

On Mini-Publics in Deliberative Democracies: Inefficient Instrument or Arendt's "Oasis of Freedom"?

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According to the standard of legitimacy provided by different theorists of deliberative democracy, a collective decision could be defined as legitimate if it is rendered in accordance with a collective deliberative procedure by citizens who will be subject to this decision. In the beginning of the noughties, deliberationists became more concerned with the implementation of this ideal so that citizens could have more possibilities to take part in deliberative collective decision-making. One of the institutions which were thought to better involve citizens in deliberative decision-making and to ensure the legitimacy of outcomes were mini-publics. Mini-publics are deliberative forums composed of lay citizens who communicate about questions of the political agenda. However, using mini-publics can eventually lead to situations when citizens are "bypassed" in the process of collective decision-making. So, in our article, firstly, we will briefly discuss the standard of legitimacy provided by the theorists of deliberative democracy and the concept of mini-publics. Secondly, we will analyze how using mini-publics can lead to the exclusion of citizens from the process of collective deliberative decision-making. Finally, we will consider how Arendt's theory of councils can be used to transform the concept of mini-publics so these institutions will lead not to a "bypassing" of the people, but to the more inclusive process of collective deliberative decision-making.

Keywords: Hannah Arendt, mini-publics, deliberative democracy, legitimacy, councils, participation

Introduction

Joshua Cohen formulated a standard of legitimacy for deliberative democracy which is now shared by many democratic theorists. He wrote that "... outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals. The ideal deliberative procedure is a procedure that captures this principle" (1997: 73). Seyla Benhabib proposes a standard of legitimacy which is close to that of Cohen when she writes "legitimacy in complex democratic societies must be thought to result from the free and unconstrained public deliberation of all about matters of common concern" (1996: 68). We can single out two basic elements in these two parallel accounts of legitimacy; the first is that there is a procedure of deliberative collective decision-making,

while the second element is that those who are subject to collective decisions take part in this procedure.

In the beginning of the noughties, theorists of deliberative democracy became more concerned with the second element. As Böker and Elstub put it, theorists tried to implement the ideals of deliberative democracy so that citizens can have more possibilities to take part in deliberative collective decision-making (2015: 129). One of the institutions which were thought to better involve citizens in deliberative decision-making and ensure the legitimacy of outcomes were mini-publics. Mini-publics are deliberative forums composed of lay citizens who communicate about questions of the political agenda. Usually, Robert Dahl is mentioned at the forefront of those who introduced the concept of “minipopulus” (Dryzek, Goodin, 2006: 220), but it is also thanks to Archon Fung, James Fishkin, John S. Dryzek, Robert E. Goodin and other authors that the notion of “mini-publics” has become a part of discussions related to deliberative democracy.

However, using mini-publics can eventually lead to the situations when citizens are “bypassed” in the process of collective decision-making. Firstly, decisions of mini-publics are not binding. Citizens participating in mini-publics cannot be sure that their deliberations will contribute to the collective decision-making process. Secondly, even if the decisions of mini-publics had binding power, other problems would arise. Mini-publics are usually formed by random sampling. However, there are serious questions if random sampling is a suitable strategy to reflect deliberation in the society at large. Moreover, even if this model of representation is sufficiently precise, this model usually ignores the importance of communication between mini-publics and those who they represent. In other words, many people who did not experience random selection or impose the self-selection would be excluded from the deliberation process. Finally, mini-publics with binding decisions could undermine the principles of competitive democracy with its parties and political programs.

In our article, we will try to answer the question if it is possible to escape a ‘bypassing’ of the people while using mini-publics. To answer this question, we will turn to the concept of ‘councils’ proposed by Hannah Arendt. In her book *On Revolution*, Arendt described councils as self-organized bodies where people can deliberate and pass decisions about their common deeds. Thus, three features of councils could be described. They are organized in accordance with the principle of self-selection. Citizens in councils deliberate and even enter into a political contestation with each other. Councils’ decisions are binding, not advisory. We will demonstrate that mini-publics should also possess these features to give citizens the possibility to take part in the deliberative collective decision-making process.

So, firstly, we will briefly discuss the standard of legitimacy provided by the theorists of deliberative democracy and the concept of mini-publics. Secondly, we will analyze how using mini-publics can lead to the exclusion of citizens from the process of collective deliberative decision-making. Finally, we will consider how Arendt’s theory of councils can be used to transform the concept of mini-publics so these institutions will lead not

to a 'bypassing' of the people, but to a more inclusive process of collective deliberative decision-making.

The Standard of Legitimacy in Theories of Deliberative Democracy and the Concept of Mini-Publics

Originally published in German in 1962, the English version of *The Structural Transformation of the Public Sphere* by Jürgen Habermas became available in 1989. As Böker and Elstub state, it is one of the most influential works for the theory of deliberative democracy (2015: 129). It is here where the crucial concepts of deliberative democracy, among which one lists the public sphere and the rational-critical debates, were examined and historicized. Additionally, as Dryzek notes, this work supplies the groundwork for the elaboration of the deliberative legitimacy (Dryzek, Niemeyer, 2010: 31). Habermas writes that the extensive sphere of public authority in the nation-states of the XVIII century was constituted of armies and public administration. On the other hand, the same historic period marks the growth of the bourgeoisie, which was affected by the mercantilism policy practiced by national states (Habermas, 1991: 18). The public sphere, in which representatives of the bourgeoisie sought to defend their interests, largely began to form as the counterweight to this policy. Therefore, different political decisions of national governments were exposed for the comprehensive discussions in the public sphere (Ibid.: 19–22). Then, Habermas demonstrates how the public sphere transformed, and how it lost its critical potential in the 20th century. However, it is the idea of the critical examination of national government decisions and laws through the lens of rational-critical debate within the public sphere which constituted the notion of legitimacy for the theories of deliberative democracy of the 20th century.

Seyla Benhabib develops an account of legitimacy provided by Habermas. She specifies the notion of a deliberative procedure which is structured in accordance with the norms of equality and symmetry. During the procedure, each participant has a right to initiate an act of speech, each participant can challenge assigned topic of the discussion, and each participant can question the rules of the procedure itself. Benhabib further states that “. . . legitimacy in complex democratic societies must be thought to result from the free and unconstrained public deliberation of all about matters of common concern” (1996: 68). Joshua Cohen's account of the deliberative procedure differs slightly from that of Benhabib's. At the same time, he has almost the same view on democratic legitimacy, as shown in his statement that “. . . outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals. The ideal deliberative procedure is a procedure that captures this principle” (1997: 73). All in all, we can distinguish two basic elements of Cohen's and Benhabib's approaches to democratic legitimacy. Firstly, there is a procedure of collective deliberative decision-making. Secondly, all those who are subject to the collective decision-making participate in this procedure.

Discussions about the second element of this dyad became a part of the academic agenda at the beginning of the noughties. Dryzek calls it the “practical turn” in delibera-

tive democracy. Some authors focused on the deliberation in governmental structures, for example, John Rawls wrote on deliberation in the Supreme Court of the USA, and Joseph Bessette wrote on the democratic deliberation in Congress (Dryzek, Niemeyer, 2010: 6–9), to name a few. However, for the means of our research, it is more important to note that other authors devote their attention to small-scale deliberative forums. These forums were thought to be the instruments for the realization of the ideal when all subject to collective decision could take part in its elaboration (Ibid.: 27). An increase of academic attention to small-scale deliberative forums coincided with diverse civic initiatives happening across the US. The most notable examples are the self-organized neighborhood forums in Oregon which unified concerned citizens who deliberated about health-care rationing, and citizen groups in Chattanooga, Tennessee (Gastil, 2000: 119–121). In addition, state governments, local governments, and groups with private funding organized similar forums during the last two decades of the 20th century.

Archon Fung was one of the authors whose explicit goal became the acceleration of conversations among these practitioners and theorists of citizen deliberation. His article “Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences” introduced the concept of “mini-publics.” Thus, using the Fung’s work as the source material, we can explicate three basic criteria of compositional, functional, and procedural for defining something as a “mini-public.” It should be composed of citizens who were either randomly selected or self-selected, or even composed “with structural incentives for low status and low-income citizens to participate” (2003: 343). It should perform at least one of the four functions of educative, advisory, problem-solving, or governing. Finally, it should perform fair and informed deliberation.

The notion offered by Fung became widespread in democratic theory, thus rendering plenty of political meetings analyzed earlier as citizen forums into mini-publics. At the same time, Goodin and Dryzek were dissatisfied with this concept as they wanted to exclude partisan and professional politics from the mini-publics. So, they offered to consider only those initiatives which were composed of randomly selected citizens as mini-publics (2006: 22). More than this, they wanted to describe the situations in which the decisions of mini-publics can have binding authority for those not directly involved in the decision-making process. Thus, the random-sampling design of mini-publics was also used by authors as an additional argument in favor of their legitimacy.

Therefore, we can distinguish two basic features of mini-publics. Firstly, they are composed of randomly-sampled ordinary citizens. This adds to the democratic character of mini-publics. Secondly, they function in accordance with the deliberative procedure. Thus, deliberative democrats are sure that such institutions will provide the implementation of democratic legitimacy. Specifically, mini-publics will help citizens who are subject to collective decisions to take part in rendering these decisions. At the same time, there are serious questions connected with mini-publics’ capacity to embody this ideal. How can mini-publics influence collective decision-making? Are they capable to include citizens in this process? In the following section, we will deal with these issues.

Problems with the Legitimacy of Mini-Publics

It was clear that mini-publics were initially excluded from the formal structures of governmental authorities. So, it was indeterminate of “how citizen deliberation can be consequential in democratic practice.” Goodin and Dryzek formulated this problem as “how to link the micro to the macro?” To put it differently, they stated that there was a problem of establishing the connection between large political systems and micro-political innovations (2006: 220). One of the most common methods to restore this connection was the establishment of mini-publics as advisory committees affiliated with state bodies (Fung, 2003: 346). However, the recommendations of such mini-publics could always be ignored without any considerations. Thus, Fung, and Goodin and Dryzek focused on the conditions which stated the obligatory status for the mini-publics. At the same time, other authors are concerned with the fact that mini-publics could become structures which legitimize existing state policy. Quite often, mini-publics are supported financially and organizationally by state agencies. Some mini-publics were even entirely initiated by state bodies, and dealt with the agenda formulated by governors.

Mark Warren, writing on the forms of governance-driven democratization, states that these forms have inherent limitations (2009: 9). It is not only that their agendas are predetermined, but even their size and scale make them unsuitable for protests and opposition. Since 2008, the number of mini-publics organized by local governments in China is continuously growing. Moreover, deliberative democracy (‘socialist consultative democracy’, as it was called in documents) was officially approved by the Communist Party of China in 2013 as a valuable practice (He, Warren, 2017: 157). At the same time, as Warren and He emphasized, the Chinese government uses mini-publics basically to legitimize its reign and to get information on the people’s needs. This is the agenda in which mini-publics are strictly controlled by state agencies (Ibid.: 161).

Ian Shapiro goes even further and states that political deliberation itself easily leads to bargaining. When it comes to bargaining, people with more power and resources will have a greater say. Thus, deliberative forums may become dominated by them. As Shapiro notes, “. . . if rules are created to institutionalize deliberation and give it real decision-making teeth, they can all too easily undermine political competition and empower people with leverage to appropriate them for their own purposes” (2017: 79).

Even if we suppose that these risks of agenda-setting and bargaining could be overcome, there is another problem connected with the competence of mini-publics. According to the standard of legitimacy formulated by deliberative theorists, a collective decision is legitimate only if it extends to those who take part in collective deliberation (Dryzek, Niemeyer, 2010: 22). Yet, why must decisions which were elaborated and discussed in mini-publics become obligatory for those who did not take part in the deliberations? The fact that deliberation does not include all who will be subject to the resulted decision is sufficient for an inquiry into the legitimacy of mini-publics. One of the partial solutions to the problem as we have already discussed was a number of mini-publics to be formed by a random sampling of the citizenry, thus letting them represent a region or even the

whole country (Dryzek, Goodin, 2006: 222). The main assumption of this solution was explicitly formulated by James Fishkin in his works about deliberative opinion polls: if we randomly select a group of people, provide them with the necessary information, and let them have debates on different topics upon the condition of a fair deliberation, the end result of the discussion would be similar to those reached through informed and fair discussions held within the population of a region or the whole country (2003: 128). So, if mini-publics are representative, why cannot they work as parts of the democratic decision-making process?

The problem is that deliberation conducted in mini-publics is weakly connected with the processes of deliberation which took place in a region or in the whole country. According to Blumer, if we agree that society is not a mere sum of singular individuals but rather a structured network of functional groups with different interests and resources, we can see that a randomly sampled group of individuals does not represent an effective public opinion (1948: 544). Specifically, this group is not allowed to know which functional groups the selected individuals belong to. More than this, a group formed by random sampling cannot inform us about the actions and deliberations happening between functional groups and state agencies. We can also state its relevance to the notion of the mini-publics, especially those which are formed by random sampling. Mini-publics of this type cannot provide us with information on deliberation between functional groups and different state bodies. More than that, even if we agree upon the fact, that this type of representation can provide us with the “exact model of the population,” we are yet to prove that the conclusions of the discussions which took place in the mini-publics coincide with the conclusions resulting after the possible deliberations between non-participants. Otherwise, we cannot make a decision elaborated in mini-publics obligatory for non-participants (Lafont, 2017: 91).

Another problem is that this ‘mirror’ approach to political representation tells us nothing about the interaction between the representatives and those who are represented. Hannah Piktin writes about the models of political representation where debates concerning governmental decisions become a necessary condition for communication between the represented and the representatives (deputy-model) (1972). Later, Habermas, in *Between Facts and Norms*, described a “two-track model” where transmission is organized from the opinion formation in the public sphere to the will-formation in formal representative institutions (1996: 304). Au contraire, the metaphor of the mirror assumes that representation is based on the single act of choosing deputies. It says nothing about the communication between representatives and who they represent. Instead of setting the defense for the basic claim of deliberative democracy on the accountability of decision-making bodies, they are aimed at isolating the narrow circle of people who would deliberate about public issues. Thus, much is said about the deliberation in mini-publics, yet nothing is said on the deliberation between mini-publics and those whom they represent.

Therefore, if we talk about the mini-publics’ inability to implement a standard of legitimacy provided by deliberative democrats, we will be faced with the following arguments;

firstly, mini-publics are unable to render obligatory decisions and thus are unable to become powerful instruments of the citizens' collective deliberative decision-making. Secondly, even if the decisions of mini-publics are binding, they may become useful proxies for "bypassing the people." Thus, mini-publics may be suitable tools for lobbyists and state agencies because they can influence the agenda of these institutions. Yet, even if this is not the case, mini-publics formed by random selection do not represent the process of deliberation in a region or a country at large, and do not communicate with the citizens they represent. Indeed, notwithstanding the spread of mini-publics, many citizens are still excluded from the process of collective deliberation. As Lafont puts it, "Democracies are stuck with the people they have, so political improvements can count as democratic only if they take the people along instead of trying to bypass them by appealing to some favored proxy" (2017: 93).

Reconceptualizing Mini-Publics as Arendt's Councils

In her book *On Revolution*, Hannah Arendt discusses, inter alia, the peculiar experience which became accessible to the people who took part in revolutions (1990: 34). Specifically, she writes about the American and the French revolutions, the Russian revolutions of 1905 and 1917, and the Hungarian revolution of 1956. According to Arendt, notwithstanding the differences, these revolutions began as political events. Even in the French revolution and the Russian revolution of 1917 where the social question was eventually dominant, public freedom and self-government had been the initial goals. What is peculiar about these goals is that they were implemented through different revolutions in similar ways. During the American revolution, it was the townships and their meeting halls through which public freedom was realized. In France, it was the *sociétés*, and in Russian and Hungary, it was the soviets. At the same time, Arendt offers the term 'councils', which captures the fundamental affinity of all these institutions. The point here is that the accomplishment of political freedom necessitates certain practices which are common even in different circumstances.

For Arendt, public freedom implies performing actions and speeches concerning common deeds in the space of equals (1990: 30; 1998: 31; 1961: 143). Moreover, public freedom, as Arendt demonstrates, usually demands the experience of a new beginning. These elements of public freedom find their implementation in councils. Firstly, councils are organs of action and of order (1990: 271). As organs of action they provide citizens with access to public space of appearance where individuals can try to excel one another and "act together in concert." These means that councils are not only places for discussions but also institutions which pass obligatory decisions. As organs of order councils have "a kind of stability or durability that action lacks" (Zerilli, 2018). Secondly, councils were self-organized bodies initiated by people. So, councils gave people the experience of a new beginning as well. Therefore, relying on this argument, we will single out three basic institutional features of councils. Firstly, councils provide people with a space where they

can deliberate and even contest with each other as equals. Secondly, councils are organs which can pass obligatory decisions. Thirdly, councils are self-selected bodies.

Our point is that the concept of mini-publics should be changed to include these three features. Then, it will be possible to overcome the bypassing of the people while using mini-publics. Moreover, it will bring us closer to the realization of collective deliberative decision-making. This point demands a clarification, however. So, further on, we will demonstrate how each of the described three characteristics can make mini-publics more efficient in providing collective deliberative decision-making.

If we grant a binding force to the decisions of mini-publics like it is in councils, we will overcome the gap between micro-deliberative innovations and larger political systems. As we have already mentioned, Goodin and Dryzek mark this gap as an obstruction for collective deliberative decision-making process (2006: 221). In other words, it will allow participants of mini-publics to take part in decision-making process directly. Some deliberative democrats still hope that cases of when mini-publics have binding decision “will become increasingly common.” In this sense, it clearly helps to overcome a “bypassing” of the people. At the same time, it is not quite clear how mini-publics will share sovereignty with representative bodies of the national state. Perhaps the answer could be found in Arendt’s theory of councils.

Arendt’s position concerning the coexistence of representative government and council system is ambiguous. On the one hand, she underlies their incompatibility. For example, she states that “The conflict between the two systems, the parties and the councils, came to the fore in all twentieth-century revolutions. The issue at stake was representation versus action and participation” (1990: 273). On the other hand, she makes some remarks about a simultaneous functioning of councils and central power. This is especially obvious when she writes about the foundation of the USA when she writes, “The common object was the foundation of a new body politic, a new type of republican government which would rest on ‘elementary republics’ in such a way that its own central power did not deprive the constituent bodies of their original power to constitute. The councils in other words, jealous of their capacity to act and to form opinion, were bound to discover the divisibility of power as well as its most important consequence, the necessary separation of powers in government” (Ibid.: 267) It seems that she was not offering parliamentary democracy to be replaced by the council system. As Isaac demonstrates, “she was arguing that we ought to cease treating these [parliamentary] institutions as the essence of politics and the apotheosis of democracy and that we should deprive them of their sovereign status” (1994: 160). However, if a parliament is deprived of its sovereign status, can it still be called a ‘parliament’? What legal status will councils have? There are two types of answers for these questions. The first answer calls the concept of sovereignty itself into question. The second is more moderate, and deals with the limits of responsibility of the parliament and of local decision-making bodies. We will simply present these questions here; to choose among them is a task for a separate paper.

Nancy Fraser, in her famous article “Rethinking the Public Sphere,” criticizes the separation between the state and civil society made by Habermas. In contrast to his idea,

she draws the distinction between strong publics (“publics whose discourse encompasses both opinion-formation and decision-making”) and weak publics (publics whose deliberative practice consists in opinion-formation) (1990: 75). Furthermore, she posits a question if it still “makes sense to understand the nation state as the appropriate unit of sovereignty.” For Fraser, the parliament and councils will be forms of strong publics. Accordingly, mini-publics will become strong publics if they can pass binding decisions.

Another settlement of the discussed problem was provided by Joshua Cohen and Charles Sabel. In their conception of directly-deliberative polyarchy, parliament still has a ‘prevalent’ status among other decision-making bodies. However, in many cases citizens pass decisions independently of representative bodies specific for “classic” polyarchy (Cohen, Sabel, 1997: 3–4). Citizens render these decisions through different local associations. Cohen and Sabel do not specify their design, paying more attention to decision-making procedures. The range of these decisions is limited by the central government. Moreover, deliberative forums composed of citizens are authorized and monitored by state bodies and courts (Ibid.: 28). Finally, these associations must coordinate with each other to share information before rendering a decision.

We will turn now to the second feature of councils which should be appropriated by mini-publics. As it was stated, for Arendt, councils are places where people can deliberate and even contest each other as equals. Obviously, the mini-public as a concept which was developed by deliberationists is tightly connected with the idea of deliberative procedure. There are usually many levels of procedures in mini-publics where participants firstly acquire information on the topic, then deliberate with each other in groups, and finally reach a rational consensus. At the same time, Arendt’s concept of councils implies not only deliberation but also a contestation between participants. Moreover, according to Arendt, political contestation can be the goal itself for participants. If we overlook this dimension of political communication, we can come to the situation where a fundamental political passion of the citizens will be ignored. This should be explained.

Maurizio Passerin d’Entrèves distinguishes two models of action presented in Arendt’s texts. The first, an expressive model of action, describes politics as the arena for acting to demonstrate personal distinctness. The second, the communicative model of action, concentrates on forms of interaction between equal citizens (d’Entrèves, 1994: 64–74). We will focus on the expressive model of action. Firstly, according to Arendt, excellence could be achieved by action. In *Vita Activa*, she states that “every activity performed in public can attain an excellence never matched in privacy” (Arendt, 1998: 49; 1961: 153). Secondly, behind the action, there is a desire to excel others in the public space. In the Greek polis, as Arendt noticed, this desire was connected with the hope of becoming immortal (1998: 55). The problem is that the early modern period was characterized by “the almost complete loss of authentic concern with immortality.” The desire to excel another and therefore to become immortal was interpreted as the vice of vanity (Ibid.: 57).

At the same time, Arendt demonstrates, that the desire to excel others in the public space was rediscovered during the American revolution. As she writes, “what brought [Americans] together was ‘the world and the public interest of liberty’ (Harrington), and

what moved them was ‘the passion for distinction’ which John Adams held to be ‘more essential and remarkable’ than any other human faculty” (Arendt, 1990: 119). Moreover, time and again, Arendt notices that Americans had received the experience of political freedom even before the revolution. In other words, townships and their meeting halls provided Americans with the political experience, revealing the taste of public freedom to them, and, respectively, the desire to excel others in the public space (Arendt, 1972: 94–95).

Therefore, mini-publics should offer institutional arrangements not only for rational deliberative procedure, but also for contestation among participants. An example of such procedure is provided by Bernard Manin. He proposes to follow the “principle of relevant reasons” to make deliberation more adversarial. According to this principle, deliberation primarily is a confrontation between opposing views (Manin, 2017: 45). To encourage such confrontation, Manin offers, on the one hand, a dissection of the debated question, when he writes: “In order to encourage citizens to take account of and weigh the reasons for and against a given decision, each question that can be defined objectively and independent from other questions should be debated separately” (Ibid.: 48). On the other hand, according to Manin, participants should act in accordance with their publicly declared interest which they should “link to the substance of the policy they recommend.” This should lead to the situation when participants “would, as much as is possible, be disconnected from the stakes of electoral power and competition” (Ibid.: 48).

Finally, we turn to the council’s third feature which should be adopted by mini-publics. Arendt repeatedly noticed that councils were self-selected bodies established by citizens. It follows that mini-publics should also become self-selected. This will allow to overcome the problems of representation which were considered earlier. Each citizen will be able to take part in developing the agenda of mini-publics and deliberation without being randomly selected. Thus, mini-publics will not be closed structures which serve as a mere proxy, excluding the people from collective deliberative decision-making. Moreover, there will be no danger of the expropriation of the agenda by public bodies which organize mini-publics. However, there is a serious difficulty connected with self-selection. As Nagel, and Goodin and Dryzek demonstrate, mini-publics organized in such ways “are likely to attract only strong partisans” or those who are better-educated or have higher income” (Dryzek, Goodin, 2006: 22; Nagel, 1987: 58–64). To deal with this problem, we again turn to Arendt.

At first sight, it seems that Arendt does not see any problems with this point. She explicitly states that councils are bodies of the political elite: “Of course the men who sat in the councils were also an elite, they were even the only political elite, of the people and sprung from the people, the modern world has ever seen, but they were not nominated from above and not supported from below” (Arendt, 1990: 278). As Margaret Canovan notes (1978: 5–6), Arendt’s elitist side cannot get on well with a democratic vision of politics. However, Arendt’s understanding of the elite is more complicated. She writes that her “quarrel with the ‘elite’ is that the term implies an oligarchic form of government, the domination of the many by the rule of a few.” Yet Arendt, in turn, offers to look at the

elite differently. In her phrase “political elite,” the first word is paramount. It presupposes that there are plenty of public spaces across the country “to which the people at large would have entrance and from which an elite could be selected or rather, where it could select itself” (Arendt, 1990: 277). Thus, everyone can take part in a self-selected elite, which makes Arendt’s model closer to democratic principles. Furthermore, Arendt specifies this. Everyone who “has a taste for public freedom and cannot be ‘happy’ without it” (Ibid.: 279) are prone to take part in councils. Yet, according to Nagel, better-educated, higher-income partisans are prone to participate in political bodies. In case of the self-selected mini-public, can we expect that they will be crowded with those seekers after public freedom, or seekers after private and partisan goals?

Our point is that the Arendtian thesis about the seekers of public freedom will work only if mini-publics prove to be autonomous bodies which can pass binding decisions, and offer a public space for deliberation and political contestation. In other words, people will be motivated to participate in self-selected mini-publics if they can see that, through these institutions, they can influence their lives directly and get recognition during political contestations. Nagel, Goodin, and Dryzek made their conclusions about partisan bias in another institutional context. Their thesis is fair only if there are no institutions through which people can influence their lives directly, or get recognition. Yet, if mini-publics can become such institutions, citizens with different incomes and statuses may want to participate.

Conclusion

In our article, we have demonstrated how the concept of mini-publics became the part of the theory of deliberative democracy. Mini-publics were considered by deliberationists as instruments to implement the standard of democratic legitimacy which demands that all those who are subjected to the collective decision should take part in the rendering of this decision. Specifically, mini-publics widen citizens’ participation in deliberative decision-making. Yet, as we have shown, the use of mini-publics can lead to a “bypassing” of the citizens. Firstly, mini-publics cannot pass obligatory decisions, and consequently do not provide citizens with direct access to decision-making. Secondly, mini-publics as bodies formed by random sampling do not accurately reflect how deliberation proceeds in the society at large. Moreover, mini-publics do not communicate with those whom they represent. So, those who did not experience random selection are excluded from the deliberation process.

We stated that to prevent a bypassing of the people while using mini-publics, we should reconceptualize these institutions drawing on Arendt’s theory of councils. We distinguished three basic features of councils. They pass obligatory decisions. They provide a public space where deliberation as well as political contestation are possible. They are organized by the principle of self-selection. Thus, we propose to rebuild mini-publics on these principles. It will allow us, firstly, to bring people back to the decision-making process. Secondly, it will let us provide people with public spaces where they will be able

not only to deliberate, but also to get recognition in the process of political contestation. Finally, mini-publics will be selected by the citizens themselves so it will be harder for governmental bodies to make them proxies for bypassing the people.

In drawing the conclusion, we want to repeat that theorists of deliberative democracy acknowledge that legitimacy is reached in the case when all those subject to collective decision-making will take part in the deliberative elaboration of this decision. At the same time, they assume that the citizens' participation in this procedure could be indirect. Specifically, citizens may be represented by members of parliaments or by randomly selected neighbours. In other words, the direct participation of citizens in decision-making is not obligatory for a deliberative approach to legitimacy. However, this approach misses that, as Arendt puts it (1990: 268), "only interests can be represented." Arendt's theory of councils allows us to see that political action and speeches should be performed directly in concrete public spaces. Otherwise, we are at risk of encountering a bypassing of the people.

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О мини-публиках в делиберативных демократиях: бесполезные институты или «оазисы свободы»?

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В работах ряда теоретиков делиберативной демократии можно обнаружить схожее определение легитимности. Согласно этому подходу, коллективное решение может быть названо легитимным, если оно было вынесено в ходе процедуры коллективной делиберации гражданами, которые подпадают под действие этого решения. В начале двухтысячных в теориях делиберативной демократии стали уделять больше внимания вопросу о том, как реализовать этот стандарт легитимности. Одним из инструментов, который должен был вовлечь граждан в делиберативную процедуру по принятию коллективных решений, стали мини-публики. Под мини-публиками сегодня понимают специально организованные гражданские форумы, в которых происходит процесс демократической делиберации. Вместе с тем мини-публики в том виде, в каком они существуют сегодня, могут привести к игнорированию народа в ходе принятия коллективных решений. В нашей статье мы, во-первых, кратко разберём стандарт легитимности в делиберативной демократии и концепт мини-публик. Во-вторых, мы проанализируем, как использование мини-публик может привести к исключению граждан из процесса коллективного принятия решений. Наконец, мы рассмотрим, как, обратившись к теории советов Ханны Арендт, можно трансформировать концепт мини-публик, чтобы те решали свою первоначальную задачу: включали людей в процесс коллективного принятия решений.

Ключевые слова: Ханна Арендт, мини-публики, делиберативная демократия, легитимность, советы, политическое участие