and will formation can happen as freely and autonomously as possible. Also, it is important to see that deliberative democrats are not committed to a view of democratic legitimacy that requires that the opinions that are expressed in political decisions not be affected by political institutions.¹⁰ Rather, the point is to give an account of *which* institutions and conditions are and are not conducive to free opinion and will formation. It is an untenable view of freedom and popular sovereignty that sees them as requiring that each citizen is entirely independent from other human beings and political institutions.¹¹

From the perspective of deliberative democracy, the problem with, for example, minimalist and liberal models of democracy is not that they see preferences as given in ontological or methodological terms, but rather that the models of democracy that they propose are ones that *treat* preferences as given. Some of these models of democracy agree that preferences are constructed but do not want to do anything about it. As I argue in the next