

Democratising Deliberation: Parliamentarism, Deliberative Democracy and Lotteries

Anthoula Malkopoulou

There is no need to explain to the audience of this volume how foundational Kari's contribution to the conceptual history of parliamentarism has been. Thus far, however, the relevance of his work for contemporary developments in democratic theory has not been fully appreciated. Deliberative democratic theory is so absorbed by the task of inventing new rules for democratic deliberation that it neglects a rich depository of such rules, invented, laid out and applied throughout many centuries by national parliaments. Kari's historical analysis of parliamentarism succeeds, on the one hand, at uncovering the logic and procedural knowledge of parliamentary democracy and, on the other hand, at making use of historical developments and institutional traditions to sketch new directions for future democratic theory.

In the following pages, I will try to underline the significance of Kari's work on parliamentarism for contemporary democratic theory and critically discuss some of its central features. In particular, I will first describe what I consider to be the basic and most interesting claims of his theory of parliamentary procedures. Secondly, I will illustrate the links between his analysis and contemporary deliberative democratic theory. And thirdly, I will put emphasis on certain weak spots that invite some constructive criticism of his ideas and offer the possibility of suggesting new directions and improvements. In conclusion, I will underline how Kari's work could provide a powerful contribution to certain popular questions in contemporary democratic theory.

A central claim in Kari's parliamentary theory is that the guiding principle of parliamentary deliberative politics is that of *fair play*. In other words, all parliamentary actors should 'play', i.e. act, according to the procedural norm of fairness which applies to everybody equally. Yet, *fair play* is not a synonym for fairness which can have different connotations. Fairness, Kari argues, is mostly understood as a general moral or cultural norm, like justice or equality, which defines the intrinsic or essential characteristics of persons or acts. *Fair play* is, on the contrary, rather an organisational principle of procedural democracy, a regulating convention that disregards results and

protects the contingent nature of parliamentary debate. It signifies ‘the openness of parliamentary procedure and the contingent results of controversies’ (Palonen 2014, 339).

Fair play is indeed the quintessential mode of regulating the parliamentary practice; it constitutes that long-standing rhetorical principle, which generated the parliamentary culture of discussion. It is primarily a principle about the primacy of debate over subject matter or any attempts to obstruct, skew or circumvent it. The principle of structuring debate by giving fair allocations or opportunities to speak to all participants has been invented to accommodate the fact that parliamentary time was limited. To avoid endless and unproductive discussion, limited time had to be distributed according to rules that upheld the open-endedness of the debate and promoted its democratic nature.

In Kari’s view, the parliamentary institution has through its procedures preserved a rhetorical type of knowledge that was opposed to scientific and ‘objective’ knowledge. In this sense, parliamentary procedures constitute *topoi* that have kept alive the art of parliamentary knowledge. One of these *topoi* is the pluralist rhetorical principle of arguing *in utramque partem* (‘in each and every view’) about every single item on the agenda. Another is the *pro et contra* form of deliberation, which was not the equivalent of a personal government-opposition divide, but rather reflected political dispute and controversy on agenda items that often cut across party lines. The main idea, enabled by the *rotation of speakers* for instance, was that ‘the dispute should be maintained and everyone should be ready to alter their standpoint in the course of debate’ (Palonen 2008, 87). An additional and adjacent condition of parliamentary speaking was the need to *directly address one’s opponents* and adversaries, being prepared to hear alternative views and accept or reject them. Therefore, the possibility to change pre-existing views and biases presupposed a *free mandate* rather than imperative mandate. Such were the main criteria that forged the speaking culture in Westminster-style national parliaments and the principle of rhetorical or parliamentary knowledge.

Because Kari is primarily a theoretician, he has used his theory of parliamentarism to explain many contemporary instances of quasi-parliamentary debate. For example, one of his favourite tasks has been to draw parallels with scholarly disputes, which have much to gain from adhering to the parliamentary culture of fair debate (Palonen 2010). Supra-national bodies, such as the European Parliament, also need to better regulate the limited availability of time, he thinks (Wiesner, Turkka and Palonen 2011). The same

speaking conditions must apply to parliamentary committees, which are an important feature of a working parliament (*Arbeitsparlament*) and other political societies, such as civil society organisations (Palonen 2008, 91). In the same manner, steering committees of social, athletic and scientific associations must also engage in open-ended debate. For example, Kari's fascination with football gives us pause to consider just how world football is indeed managed, including the extent to which the FIFA Congress fulfils the criteria of a parliamentary body and engages in meaningful debate regarding the amendment of rules that govern football games. In sum, the ideal of political dissensus is applicable to various forms of organisations that want to be called democratic.

Deliberative democratic theory, which has largely dominated democratic theory over recent decades, is also concerned with the rules of talking yet features a fundamental difference to Kari's theory. Whereas the latter emphasises the importance of dissensus and contingency, deliberative democrats strive for consensus by means of universal rationality à la Habermas. The concept of 'public reason' is the leading force behind deliberative decisions, which are expected to be just and fair *because* preceding deliberations were not governed by individualistic or partisan interests. Of course, the deliberative system never results in strictly universal proposals, yet it provides an incentive to generalisation in order to become acceptable by as many listeners as possible (Manin, Stein and Mansbridge 1987, 359). In fact, the necessity of results has prompted many deliberative theorists of late to stress the importance of voting as a *sine qua non* of the process (Mackie 2011; Goodin 2008). Thus, although deliberative democracy places more emphasis on discussion than on decision, it does not necessarily refute the complementarity of the two. Likewise, Kari's theory mostly stresses the rules of debating, yet also recognises the necessity of *clôtures*, i.e. votes that bring the deliberative process to a close via a choice (Palonen 2014, 331).

In addition, both Kari's parliamentarism and contemporary deliberative theory are focused on rules of deliberation and not so much on rules for the selection of speakers. Who sets the rules that govern societies has been a secondary question compared to how these rules are argued and justified. For their part, deliberative theorists have concluded that, in order to be public-spirited, deliberative assemblies should consist of citizens chosen at random. Because of this type of selection, they are able to join the deliberations as equals and are not distracted by private concerns, external to the process. In this context, random selection does not aim at reversing the existing power balance as such, or to dismantle the existing elitism of elected authorities; it

is inspired by a commitment to isolate the rational validity of arguments from ‘external’ factors such as group psychology, ideological predisposition and other patterns of domination (Fishkin 2009, 95).

Compared to this claim, Kari’s support for the classic paradigm of elected Members of Parliament looks outdated and insufficiently responsive to the challenge of rising inequalities. On one hand, sceptics point to the inherent aristocratic or elitist character of elections, embodied in the perceived superiority of representatives compared to the represented (Manin 1997, 134–149). This is sustained not only by century-long anarchist polemics against *bourgeois* parliamentary democracy, or populist shaming of political corruption, but also by legitimate i.e. republican concerns about election engineering or illegitimate political lobbying. On the other hand, many scholars are worried by the growing social inequalities enabled by the predominance of economic liberalism since the 1980s (Rosanvallon 2013). These are often exacerbated by corresponding inequalities in political influence that further benefit the wealthy and socially advantaged classes (Hill 2013; Malkopoulou 2014). In this respect, legitimising the current system of parliamentary government and providing its apology sounds far too elitist and self-defeating.

In response to such scepticism, Kari has showed some interest in opening his parliamentary model of deliberation to new modes of inclusion. For example, one interesting aspect of his theory is the permanent reference to *fair play*, a term borrowed from the athletic domain, in particular football. As mentioned, this innovative use of a sports term invites speculation about the extent to which international sports competitions are governed with due respect for democratic procedures. Yet, most importantly, his ideal-typical democratic innovations include the practice of rotation, election of singular representatives who are not linked to political parties, and recently, support for the random choice of representatives (Palonen 2014, 345). This turn is linked to the dissociation of random selection from Habermasian consensus and its support by *klerotarians* as a device that is independent of the process of deliberation (Stone, Delannoi and Dowlen 2013).

In any case, regardless of the specific procedure of selecting members of deliberative assemblies, Kari seems committed to engaging only voluntary candidates in such process. Thus, he seems to agree with most deliberative democrats and *klerotarians* that political competence, rhetorical skill and interest in politics are not distributed equally in society. Even if this is relatively pragmatic and justified to say, taking it as a reason to make participation optional and, subsequently, to exclude the masses from decision-making can be counted as a standpoint that is liberal and elitist, rather than

progressive and egalitarian. For voluntarism breeds egoistic power-drives and a political arrogance that lie at the foundation of aristocratic inequality. On the other hand, compulsory participation recognises these pragmatic inequalities, but counts them as a reason for inclusive selection and deliberation as a process of universal education.

Therefore, I conclude, Kari would benefit from engaging with contemporary normative debates as much as deliberative democratic theory would gain from endorsing his work. In particular, it would make sense to address specific questions, such as who should be eligible as candidates for sortition and why; to what extent the principle of all-affected interests applies in such settings; why are political parties problematic today; why the mere opportunity to participate is sufficient and whether it is important to achieve substantive equality of citizens to exert political influence on agenda-setting (through universal compulsion or other measures). On the other hand, deliberative democratic theory should engage more with the procedural principle of contingency, embodied in the notion of *fair play*. Perhaps combining the principles of open-ended deliberation with the democratic ideal of random selection can lead the way for the universal acquisition of parliamentary eloquence.

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