

# Critical Dialogue

**Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy.** By Cristina Lafont.  
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In *Democracy without Shortcuts*, Cristina Lafont takes on the challenging task of defending a normative conception of democracy that does not compromise on demanding ideals. Writing expressly against the pessimistic zeitgeist, Lafont starts by drawing a powerful parallel between some of the arguments advanced in the flourishing “voter ignorance” literature and historical arguments against women’s political rights. Numerous contemporary studies that document citizens’ biases and incompetence recommend that they should accept the status quo of current democracies and let themselves be ruled by others. This, says Lafont, is essentially what women were told before the introduction of universal suffrage. Yet, “only after changing the relevant negative conditions and institutions would it be possible to find out whether citizens can use political power wisely” (p. 6).

Following this plea for retaining a commitment to the ideal of democratic self-government even in the face of mounting evidence about citizen incompetence, Lafont then sets out a compelling interpretation of that very ideal (chapter 1). Drawing on a deliberative understanding of democracy and taking the perspective of democratically minded citizens as her baseline, she frames self-government as a critical standard that rules out being “required to *blindly defer* to political decisions that one cannot reflectively endorse” (p. 19). That is to say, having to obey decisions that one cannot support on the basis of reasons goes quintessentially against the ideal of self-government.

In subsequent chapters, Lafont seeks to demonstrate that self-government thus understood cannot be achieved via institutional “shortcuts” that are meant as more feasible alternatives to a properly deliberative public sphere, where citizens can justify political decisions to one another in a way that allows them to reflectively endorse those decisions. She first considers “deep pluralist conceptions of democracy” (chapter 2). These typically assume that citizens’ disagreements run so deep that achieving reflective endorsement through mutual justification is illusory, and so these conceptions resort to the shortcut of procedural fairness—

roughly, free and fair elections plus majority rule—as a way out. As Lafont argues, however, this shortcut requires minorities to blindly defer to the majority with whom they may disagree. With the option of mutual justification off the table, and hardly any legitimate nonelectoral forms of contestation such as judicial review available, minorities are expected to simply accept having lost the vote.

Lafont’s next targets are “purely epistemic conceptions of democracy” (chapter 3) and “lottocratic conceptions of deliberative democracy” (chapter 4). The former assume that citizens cannot overcome their political incompetence and so suggest the shortcut of letting experts rule to ensure that decisions have high epistemic quality. The latter propose the shortcut of organizing deliberation in small-scale assemblies with a randomly selected sample of citizens (so-called mini-publics), instead of trying to improve the quality of deliberation in the broader public sphere. Often, moreover, mini-publics’ postdeliberation recommendations are thought to have “prescriptive force” (p. 119) for the wider citizenry.

Lafont argues that both approaches require citizens to blindly defer to others, thus sitting uneasily with the ideal of democratic self-rule. Although it is hardly surprising that she reaches this conclusion with respect to purely epistemic democracy, her arguments against lottocratic deliberative democracy are more unexpected. According to Lafont, citizens who endorse the recommendations of mini-publics are not actually endorsing the recommendations of their “better selves” who properly informed themselves about an issue and then deliberated together with others. Rather, they are endorsing the recommendations of *random others*, without being able to know whether their own postdeliberation opinion would have been the same as the opinion of that random group. This amounts to blind deference.

But if there are no plausible shortcuts to improving the public sphere, how can we achieve better macrolevel deliberation? Lafont begins answering this question by outlining “contestatory,” “vigilant,” and “anticipatory” uses of mini-publics that, instead of requiring blind deference, can kickstart and inform public debate by providing politically relevant impulses to citizens (chapter 5). These ideas are then tied to a “participatory conception of deliberative democracy” (chapter 6), in which the demanding requirement of mutual justification in the public sphere is “interpreted as giving expression to principles embodied

in the institutions of constitutional democracies and citizens' rights to political and legal contestation." This requirement is met when institutions are in place that "enable citizens to challenge the acceptability of coercive policies to which they are subject ... by requesting that proper public reasons be provided in their support" (p. 187).

In the book's two closing chapters, it emerges that Lafont ascribes the most important role to citizens' right to *legal contestation*, understood as the right to initiate legal challenges to the constitutionality of any policy or legal statute. By exercising this right, says Lafont, citizens can open or reopen a process in which "reasons and justifications aimed at showing the constitutionality of a contested policy are made publicly available" (p. 213)—which in turn can trigger principled public debates about policies or laws that can transform public opinion. So, in the end, it is the institution of judicial review that contributes most to the realization of a deliberative democracy "without shortcuts." In fact, constitutional courts can even provide behavioral norms: democratic citizens should act like they would expect courts to act, scrutinizing and justifying laws and policies in conformity with the demands of public reason.

Trenchantly argued, ambitious, and full of surprising insights, *Democracy without Shortcuts* is a major contribution to contemporary democratic theory by one of the best political philosophers in the world. These are arguably difficult times for anyone who endorses demanding democratic ideals, but Lafont defends them without being unduly optimistic about the capacities of citizens or the workings of representative democratic institutions. Nor does she give in to the temptation of renouncing some of her commitments as unsuited for the current era. Along the way, she manages to say something new and relevant about topics that few theorists seem willing to take on anymore, most notably procedural democracy and judicial review. All in all, the book is a fantastic achievement.

I would still like to raise some questions about the central role and responsibility that Lafont ascribes to judicial review. I wonder, in particular, whether we should really entrust constitutional courts *alone* with doing the heavy lifting of ensuring that principled reasons for policies and laws are advanced in the public sphere. Without denying that initiating a procedure of judicial review allows citizens to "structure the public political debate in such a way that priority is given to the question of whether or not a contested statute violates some fundamental right or freedom" (p. 237), other democratic institutions and agents—especially movements or parties—may be able to perform this function, too. These may not have the decisional authority of courts, nor do they carry the aura of political independence—but they can put questions of fundamental rights or freedoms on the agenda and generate the sort of collective awareness that any public debate about constitutional fundamentals requires to get off the ground. And although the reasons they offer will be of a

different kind than those courts provide, they need not be "non-public" reasons.

Now, of course, Lafont does not explicitly exclude any of this, although she argues that political parties' ideological "predictability," which she contrasts to the independence of judges, is potentially detrimental to the "constitutionalization" of political debate—a somewhat unexpected claim, given the predictability one has come to expect from many courts, the ideologically divided US Supreme Court being just the most prominent example (pp. 240–41). But neither does she attend to the many ways in which more "conventional" democratic agents like movements or parties can contribute to a more deliberative public sphere. This I found surprising, not least because one of the major aims of the book is to explore the possibilities of improved macrolevel deliberation. It feels like there is something missing from the picture.

Paying close attention to democratic agents and institutions other than courts seems important for at least two additional reasons. First, if it is desirable that citizens behave like they would expect courts to behave, arguably they first need to acquire the requisite reasoning skills. As Joshua Cohen, one of the pioneers of deliberative democracy, has famously noted, political organizations like movements or parties may offer inclusive spaces where citizens can engage on a regular basis in deliberative practices and become more proficient political reasoners, thus contributing in important ways to a more deliberative public sphere. Second, there exist well-functioning constitutional democracies with very weak traditions of judicial review. The Nordic countries are a case in point—and these eminently democratic states do not have defective public spheres, in which principled deliberation only rarely occurs. Rather, public justification is mainly channeled through parliaments and parties, instead of courts. Taking such alternative institutional configurations seriously seems important if one wishes to theorize from the perspective of citizens, as Lafont does. Ultimately, democratically minded citizens might interpret constitutional democracy differently, depending on their own democratic traditions. Very reasonably, they may not see public justification as intrinsically bound up with legal contestation, because other agents and institutions reliably prioritize public reasons when appropriate.

**Response to Fabio Wolkenstein's Review of *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy***

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I would like to thank Fabio Wolkenstein for his insightful and sympathetic review. I am also thankful for his

questions, because they give me the opportunity to clarify some important issues. The first question concerns the role of judicial review within my participatory conception of deliberative democracy. The structure of the book, culminating as it does with a discussion of judicial review may, against my own intentions, be misleading. I definitively do not recommend that we entrust constitutional courts *alone* with doing the “heavy lifting” of ensuring that principled reasons for laws and policies are advanced in the public sphere. I agree with Wolkenstein that other sites and political actors—not only political parties and social movements but, of course, also parliaments, civil society organizations, the media, and the citizenry as a whole—play an essential role in ensuring that questions about fundamental rights are put on the political agenda and made sufficiently salient to generate and maintain political debate in the public sphere. The point of showing the democratic significance of the institution of judicial review is not to elevate legal contestation to a special status in the exercise of self-government. This is not because I think that *some other exercise* of political rights (e.g., voting) is more special. Rather, it is because *no single exercise of political rights* can have genuine democratic significance in the absence of all the others. In the absence of a mobilized civil society and a receptive public sphere, legal contestation would hardly have any democratic effect at all. Conversely, voting in the absence of effective opportunities for political and legal contestation would hardly count as an exercise in self-government for persistent minorities. These are just two examples. However, the idea of *mutual reinforcement* holds for all opportunities, venues, and sites of political participation.

This leads me to Wolkenstein’s second concern, namely, the lack of explicit attention to more “conventional” democratic agents like movements and parties. In the book I endorse Habermas’s feedback loop model of political participation. In this model political parties play a unique mediating role between the citizenry and the state. Along with social movements, nongovernmental organizations, the media, and other political actors, parties also contribute to the generation of considered public opinion—which is the ultimate source of legitimacy of political decisions. Following this model, my participatory conception of deliberative democracy requires these actors and forums to aim at generating considered public opinion, rather than influencing the political system through shortcuts that bypass citizens’ deliberation in the public sphere. It is true that I do not analyze political parties in the book. But this is not because I do not consider them essential contributors to democratic self-government. It is because properly addressing the problems they currently face goes beyond the scope of the book. In my view, there is a mismatch between the national level at which political parties operate and the transnational and global nature of the problems that need to be addressed to protect the

fundamental rights and interests of citizens. Whereas a few transnational courts already exist (e.g., regional human rights courts), we do not yet have transnational political parties (e.g., European political parties) that could articulate global political programs whose implementation would effectively tackle the most urgent problems that citizens face worldwide: climate change, the current pandemic, the economic downturn, and so on. Addressing the current crisis within political parties is crucial, but it would require nothing less than expanding my participatory conception of deliberative democracy into a global participatory democracy.

**Rethinking Party Reform.** By Fabio Wolkenstein. Oxford: Oxford University Press, 2020. 224p. \$80.00 cloth.  
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*In Rethinking Party Reform* Fabio Wolkenstein addresses a difficult question: How can political parties be reformed and lifted out of their current state of crisis? His answer is that parties should be organized in a more democratic way. In particular, he articulates and defends a deliberative theory of party democracy in which internally democratic and participatory parties play a crucial role in mediating between citizens and the state. Wolkenstein develops this view by applying the insights and innovations of recent research on deliberative democracy to the analysis of political parties in a way that I find both creative and compelling. His book fills a lacuna in deliberative democracy scholarship, which has been insufficiently attentive to political parties, even though they are (and will likely remain) very powerful democratic actors. The deliberative model articulated in the book draws on an empirical study of partisan activism and intraparty deliberation among members of two major European Social Democratic parties, and it contains interesting proposals for the institutional reform of political parties. This book is a must-read for anyone interested in the future of political parties and democracy in general.

The book has six chapters. In the first chapter Wolkenstein defends a party-centered conception of popular sovereignty in which the exercise of self-rule requires political parties that are internally democratic. On this view, inclusive and participatory political parties strengthen the role of citizens in political decision-making by channeling their interests and ideals into comprehensive political agendas that citizens can identify with and can come to endorse as their own. Political parties of this kind supply citizens with effective channels to actively shape and influence political decision-making on an ongoing basis, which is essential for collective self-rule.

By contrast, approaches to popular sovereignty that disregard the way in which political parties mediate between citizens and the state cannot explain how citizens can genuinely come to see themselves as the authors of the laws to which they are subject. A salient example is a direct or radical approach in which the exercise of popular sovereignty requires direct participation of the entire people in political actions such as voting or referenda. However, Wolkenstein argues, because the citizenry as a whole cannot be permanently engaged in making all political decisions, this view necessarily relegates the citizenry's capacity for self-rule to the opportunity to make a few sporadic decisions—for example, by referenda—while leaving the bulk of political decision-making to others. A similar problem besets “indirect” approaches to popular sovereignty wherein the exercise of popular sovereignty amounts to citizens electing representatives to act in their name while rendering any other participation between elections superfluous.

After Wolkenstein establishes that parties are crucial for the exercise of genuine popular sovereignty, he then turns his focus in the second chapter to the question of how parties should be organized to provide effective channels of inclusive participation and engagement. The answer is that parties need to be more internally *deliberative*. This is a challenging claim to defend, because it is often assumed that deliberation requires the inclusion of all points of view and that it is therefore essentially incompatible with partisanship. This challenge may explain why deliberative democracy research has thus far failed to focus on political parties. Wolkenstein convincingly shows that partisan deliberation can be good deliberation. Although intraparty deliberation is based on some shared ideals, aims, and policies, commitment to this shared platform may actually require *transformation* of the official party line over time precisely to better achieve these shared political aims. This can empower the party base insofar as it allows them to *criticize* exclusionary aspects of the official party line. Moreover, the transformative capacity of deliberation allows for the inclusion of different perspectives as they evolve over time and of new concerns, needs, and varying expectations of citizens who could be attracted to the party's shared political project and lend their support in elections. Wolkenstein proposes a variety of institutional mechanisms to make partisan deliberation participatory so that it can empower the party base—for instance, he discusses problem-oriented partisan forums, partisan deliberative networks, and deliberative party conferences.

This approach may sound plausible in theory, but is it feasible in practice? The fourth and fifth chapter provide interesting empirical evidence in support of the claim that party branches (like those analyzed in the empirical study of two European Social Democratic parties) can actually provide a supportive environment for good deliberation; that is, inclusive and critical dialogue about shared

concerns from a diversity of perspectives. Finally, the sixth chapter provides interesting examples of how deliberative failures could be avoided through small-scale reforms of party branches such as training moderators, “linking” individual deliberative groups together, or increasing the group's influence over decisions.

As an advocate of a participatory conception of deliberative democracy, I find Wolkenstein's deliberative conception of intraparty democracy very interesting and convincing. However, I fear that his approach to party reform is too limited to effectively address the current crisis eating away at national political parties. Indeed, the framing of the book seems a little bit like false advertising. The reader expects proposals for party reform that would lift parties out of their current crisis—but the book actually offers something different. It offers a theory of party organization that justifies the need for and desirability of intraparty democracy. This is a very plausible claim. More intraparty democracy would undeniably be a positive development. The problem is that it is not a solution to *the substantive and agential problems that underlie the crisis that political parties currently face*.

In the introduction Wolkenstein mentions the two most salient problems that national parties face: their inability “to offer voters real political choice, having become ideologically indistinguishable from one another” and the fact that they are “out of touch with citizens, having ossified into self-serving clubs of a ‘political class.’” This suggests that political parties are unable to perform their essential mediating function of aggregating and articulating social demands in feasible political programs that can be translated into public policy (pp. 1–2). However, this *substantive* concern with parties' deficient political programs and agendas is soon set aside. Instead, the book only addresses *procedural* concerns. Indeed, by the end of the introduction, it becomes clear that the reforms the book provides would help “avoid the problems of elite domination and co-opting a more or less discredited system” (p. 5). Certainly, this is *one* way that parties are out of touch with their citizens, but the more central deficiency—the substantive or “ideological” concern about the deficient *content* of parties' political programs because of their “limited room for manoeuvre” (p. 60) at the national level—is not addressed at all. Support for political parties is in dramatic decline, above all, because they lack political programs that can effectively address the problems threatening citizens' fundamental interests and needs. Rethinking party reform requires us to address the “hollowing out” of national parties—their declining ability to shape autonomous policies because of transnational constraints imposed by the global economy within which states are embedded (see A. Schäfer and W. Streek, *Politics in the Age of Austerity*, 2013).

This omission, however, is one that Wolkenstein's approach cannot afford. On this approach it is essential

that parties fulfill a unique mediating function between citizens and government. This is why parties should be reformed instead of eliminated. However, if the reason parties cannot fulfill their function is because they are out of touch with citizens—that is, if establishing stronger “links” between the citizenry and the government is the main concern—then eliminating the “middleman” (parties) would seem to be a better option. A much better solution to the problem seems to be offered by the lottocratic alternative, in which parties and elections are eliminated altogether and assemblies of randomly selected citizens are allowed to directly implement citizens’ demands. Instead of having to constantly counteract parties’ oligarchic tendencies, why not simply establish deliberative mini-publics as the institutions that mediate between the citizenry and the government?

If Wolkenstein’s claim that we need to reform parties instead of eliminating them is justified, it must be because parties fulfill a *more specific function* than just providing a “linkage” between the citizenry and government. Other institutions such as mini-publics could also serve such a function. This more specific “intermediary” function is often mentioned, but it is never the focus of analysis. The fundamental difference between political parties and deliberative mini-publics is that parties are capable of articulating and pursuing comprehensive political programs, whereas randomly selected citizens lack the ability, expert knowledge, and continuity over time that are needed to do so. However, this difference is substantive rather than procedural. The crucial intermediary function is not simply about inclusion, participation, and internal democratization. Rather, it is about having the capacity to articulate well-informed, comprehensive, and feasible political programs that can be translated into binding public policies that successfully address citizens’ needs and demands, *precisely* because they are ecologically, economically, and socially sustainable in the long run. This is what we need parties for, and it is also why parties are currently in crisis: national parties are apparently unable to offer actual solutions to the many transnational and global problems that threaten the fundamental interests and needs of citizens. If parties are to fulfill their unique and essential mediating function once again, then the elephant in the room that needs to be addressed is the inability of parties to offer voters real political choices. Moreover, without speaking to concrete proposals that would restore parties’ unique capacity to articulate comprehensive political programs that can successfully address the most important needs and interests of their constituents, the party-centered conception of popular-sovereignty cannot make a convincing case against lottocratic conceptions of popular sovereignty.

At one point, Wolkenstein very briefly addresses this issue and indicates that, if parties were equipped with inclusive deliberative mechanisms, the party leadership

could explain the constraints that impede the realization of some important political aims to their base and that this could in turn induce deliberation about how the party should move forward in light of such constraints or whether other changes would be required to overcome them (p. 60). This seems to me a promising starting point for exploring whether Wolkenstein’s deliberative theory of parties could fruitfully address the central problems that parties currently face and offering the types of reform proposals that might address those problems.

### Response to Cristina Lafont’s Review of *Rethinking Party Reform*

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— Fabio Wolkenstein 

I am grateful to Cristina Lafont for her thoughtful and generous review of *Rethinking Party Reform*. Lafont rightly observes that the book focuses primarily on the reform of intraparty decision-making procedures. And she is also right to question whether democratizing these procedures can actually mitigate the crisis that political parties currently face.

If I understand correctly, Lafont worries that my proposals for democratizing parties internally cannot solve the biggest problem plaguing contemporary parties—that their programs and agendas are increasingly ideologically empty and alike—because that problem is caused by factors that are *purely exogenous* to parties. Accordingly, parties struggle to present citizens with real political alternatives, because international institutions, such as the European Central Bank, the European Court of Justice, or the International Monetary Fund, and the imperatives of the global economy, more generally, severely limit their room for maneuver. Reforming and democratizing parties cannot make these external constraints vanish, so that will not help parties depart from the ideologically vacuous status quo.

Now, there is much truth in this observation. It would be absurd to deny that national governments and parties are constrained by a range of institutions and forces that operate beyond the state. But neither is the power these institutions and forces exercise over parties absolute, nor is reducing their power a task that party reform alone could fulfill. Let me take these points in turn.

First, although one must not underestimate the impact of international institutions and global capitalism on national parties’ policy agendas, it is equally misleading to think that parties have lost all or nearly all control over their agendas. There still exist parties that self-confidently implement agendas that go decidedly against the demands of international agencies (a recent example is the Portuguese *Partido Socialista*, which rejected the austerity policies mandated by the EU and IMF); there also exist long-standing parties that manage to renounce the exchangeable centrism

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that typically results from blindly accepting the primacy of global markets and interdependencies over politics (think of the British Labour Party under Corbyn; that the wider public did not approve of the party's ideological transformation is a moot point). So, there is arguably still *some* room for ideological innovation, and in my book, I try to show how such innovation could be achieved in a participatory and inclusive fashion.

Second, the deliberative democratization of intraparty decision procedures that I propose in my book cannot of course, by itself, solve the more general problem that

institutions and forces beyond the state place constraints on national parties. Certainly, it is imaginable that more internally democratic parties will more robustly resist demands from external principals if this is what their members and voters demand. But limiting the remit and authority of those principals would ultimately require a more fully fledged democratization of global politics. It would require that the many unelected international agencies that ask us to blindly defer to their decisions, as Lafont might put it, give way to more democratic ones. This is no doubt an important project, but it would require a different book.