

Two Challenges for Participatory Deliberative Democracy: Expertise and the Workplace

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Abstract

This essay is part of a dossier on Cristina Lafont's book *Democracy without Shortcuts*.

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Two Challenges for Participatory Deliberative Democracy: Expertise and the Workplace

Lisa Herzog

Cristina Lafont’s book is an engaging and very timely defense of participatory deliberative democracy, coming at a time in which various other forms of democracy – or indeed alternatives to democracy – are being proposed. The core of her argument is nicely captured in this quote:

Political innovations can only count as democratic if they aim to transform the interests, views, and policy objectives of the actual people such that they can continue to identify with the laws and policies to which they are subject and endorse them as their own, instead of being coerced into blind obedience. This is what the democratic ideal of self-rule requires. (Lafont 2020, 137).

Nothing, she holds, can replace decisions made by “the citizenry as a whole” after careful deliberation – neither strictly procedural majority votes (as defended by “deep pluralists”), nor “the rule of the knowers” (as defended by “epistocrats”), nor the “rule of the randomly selected” (which would rule if mini publics were to *replace*, rather than complement, other forms of deliberation and decision-making). (Paraphrased from the summary on Lafont 2020, 162).

In a short commentary I cannot do justice to the rich and complex argumentation that Lafont offers. Instead, I want to focus on two aspects of her central argument that deliberation must not be avoided, because unless citizens are persuaded and their “*hearts and minds*” (Lafont 2020, 134, emphasis added) are won, we would be talking about something other than democracy. The first aspect concerns the problem of justification in the face of expertise – and here I want to argue that things might be more complicated than Lafont admits – and the second concerns the question of whether Lafont’s vision can be realized if democracy remains limited to the political realm, as traditionally understood, instead of becoming a “way of life”, in Dewey’s sense, which also extends to other realms. Here, I suggest by way of friendly amendment, that Lafont’s arguments can, and should, be extended to also imply the necessity of structuring the economic realm in ways that support, or at least do not undermine, her democratic vision.

Lafont makes a crucial point when she holds that the role of deliberation is not only to let citizens *know* certain things, in an abstract way, but to *convince* them of certain points. As Lafont puts it ‘Although political deliberation, like any form of deliberation, is driven by genuine epistemic considerations, its aim is not *exclusively* or even *primarily to figure out the truth*. Like in the example with my son, the point of deliberating with citizens who have deep reasonable disagreements is not *exactly* to generate the best epistemic conditions for reaching considered judgments about the policies in question.’ (Lafont 2020, 167, emphasis in the original).¹ To be convinced of something means that one is motivated to act upon it; we can know many things in an abstract way without really internalizing them and making them part of our action-guiding convictions.

I happened to read Rebecca Goldstein’s novel *The Mind-Body-Problem* in parallel with Lafont, and there is one passage that grasps this gap between abstract knowledge and action-guiding convictions very well, so let me share it here. At the end of the story, the narrator, a female doctoral student in philosophy, arrives at the insight that instead of always ranking people and evaluating their position relative to each other, she should see all human beings as fundamentally equal, and equally valuable. She continues:

There’s nothing philosophically new in all this. I’d even written it out on exams: “In Kant’s ethics the term “person” is not merely descriptive but normative. Persons are ends in themselves and sources of value in their own right.” So the words were there, ready to offer that night, even if not backed by belief. (One of the advantages of an education.) But I’ve been staring at them ever since, and I’ve watched them as they began to stir and then to leap up and dance. There is that difference when the knowledge is formed from the matter of experience and written in the soul’s own blood. (Goldstein 2014, 273).

Deliberation can lead to forms of knowledge that are indeed “written in the soul’s own blood”, even if one has not gone through certain experiences oneself. Victims bearing witness to injustices, individuals sharing their stories, maybe also artists drawing attention to the moral salience of certain topics – all these things can be extremely important for moving citizens’ “*hearts and minds*.”

In her discussion of these matters, Lafont focuses on the problems of sexism and racism,

arguing that they cannot be defeated by only changing formal laws (even if this were done, say, by a lottocratically chosen mini-public). Instead, the whole society needs to be brought on board:

[all citizens'] interests, views, attitudes, and value orientations—especially those of powerful social groups—decisively shape the majority culture of their political community. This in turn determines how far the community can go with their policies, what level of success it can achieve through political means, the type of political actions that are needed, and so on. (Lafont 2020, 85).

This is a powerful example of why hoping for “shortcut[s] aimed at passing legislation without securing the relevant transformation of actual public opinion” (Lafont 2020, 86) is misguided and, ultimately, undemocratic.

I fully agree with Lafont, but I think that especially in policy fields *other* than the fight against sexism and racism, there are challenges to such deliberation that she does not quite address. This concerns the need for *expert* knowledge that is difficult to access for citizens. Think, for example, about climate policies – not so much the question of whether or not there should be climate policies at all or whether this is all just a Chinese hoax, but rather, say, questions about climate engineering, or about precautionary measures that are very costly to install, but that might prevent disasters in the case of extreme weather events. Lafont rejects the idea that citizens should “*blindly* defer” to others (a formula she uses frequently, e.g. Lafont 2020, 8-13). In the case of technical expertise, the deference is not blind, because one can adduce reasons for it: experts have, by definition, more knowledge about the topic in question. The problem, rather, is how to *recognize* who really is an expert, and what to do when experts disagree.

Admittedly, this is not a problem that only confronts Lafont. She briefly discusses Christiano’s attempt at a response, which holds that citizens can defer questions about *means* to experts, as long as they decide about the ends (Lafont 2020, 175ff.). Lafont isn’t quite convinced:

However, the distinction between aims and means on which the model is based can be misleading in an important respect. It suggests that citizens only need to deliberate about (and justify to one another) the basic aims that their society should pursue, whereas the laws and policies that are enacted *as means to achieve those aims* do not

need to be the target of citizen deliberation and mutual justification. However, many important political debates do not fit this picture at all. Indeed, the means/ends distinction seems orthogonal for capturing what is at stake in such debates. (Lafont 2020, 176).

But what if *some* political debates actually do fit this picture? Climate engineering might be a case in point, as might be issues concerning, say, the regulation of technical devices or of chemical substances. Lafont mentions that even seemingly “minor” issues – her example is “school bathroom ordinance” – can become a matter of public debate, and she adds: “The same goes, of course, for highly technical and complex pieces of legislation (e.g. health care reform)” (Lafont 2020, 178). She then emphasizes that what matters most is citizens’ participation in “*the ongoing process of shaping the proper scope and content of the equal rights and freedoms that they grant to one another*” (Lafont 2020, 179, emphasis in the original). Fair enough, but what to do when, say, there are two camps of experts who suggest two different climate-change mitigation strategies, which can only be understood if one has a detailed understanding of meteorological, physical, chemical, biological, etc. facts, and also knows how they all hang together?

This is not just an abstract theoretical possibility, but a reality that we see, time and again, in different policy areas. And as Naomi Oreskes and Eric Conway (2010) have shown in their masterful book *Merchants of Doubt. How a handful of scientists obscured the truth on issues from tobacco smoke to global warming* (2010), one can find complex – not to say insidious – ways in which interest groups, especially corporations with deep pockets, try to influence experts and sow doubt in the eyes of citizens by paying for counter-opinions.

For someone like Lafont, who emphasizes the need to justify political decisions to *all* citizens, it remains a challenge how to deal with such problems. Given the realities of climate change, we can expect far more cases of political decisions that require taking the expert-citizen relation into account. This raises numerous important questions. For example, what responsibilities do *experts* have, qua citizens, towards their fellow-citizens? How can we construct trustworthy translation mechanisms for highly specialized expert knowledge that make it generally accessible? What accountability structures do we need for scientific organizations and the media when it comes to science reporting? Should we try to raise general levels of scientific

education, and make approaches to familiarize people with the basic methods of scientific research? Philip Kitcher (2011, chapter 7), for example, has proposed to educate the general public – in contrast to those who aim at a career in science – as *consumers* of scientific research rather than producers. One may or may not like this particular proposal, but it raises questions that deliberative democrats need to ask, given today’s political challenges. I wholeheartedly share Lafont’s emphasis on involving *all* citizens, and yet, precisely for that reason, I think that this is an area in which the challenges are greater than she makes them seem, and more work needs to be done to overcome them.

Let me now turn to my second point. If we accept that there is a motivational side to knowledge, and that this is one of the reasons why we cannot skip the step of actual deliberation to *convince* people, then it seems to me that we should not be too modest about the *scope* of democracy. Lafont limits her discussion to the political realm as traditionally understood. This means that citizens read the news, maybe discuss it with their family members or neighbors, some of whom may be active in a political party, NGO or volunteering organization, and every few years, they go and vote. But what if people have less and less time for these “political” activities (in the traditional sense), and spend most of their waking hours in organizations that do anything but prepare them for their tasks as citizens, because they are run in strictly hierarchical, non-discursive terms? That is, arguably, the situation of many individuals in many countries which count as political democracies: their participation in the economic realm, typically as employees, takes place in institutions in which they have no right to a voice, no protection against abuse, and no representation (cf. Anderson 2017). Various other meso-level organizations, e.g. many religious groups, are structured in non-democratic ways as well, but arguably these are less decisive than the workplace, for two reasons: individuals typically spend more time at work than in such other organizations; and they typically cannot easily give up their jobs because they need an income, whereas they can more easily move out of other organizational contexts.

It is an old argument by defenders of workplace democracy that democratic practices in the workplace would help citizens to develop the *character traits* that are needed to become a good democratic citizen: the ability to listen to others and to exchange arguments with them, the capacity to stand up for one’s interests but also to find compromises with others, etc. One

can add, with Lafont, that citizens also need to develop the virtue of *letting themselves be convinced* by others, to endorse abstract arguments and to make them action-guiding for themselves. For citizens to be the kinds of deliberative creatures that Lafont describes, such a “training ground” in the workplace would be extremely useful. In contrast, if citizens, qua employees, only ever have a chance to get used to obeying orders – maybe even those of an algorithm rather than a human being, if they work in the new platform-based gig economy – how can they develop the virtues needed for successful deliberation?

There are two different strategies one can pursue in response. One is to argue that work is, after all, only a small part of people’s lives, and that it is justifiable that social relations in the workplace follow a purely instrumentalist logic as long as people have enough *other* opportunities to exercise their deliberative capacities. Such a response, however, would also have to say something about the need to reduce working hours (for all members of society, not just the privileged few), and about the social spaces in which such deliberation would take place. A second strategy is to argue for more deliberative, participatory, and ultimately democratic structures at the workplace. Which of these strategies one prefers can depend on a number of arguments, independent of concerns about the deliberative capacities of citizens. But it seems that one needs to say *something* about this risk: the deliberative project might be undermined by the fact that unregulated capitalist labor markets never allow individuals to see each other as partners in conversation, because they are always treated as “cogs in the wheel”, or as competitors in a pitiless race.

Lafont briefly mentions that she is open to possibilities such as workplace democracy, but calls them “beyond the scope of this book” (Lafont 2020, 29). I wonder, however, whether her vision of an engaged, deliberative citizen has a chance of becoming a reality if most members of a society are forced to work long hours in non-deliberative, hierarchical (not to mention exploitative and unjust) conditions. The risk that Lafont runs with this omission is that deliberative democracy becomes a “middle class project”: only those with relatively privileged working conditions have the time and energy, but also the opportunity to develop the capacity, for deliberation. The arguments and the style of Lafont’s book make it clear that this cannot be what she wants. Hence, it would seem that she should be more open to proposals for reining in capitalism, whether via the “primacy of politics” or whether via workplace democracy or –

preferably and most realistically – via both.

One can here add another consideration, which concerns citizens' role in the economic realm, not so much as employees but rather as consumers. A great deal of public "speech" (if that is what one wants to call it) is advertisement – and we have become used to the fact that advertisement cannot be trusted, but needs to be taken with a good dose of cynicism. In fact, there is a technical term for this phenomenon: "puffery". Courts in the US have repeatedly rejected requests to bad advertisement claims that were manifestly false, based on the idea that they are mere "puffery", i.e. consumers would not take them seriously anyway.² This does not seem a good strategy for forming the kinds of habits, expectations and social norms that the citizens in a democratic society need for a well-functioning public discourse. Other countries have stricter rules for what can or cannot be said in advertisement, and while I do not know of any empirical work that would confirm a positive correlation with a more honest and trustworthy public discourse, it seems not too bold to suspect such a correlation. So as in the case of employment conditions, there are questions about the regulatory framework that either supports or undermines the conditions for the possibility of a genuinely democratic public discourse.

While it would be maybe going too far (or at least it would require more arguments) to say that the economic structures of a democratic society need to perfectly mirror the structures of the political realm, a more minimalist claim is hard to reject: the economic structures of a democratic society must not undermine citizens' capacity to deliberate and to run their political institutions in truly democratic ways. Many of the problems that we currently see – the distrust caused by the role of money in politics, the unequal participation rates, the unhealthy role of the media – have to do with failures to rein in the capitalist economy, and in particular its most powerful players, transnational corporations. Tackling that task seems a *sine qua non* for making Lafont's democratic vision a reality.

Notes

1] One might wonder whether the example of a discussion with one's teenage son is a well-chosen model for thinking about the relation between citizens, where the assumption is that we are all "grown-ups", and as such, equals, without any relationships of parental authority between us. But I take it that Lafont's example could be adapted to describe discussions between grown-up equals.

2] Thanks to Katya Assaf for sharing (unpublished) work about this phenomenon with me.

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Biography

Lisa Herzog works at the Faculty of Philosophy and the Center for Philosophy, Politics and Economics of the University of Groningen. She holds a master (Diplom) in economics from LMU Munich, and an M.St. in Philosophy and D.Phil. in Political Theory from the University of Oxford. She has worked at, or visited, the universities of St. Gallen (CH), Leuven (BE), Frankfurt/Main (D), Utrecht (NL), and Stanford (US). She was a Rhodes Scholar (2007-2011), and in 2019, she received the Tractatus-Preis and the German Award for Philosophy and Social Ethics. Herzog has published on the philosophical dimensions of markets (both historically and systemically), liberalism and social justice, ethics in organizations and the future of work. The current focus of her work are workplace democracy, professional ethics, and the role of knowledge in democracies.