On Constitutional Democracy: The Relation between Political Deliberation, Mixed Constitutions, and the Division of Labour in Society

by

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Abstract:

This thesis normatively defends political equality and deliberation by citizens, arguing for the constitutional integration of randomly selected citizens' bodies in modern representative democracies. This defence is initiated through Aristotle's explication of the constitution of polity and its inclusion of all economic classes, especially through lottery as one method of selection for deliberative office. Since a unifying theme of this study is the justification of citizens' deliberation through a labour theory of value, Aristotle's philosophy is also criticized for its failure to politically value and include all labourers. This shortcoming propels applying Karl Marx, and his theory of the capitalist division of labour, to justify citizens' assemblies that are fully inclusive. Finally, the feasibility and potential of a constitutionally implemented, randomly selected citizens' body - as a means for mitigating political and socioeconomic hierarchy - is analyzed and reinforced through the contemporary case of the British Columbia Citizens' Assembly.

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Dedication:

This thesis is dedicated to all citizens whose labour contributes to the functioning of society.

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Chapter 1:

Thesis Overview

Introduction to the Thesis:

The development of a capitalist structure is inextricably bound to a productive process marked by the interdependence of people who labour in various specializations, and who are differentiated by sharply unequal financial and social rewards. We can also observe that in liberal democracies, Canada for example, the process and outcomes of democratic politics are tied to the functional reproduction of capital and those relations which (re)produce it. It is nothing new to state that economic relations in capitalist societies tend to produce certain power inequalities not only economically, but also socially and politically. It is also nothing new to state that such inequalities are the basis for demanding certain forms of recompense to reduce them. But what *is* new is the idea that another form of restitution people require for the inequality derived daily and overall in capitalist relations, is political deliberation by citizens themselves. A defence of citizens' deliberation will be provided here through a theory of labour. The dependence society has on human labour within capitalist production will be explained, and it will be argued that such a reliance normatively demands greater political equality and power in the hands of all those who labour. This normative claim is reinforced by practical concerns: if the labour of people is not respected as it should, then people have the ability and right to deny their labour to others. Such a denial of course, is of extreme importance not only because it can affect the daily survival of all people in society, but also the overall stability of a state, and the continued prosperity of the economic market. For this reason, it is up to all those in positions of power to duly note that providing people the opportunity for political deliberation is one necessary step towards ensuring that greater

equality between citizens can limit potential uproars by the people at large. It should be noted that this thesis is not about defending capitalism, but about defending the people within it.

Ralph Miliband's book *The State in Capitalist Society* is a timely read for students of politics. For a book originally published in the late 1960s, its analyses are ever more applicable today. According to Miliband "the most important political fact about advanced capitalist societies [...] is the continued existence in them of private and ever more concentrated economic power."[1] The reason why this is an "important political fact" is because, "unequal economic power, on the scale and of the kind encountered in advanced capitalist societies, inherently produces political inequality."[2] This observation is supported by the fact that the state in class societies is inseparable from the economic interests it continues to protect.[3] We need to look no further than the current world-wide economic recession and the political interventions that have occurred over the past year to prove this point. In Canada for example, as in other counties, economic stimulus packages and corporate bailouts by the government, support the idea that the government and the economic market are not separate as prominent ideologies such as neo-liberalism claim. In such countries, the government of the day will always have a role to play in ensuring the capitalist system stays on course.

Miliband's analysis of the state in capitalist society, as well as the elites which economically, socially, and politically dominate, is helpful to lead into the ideas presented in this thesis. Miliband notes that there is a marked similarity between all

[1] Miliband, Ralph. The State in Capitalist Society. Great Britain: Merlin Press Ltd, 2009. p. 193.
[2] Ibid.
[3] Ibid.

capitalist countries, in political, social, and economic terms. Such countries have a relatively small class of wealthy people who derive many privileges from the level of capital they own, and a very large class of people who own dramatically less, facing considerable constrictions in their daily living.[4] He goes on to claim of modern capitalist societies that,

> even if the outward and visible manifestations of class were not as conspicuous as they do in fact remain, it would still be quite unwarranted to interpret this as evidence of the erosion, let alone the dissolution, of class divisions which are firmly rooted in the system of ownership of advanced capitalist societies.[5]

Lifestyles of many people who are not part of the capitalist class are marked by precarious determination. Economic affluence easily translates into particular powers, ranging from access to higher education, high social status, and significant lobbying strength towards political decision-making made by the representative and bureaucratic organs of society. We can now turn to an idea that will help ensure any control over the means of political, social, and economic power is not monopolized by the few elite, but more diffused and integrated into the masses of society.

Constitutional Implementation of Political Deliberation by Citizens:

The overall purpose of this thesis is to defend political deliberation by citizens in a forum wherein each participant is fairly selected by random lottery, and is thereby formally and constitutionally allotted the opportunity to influence political outcomes, and to gain significance and respect through this deliberative office. This thesis aims to justify an institutional and constitutional deliberative body of citizens to supplement the constitutional powers of the executive, legislative, and judiciary. This is to be considered

[4] Ibid., pp. 21-22.
[5] Ibid., p. 22.

a citizen's assembly, and is also to be referred to as the civilature; the two ideas are used here interchangeably. The citizens' assembly (CA) is specifically understood to be a place where face-to-face deliberation characterizes its essence; it is the institution that formally recognizes where citizens (distinct from representatives) propose laws and deliberate on a political agenda. In such a place, randomly selected citizens come together as formal and equal participants to deliberate on substantive issues. The reason the formality of the term civilature has been provided here, is to indicate how seriously deliberation is to be considered. We currently do not see citizen deliberation as an overarching necessity or value, because it is not something constitutionally recognized. Thus, the formal recognition of the constitutional term civilature provides it with a seminal attribute, similar to a legislature. This idea is better understood when it is contrasted with the nature of a legislature – that is, the formal place where legislators deliberate. The term legislator, in the singular, etymologically breaks up into *legis* (law) *lator* (proposer); similarly, we could devise the civilature to be where (citizens) civilators deliberate - in the singular, this etymologically separates into *civilis* (proper to a citizen) *lator* (proposer).[6] Ultimately, it is viewed that the current political structure itself is lacking this fundamental citizens' institution, undermining its very legitimacy, accountability and overall claims to political equality, which is why this thesis has the goal of normatively supplying the theory to support such an institution.

The main concerns of this thesis are why deliberation by citizens should be defended, and how it should be instated. It is viewed here that if a society allows a

[6] This term is unique, and its terminology has not been documented. Hence, the same method applied to the etymological understanding and separation of legislature (which is in fact a recognized term), has simply been utilized for the idea here of forming the term civilature. See for example, 'Legislator'. Retrieved: May 03, 2009, www.etymonline.com: <http://www.etymonline.com/index.php?term=legislator>

deliberative element of democracy to flourish coexistent to the current structure of constitutional powers, then it aims for a greater promotion of citizen equality. Theoretical contributions made by this thesis are motivated by an expectation that normatively addressing (political) deliberative deficits in representative democracies, could contribute to the reduction of inevitable disparities generated by our socio-economic capitalist formations, by granting an equal and yet greater status upon all people. This thesis makes its case through three selected bodies of literature and the relation they have with each other. Through the insights of Aristotle, Karl Marx, and some contemporary democratic theories provided in the chapters to follow, this thesis ultimately aims to have political theory applied to actual political structures.

Aristotle's *Politics* is the first major philosophic text examined in this thesis for the purpose of eliciting a normative justification for deliberation by citizens. Aristotle's *Politics* is a highly structured and detailed book which offers us substantive classifications and mixtures of constitutions, as well as perspectives on the nature of the state, citizenship, and distributions of power in society and government. This thesis recognizes that Aristotle's understanding of what he terms the *polity*, related to his concept of the *mean*, can be utilized for the promotion of a deliberative democratic element in representative democracies, to achieve increased levels of social and political equality as well as stability between classes. By *polity* Aristotle means a mixture of oligarchy and democracy, optionally incorporating random selection of members of deliberative bodies by lot. In characterizing the polity as a *mean*, Aristotle approves that polity strikes a balance between these two constitutions of oligarchy and democracy. Aristotle has much to say about implementing civic deliberation by the masses into a

constitution, recognizing not only the strength of numbers, but confidence in the vigour of the masses as political deliberators and reasoned decision-makers. Some modern theorists feel the opposite, claiming Aristotle's constitutional mixtures of regimes are often repugnant to current liberal sensibilities.[7] However, it will be shown that Aristotle is far more attuned to modern 'liberal sensibilities' than some theorists grant him.

The specific purpose of incorporating Aristotle is to utilize the wisdom he provides on generating proportionality between classes in the constitution of polity. For Aristotle, a mixed constitution is one which pays regard to an appropriate balance and mixture of various classes, something modern representative democracy can take a lesson from. Aristotle considers the mean in a polity to be the balance between the two constitutions of oligarchy and democracy, corresponding to a middle path between the wealthy and the poor. Aristotle suggests that deliberation in an assembly by both the wealthy and the poor would contribute to this balance. Extrapolating from this, it may be suggested that modern representative democracies could grant citizens, especially lower classes, the opportunity to deliberate on the daily affairs they experience as necessary for the betterment of their lives. In contributing to a state's constitution, institutions and laws, actual deliberation by citizens would involve an area of authority entrusted to citizens that can aid the success and longevity of a state, by promoting stability and shared political responsibilities between all socioeconomic classes.

Where this thesis aims to transcend Aristotle is by critiquing his theory of labour, especially his denigration of those individuals considered to perform lower, menial forms

[7] Leib, Ethan J. Deliberative Democracy in America: A Proposal for a Popular Branch of Government. University Park, PA: The Pennsylvania State University Press, 2004. p. 60.

of labour. This thesis argues that labour is absolutely imperative for the survival of people and the state, and recognition and respect for all forms of (legal) labour is an essential requisite for the existence of equal political (deliberative) rights in the state. The defence of labour provided by this thesis, in addition to political deliberation, leads into the analysis of Marx, whose emphasis on the significance of labour is used to replace Aristotle's lack of respect for certain forms of labour.

Thus, the second major philosopher examined in this thesis is Marx, whose relevance is found in a wide variety of his texts. The précis on Marx provided here is directed to how his theories may be used to achieve a reduction of social and political inequality in capitalist societies through the active political deliberation of citizens. Marx has a variety of insights regarding the nature of the division of labour in capitalist societies, its negative or alienated effects on individuals, certain explanations of the productive capacities of individuals, and the pertinence of human labour contributions to society, which all relate to and support political deliberation by citizens. To Marx, "As individuals express their life, so they are. What they are, therefore, coincides with their production, both with what they produce and with how they produce. The nature of individuals thus depends on the material conditions determining their production."[8] This recognizes that social intercourse among people is determined by production, and that society is the product of reciprocal action.[9] The point to be made is that certain views by Marx are still relevant for defending the labour contributions people make to the life of society.

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[8] Marx, Karl. The German Ideology. The Marx-Engels Reader. Tucker, Robert C., ed. Second ed. New York and London: W. W. Norton & Company, 1978. p. 150.

[9] Marx, Karl. Society and Economy in History. The Marx-Engels Reader. Tucker, Robert C., p. 136.

This thesis understands that productive material relations found in capitalist societies result from a collective network considered here to be the division of labour. The division of labour is the specialization of individual function and determines the social, economic, and political mode of living in capitalist society. It ultimately incorporates individual life into a collective interdependence, generating a necessity and reliance between persons and the whole. The capitalist division of labour is considered by this thesis to generate mental and material variations found among individuals, being a fundamental cause for inequality among variegated segments of society. In view of this, Marx's theories are used here to point out that the material dependence people have on the whole is a primary reason for a constitutional citizens' assembly to exist, allowing citizens the deliberative political ability to limit the social, economic and political disparities generated out of the capitalist division of labour.

Marx is a valuable asset for this thesis because his various works are critical of capitalism and stratified class formations. In the analyses of material production and distribution found in capitalist societies, Marx has developed a theory of alienation of labourers, which ultimately argues that the essential nature of individuals as workers is estranged and controlled by external forces. This thesis takes this argument and directs it towards deliberative politics. It argues that alienation is also found in political formations justifying the rectifying opportunity for citizens to be randomly selected to participate in a formal institution, socially connecting and politically deliberating with other citizens.

Furthermore, Marx has reservations about the elite-led politics of a liberal regime, which he feels is operated and dominated by upper classes, and yet he virtually says nothing about the inclusiveness of political deliberation by citizens within such a regime.

This thesis points out that the revolutionary theory Marx supports can be motivational for oppressed peoples to mobilize themselves in acts of rebellion or civil disobedience against the state. As such, a critique of Marx is given in favour of a moderate approach towards balancing political, social, and economic power, arguing for the potential mediation of stratified social classes, by allowing institutionalized citizens' deliberation to promote certain interests on an equal footing.

The last major textual analysis of this thesis is on some contemporary literature regarding the design of a deliberative citizen assembly. This is provided in the context of the recent British Columbia Citizen's Assembly (BCCA) on electoral reform which took place in 2004. The book examined on the recent application of the BCCA is called *Designing Deliberative Democracy: the British Columbia's Citizen Assembly* edited by Mark E. Warren and Hilary Pearse.[10] In it the BCCA is described as a randomly selected deliberative political body consisting of 160 residents from British Columbia.[11] The BCCA was an assembly convened for eleven months with the purpose of reviewing and recommending an alternative model to the current electoral system in BC.[12] It has become increasingly viewed that the democratic practice of political deliberation by citizens is an important source for generating greater legitimacy in political institutions.[13] New initiatives have been considered by several provinces in Canada regarding the democratic renewal of representative political structures; however, they have all been

[10] Warren, Mark E., and Pearse, Hilary, "Introduction". In Warren, Mark E., and Pearse, Hilary ed. Designing Deliberative Democracy: The British Columbia Citizens' Assembly. United Kingdom: Cambridge University Press, 2008.
[11] Ibid., p. 1.
[12] Ibid., p. 11.
[13] Ibid., p. 2

elite-led, unlike the BCCA.[14] The use of the BCCA is important to this thesis because it was the first time an actual citizens' deliberative process was given authority to redesign a political institution. The BCCA was implemented via provincial legislation, and was given the authority to pose a question of electoral reform to the general populace in a referendum, in the event that the BCCA selected an alternative to BC's existing electoral system. The BCCA model aids in the theoretical motives of promoting deliberation by citizens, and goes to show that a deliberative process can generate socio-political equality and respect between citizens. To be sure, the BCCA included members who were born from at least fifteen different countries, spoke various languages, had a diversity of education, and came from a wide range of occupational specializations.[15]

Yet, however important the value and lessons afforded by the BCCA, it will ultimately be critiqued on its institutional design for its short-term duration and for lacking greater inclusion of lower socioeconomic class citizens. It will be suggested that a CA should be constitutionally implemented to guarantee that such a process is not experimental or short-lived while still being accountable to public referendums or a formal legislature. The terms of the BCCA allowed individuals to personally decline from participating in it, with the result that lower socioeconomic citizens were proportionately underrepresented. Thus, it will be argued that participation in a CA should be an involuntary duty.

[14] Ibid., p. 6.
[15] Ibid., p. 10.

A Popular Branch of Government and Contemporary Democratic Theory:

Considering the aim of this thesis is to justify a citizens' deliberative element of democracy in addition to its already existing representative formulation, it is important here to examine some ideas in the contemporary literature regarding the redesign of actual modern representative democratic constitutions, and to clarify some encouraging normative arguments of political deliberation. It is also important to effectively critique these perspectives, utilizing other normative theoretical justification (provided in the ensuing chapters) to supplement where current deliberative democratic theory requires more validation of how and why actual citizens' deliberation should occur. Much of the deliberative democratic philosophy that has been published has not focused on the constitutional implementation of *permanent* deliberative political bodies, only on the serious implementation and legitimacy of decisions derived by deliberative participants on the occasion they have met. Considering that no actual existing representative democracy has a *common* citizens' deliberative element in it, it is surprising why philosophers have taken so long to normatively justify why we need it. Often, the focus is on ideal speech situations as in the limits of a topic and on the rationality of the deliberators, or about ideal democratic forums as in the extent of rules, non-coercion, impartiality, self-governance and justice applied to such and such a setting. For example Joshua Cohen claims "by a deliberative democracy I shall mean, roughly, an association whose affairs are governed by the public deliberation of its members."[16] Further, Iris Marion Young considers that "the model of deliberative democracy implies a strong meaning of inclusion and political equality which, when implemented increases the

[16] Cohen, Joshua. "Deliberation and Democratic Legitimacy." In Bohman, James and Rehg, ,William, eds. Deliberative Democracy: Essays on Reason and Politics. USA: The MIT Press, 1997. p. 67.

likelihood that democratic decision-making processes will promote justice."[17] Granted, this is all part of the body of literature required to create a substantive procedural mechanism for deliberation; however, there has been a lack of utilizing the power and seminal reverence attached to a constitution, by failing to incorporate a deliberative forum into the constitutional framework of society.

One book that actually aims to implement such an idea constitutionally is by Ethan J. Leib, *Deliberative Democracy in America: A Proposal for a Popular Branch of Government*. Leib's book aims for practical institutional reform, an operationalized practice of deliberation.[18] What Leib is concerned with is adding a new branch of government to the current system of checks and balances for citizens to partake in dialogical discussions.[19] Thus, *Deliberative Democracy in America* has as its main premise the betterment of political institutions by focusing on the practical aspects of deliberative democratic theory.[20] The importance of this is that democracy operates within the structure of a constitution wherein other representative powers exist and perform specialized functions; therefore, democratic practice, and in this case citizens' deliberative participation, is but one facet of a constitution.

As a deliberative democratic theorist, Leib feels that the problem of modern representative democracy is quite simple: "our democracy is not deliberative enough."[21] This understands that our democracy, as a liberal representative formulation, suffers from a deliberative legitimacy deficit; that is, citizens are so far from the decision-making

[17] Young, Iris Marion. Inclusion and Democracy. USA: Oxford Political Theory, 2002. p. 6.
[18] Leib, Deliberative Democracy in America: A Proposal for a Popular Branch of Government, p. 9.
[19] Ibid., p. 12.
[20] Ibid., p. 2.
[21] Ibid.

process that decisions which are claimed to be made on behalf of the people are indeed not the authorship of people themselves.[22] Considering this, it becomes clear that citizens' deliberative democracy could indeed have something to offer modern democracies (far from vitiating its institutional design) by allowing people the opportunity to be involved in their own law-making processes. According to Leib, "where political autonomy is measured by the degree to which people can be said to be the authors of their own laws, deliberation by ordinary citizens helps the republican project of self-authorship."[23]

Viewing the current political system's checks and balances to be imbalanced, Leib considers that the institutional structure would need a *foundational* change in order to provide the necessary equilibrium it requires. For Leib, this change would involve a fourth branch of government - a deliberative branch of government, one which would allow *certain* laws to be made by randomly selected civic juries.[24] This fourth, or popular branch of government as Leib calls it, is intended to supplement the executive, legislative, and judicial branches in a republican style government, premised on the idea that neither the legislature, nor the judiciary are sufficient to achieve the goals of deliberative democracy.[25] The importance of a popular citizen's branch rests on the fact that its decisions are underlined by the popular will of the collective assembly, not merely the opinion of the public that *may* hold sway or not with political representatives.[26] The institutional mechanism of this new branch of government is adapted in such a way that it could maintain the face-to-face aspect of direct democracy, while retaining the practical

[22] Ibid., p. 4.
[23] Ibid.
[24] Ibid.
[25] Ibid.
[26] Ibid., p. 5.

and important functions that representative institutions perform in large-scale democratic societies.

The objective of providing Leib's ideas here is to supplement theories of deliberative democracy, providing general ideas that this thesis supports. We can commend Leib because he strives for citizens' *deliberation* in order to generate greater legitimacy in political institutions. Moreover, he does so in a manner that transcends the *ideal* of situated deliberation that has engulfed modern deliberative democratic theorists, in favour of the *actual* implementation and real processes of deliberation. Nonetheless, Leib's analysis falls short for normative purposes when he sidelines the importance of utilizing deliberation as a means for creating equality between all people. Leib makes clear that his aim is political design in *Deliberative Democracy in America*. He states that he specifically avoids making difficult fundamental-rights arguments for equality, which should be *left* to the theorists.[27] Furthermore, Leib mentions that social standing need not rely on formal political equality within the state.[28]

While in agreement with the aim of curing contemporary legitimacy deficits through a deliberative solution, this thesis is not limited solely to institutional design (though practical and institutional questions will be given very brief attention in the final chapter). In addition, it is viewed here that a citizen's assembly or civilature should not in the primary, be created because of the dissatisfaction citizens have with their democratic government, but should have been there all along supporting the very labourers who contribute to the functioning of society.

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[27] Ibid., p. 28, [emphasis added].
[28] Ibid., p. 122.

The antecedent importance of deliberative democracy lies in its aim to achieve greater *equality* between all citizens in order to reduce austere social and economic hierarchy within society. A capitalist economy and the social apparatuses it influences, tend to undervalue the human efforts that contribute to the division of labour (as in higher social status and greater amounts of income for some and not all). This is why it is imperative that constitutionally allotted citizen deliberation and democratic procedures be the means for producing a high threshold of political and social respect between citizens, and for facilitating political debate that produces a utility for citizens that can be appreciated morally, politically, and economically. Hence, the axiom of deliberative democracy must be considered thus: where interdependent labour found in capitalist countries is fixed and fundamental for the absolute survival of each and every citizen, there is a justification for political equality, and deliberative participation in a constitutionally recognized forum.

Chapter Outline:

This thesis is divided into four chapters. Chapter 2 is focused on the *Politics* of Aristotle, and is divided into four sections. The first section explains what Aristotle understands to be the nature of a state and a constitution. This leads into a discussion of certain types of constitutions. In Aristotle's classification, there are six types of constitutions: Kingship, Aristocracy, Polity, Tyranny, Oligarchy, and Democracy. Of these constitutions, this thesis is particularly interested in polity for the implications it has in serving political deliberation by citizens in modern representative democracies. The next section concerns the nature of citizenship in general, which Aristotle claims to be the right of sharing in deliberative or judicial office. The third section explains the different

mixtures of the constitution of polity. Ultimately, polity is described as the synthesis of oligarchy and democracy, inclining towards the masses. Polity is inclusive of the masses conferring a sovereign deliberative right on them, not limiting matters of political office to the few. The equal distribution of power is valued because it aims at a balance of economic class interests. For Aristotle, ensuring that one segment of society is not dominant over others helps serve the overall stability and longevity of the state. The fourth section looks into the deliberative elements of the constitution of polity. It describes the selected matters common people deliberate on, as well as the value of collective judgment produced by the masses when they make decisions together. The final section of this chapter is devoted to an evaluation of Aristotle which commends the political taxonomy of polity. It goes on to critique Aristotle and his devaluation of lower class labourers, and justifies that the true vision of polity is not only deliberative inclusion of the masses into political affairs and a balance of economic classes, but is also one that places a high value on the labour of people.

The third chapter is devoted to an explanation of several of Marx's ideas found in a wide range of his texts. The first section explains the social interdependence found in the division of labour of capitalist society. It is pointed out that the capitalist mode of production creates a division of labour according to Marx, which is also a multitude of social and political relations. As such, it is claimed that any labour which contributes to society and each of its members, deserves a formal level of respect. Building on Marx, but further to him, the idea is given that political deliberation can be used to raise the level of equality between citizens, reducing social stigmas created by the capitalist division of labour. The second section deals with the idea that deliberation is undermined

by contemporary liberal democracies. Marx's analysis of the alienation of labour in capitalist modes of production is channelled towards the idea of the alienation of political deliberation from citizens. The alienation of labour contains four main relations to human living in capitalism, namely man's relation to productive activity, his product, other men, and the species. The structure of alienation proves itself to be an isolating and undermining factor detracting from the self-determination of people. Applied to politics and political deliberation, the alienation of labour serves as a template to point out striking parallels representative politics has in alienating human relations. The last section of the chapter relates to Marx as a revolutionary. The overall idea is to provide an alternative to the overthrow of society and the instatement of communism. In order to do this the chapter briefly describes perspectives found in several of his texts on the nature of civil society, the state, and communism. It explains how Marx considers the foundation of human relations to be embedded in what he calls *civil* society, and how these relations are composed of the upper and lower class segments of society which are constantly at odds with each other. For Marx the state mirrors this relationship, which tends to represent the interests of elites; the role of the communist state is the reversal of this, which frees man from the fetters of exploitation. The chapter is tied into deliberative democracy by proposing a synthesis of civil society and the state, denying revolutionary action; the means is found by combining the relations of all citizens in society with the government via the political deliberation by randomly selected citizens in a constitutional forum. This gives all people the chance to balance their interests themselves counteracting any favour the government may have to any one class, thus helping to reduce class stratification and domination.

The final chapter of this thesis examines the actual deliberative process of the British Columbia's Citizens' Assembly (BCCA). It is the first Citizens' Assembly (CA) given the power to redesign a political institution. The chapter also provides an examination of a few normative issues related to this CA through a lens of contemporary deliberative democratic theory. The chapter is divided into four sections. The first section explains the process of the BCCA. It goes into some details about the institutional design of the Assembly, namely the selection of committee members, the role and task assigned to members, compensation for attendance, as well as the process of education members experienced. The second section deals with the question of whether or not a CA can mitigate social imbalances found in society. It is argued that the BCCA serves as a good example of an institutional process that achieved reasoned decisions and equal fairness of opportunity to speak while deliberating. However, BCCA lacked a proportional representation of low socio-economic status citizens as a result of their disproportionate decline to participate. This leads into the next section which argues that political deliberation by citizens should be involuntary. It explains why deliberation is an instrumental process for respecting those who labour for society as well as educating citizens, and as such, it is argued that social diversity (including the working class) is required by a CA to help establish in society, fairness and political representation of lesser favoured classes of citizens. The final section argues for a constitutional implementation of deliberative assemblies. It points out that a CA is an important supplement to representative institutions, and would be accountable to the electorate or a legislature. The major point to be taken from this section is that deliberation must be

taken seriously, and not only extend to all citizens, but be a constitutionally enduring, and not be considered something of a social experiment.

Chapter 2:

The Polity in Aristotle's Politics

Introduction:

Utilizing Aristotle's *Politics* will help this thesis go a long way in its aim of achieving grounded support for political deliberation by citizens. The main reason being that Aristotle's *Politics* is a vast and insightful book which contains various exhaustive principles on the science and art of politics, including several comprehensive taxonomies of political constitutions and when applied to modern political theory, it provides fruitful ideas for considering contemporary constitutions. Much of what we find in the *Politics* is very useful for understanding our current conceptions and understanding of modern governments, but is unfortunately not recognized, or is specifically avoided, due to misapprehension or aversion to ideas that Aristotle explicates.

The point of departure from Aristotle which certain theorists take is something that needs to be recognized; these are familiar criticisms of Aristotle which tend to push people to overlook other valuable and essential aspects of Aristotle's philosophy. A prime example of this is found in David Denby's work entitled *Great Books*;[29] in the section Denby devotes to Aristotle, he recounts certain views that he developed while reading several of Aristotle's works, indicating a common attention that is often given to Aristotle's political theory, namely the household rule over slaves and women. According to Denby,

> no matter how you look at it – and no matter what qualifying historical context you place it in – Aristotle had made a disastrous mistake. In modern terms, Aristotle ignored the social forces, the power, including his own, that molded

[29] Denby, David. Great Books: My Adventures with Homer, Rousseau, Woolf, and Other Indestructible Writers of the Western World. United States: Simon & Schuster, 1996.

> people into one role or another, and he provided a justification of that power in nature..."[30]

Aristotle's outlines of political constitutions (or of the state or polis itself) tend at some points to be logically undermined by common sense and posterity (i.e. on slaves and women). Nonetheless, it must be stated that Aristotle's work on politics is a vast resource for theoretical and practical applications in the study of politics, including political deliberation. It is the view of this thesis that, in the least, Aristotle should be acknowledged for his significant insight in understanding different varieties and compositions of political constitutions, and especially, *certain* aspects of his ideas should be incorporated into the project of finding a placement for modern political deliberation by the citizenry in contemporary societies and constitutions. On the other hand, Denby's perspective provided in the quote above also must be taken into account when evaluating Aristotle's theories in the *Politics*. The following chapter intends to use Aristotle's *Politics* as a *framework* for the political basis of deliberation by citizens, which will be divided into several sections that relate to Aristotle's *concepts* of constitutions, citizenship, polity, and political deliberation by 'the people'. Following this, Aristotle will be examined and evaluated; overall, the end of the chapter will lead into the need for additional normative requirements in the endeavour to achieve political deliberation by citizens.

Aristotle's Concepts of Constitutions:

Any analysis of Aristotle's understanding of a constitution must begin from his ideas of the nature of the *polis* or state – and this need not be exhaustive, but should at least heed to the end view of why Aristotle thinks the polis exists, in order to understand

[30] Ibid., p. 124.

how a constitution (its composite parts and institutions) contributes to that end. In fact, the classification of states in Aristotle's understanding, must be according to its parts; that is, once the differentiated parts in a state are found, various kinds of combinations can be taken together to show how and why several forms of states can be generated.[31] Furthermore, it is important to keep in mind how Aristotle's *Politics* is organized; Curtis N. Johnson has pointed out something which can be helpful for those studying the *Politics*. He accords two sets of questions to the *Politics*, one is logically prior and the other is logically posterior. In other words, both sets of questions are scattered throughout the work and once observed, it is easier to see what Aristotle's aim is in relation to these questions. According to Johnson, the prior set of questions relate to the fundamental *nature of the state*, whereas the posterior questions are about particular *forms of constitutions*.[32] From this division, this thesis will be concerned with the nature of the state, namely on the reliance on the division of labour for personal and social functioning (looked at in the evaluation of Aristotle below and explicitly examined in the next chapter on Karl Marx). This thesis is also focused on the questions of particular constitutions. To be specific, the constitution of polity, which in Aristotle's classification justifies randomly selected deliberative citizen bodies, will be applied to contemporary liberal democracies by utilizing this form of citizen participation as a means to balance class interests in society.

We can tell that Aristotle places a lot of emphasis on the nature of the polis by directly looking at the first few sentences of Book I of his treatise; he claims that every polis is a species of association, and that every association is instituted for attaining some

[31] Johnson, Curtis N. Aristotle's Theory of the State. New York: St. Martin's Press, 1990. pp. 35-36.
[32] Ibid p. xvi.

good.[33] This is claimed throughout the work – that is, for Aristotle, the polis exists for the sake of a good life;[34] and thus, as it turns out, it is the constitution of the polis which organizes and guides the polis to this end.[35] Here, it should be stated that it is important to not get carried away with the dialectic of the *good* – whether it consists of one or many aspects, in moral perfection or a contemplative life. Considering that the *telos* of the state was certainly no trite matter for Aristotle – one which he effectively devoted much thought towards - this thesis considers his view (the good life as the end of the state) as a basis for what people *strive* for. Yet in stopping there, no claims as to what the good *entirely* entails will be put forth – only how *certain* values (such as political equality) help contribute toward it.

As for contemporary literature, we find various referrals to what constitutes the good life; this thesis merely states in conjunction with several contemporary streams of thought, that there exist plural values and views (i.e. liberal values of liberty, freedom, equality, dignity and so on – and even other ethically religious and cultural values) that all in some combination or another argue for what the *good* contains. The object then, in saying this, is to allow this thesis to focus not on the differentiation of values, but on how to make the *means* of the polis contribute toward plural values of modern society, leaving out the ethical-political debates of what values that relate to the good *entail* or which rank on a scale of higher importance. It should be clear then, in relation to the topic at hand, this thesis does in fact view political deliberation as *a* good, and when added and taken as

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[33] Aristotle. The Politics of Aristotle. Barker, Ernest ed., trans. New York, London, Oxford: Oxford University Press, 1958. p. 1.
[34] Ibid., p. 5
[35] Miller Jr., Fred D. Nature, Justice, and Rights in Aristotle's *Politics*. Oxford: Clarendon Press, 1995. p. 151.

a whole, political deliberation can achieve and contribute to an end of what people do ultimately desire (among other things) as good, that is – respect and equality.

While speaking of the nature and end objective of the polis, it is important to note that Aristotle considers the polis to be an association individuals are naturally inclined to enter; that is, it is innate for people as a process of completion, or end consummation of personal development, to be a part of a polis.[36] According to Ernest Barker, referring to Aristotle's telos of the polis, "the polis exists by nature in the sense that it is the whole to which man naturally moves in order to develop his innate capacity."[37] Thus, human capacities are fulfilled in the polis to the extent that they come to specialize in a function that is in accordance with their natural will and inclinations; for Aristotle, "all things derive their essential character from their function and their character."[38] But it is the state which helps this unfold, whereas in contrast, self-survival in isolation only allows people to merely provide for their immediate survival, inhibiting people from developing their selves to the fullest extent possible (due to the incessant struggle solely to survive). It appears from *this* logic that the polis provides for greater opportunity of leisure than what happens in isolation. This idea will be looked at further below, through giving greater accord than Aristotle does himself, to a defence of political deliberation based on the interdependent reliance on labour of the individual and society. Hence, we can understand Aristotle's view of the polis to be consistent with being something whole in itself – a completely rounded association with a life of its own, so to speak. Now, the importance of this is the fact that the self-sufficiency of a polis, means that it meets all the

[36] Barker, Ernest, ed., The Politics of Aristotle, note 2, p. 5.
[37] Ibid., note 2, p. 6.
[38] Aristotle, The Politics of Aristotle, p. 6.

necessary requirements for its very survival and continual reproduction, by its own institutions and relations between members - both moral and material.[39] From this, then, we can lead into the more focal point of this section - that is, what according to Aristotle is a constitution? Further, the specific constitution of polity can be used as a template to add to the foundation of modern representative government, by according all citizens a randomly selected possibility of a deliberative role within the constitution.

According to Barker, there are two discussions of constitutions that take place in the *Politics*; the first is in Book III, and the second is in Book IV.[40] This is helpful because Aristotle sets out to examine in fine detail the nature of constitutions and naturally, along the course of his study, his definitions alter a bit as different factors are found to contribute differently and more importantly to the preservation of constitutions. The first claim of what a constitution is comes in Book III, Chapter I: it is a scheme established among the inhabitants of a polis "to regulate the distribution of political power."[41] The next is in Book III, Chapter VI, where Aristotle keeps his first understanding of a constitution but extends it to further identify an office that "is sovereign in all issues."[42] This sovereign aspect of the constitution is important to understand how different states are characterized; for Aristotle, the sovereign must be either one, few, or many – and corresponding to this variety of authority, there are several different types of political associations to which people may be subject (as described below).[43] Aristotle's last definition of the constitution comes in Book IV, Chapter I, to finalize a more developed concept of the constitution: "an organization of offices in a

[39] Ibid., p. xlviii.
[40] Barker, ed., The Politics of Aristotle, note II, p. 159.
[41] Aristotle, The Politics of Aristotle, p. 92.
[42] Ibid., p. 110.
[43] Ibid., p. 111, 114.

state, by which the method of their distribution is fixed, the sovereign authority is determined, and the nature of the end to be pursued by the association and all its members is prescribed."[44] From this definition we can gather that the constitution defines and gives identity to a state – it has a common purpose as its end and its political functions are directed by a supreme authority.[45]

This may also be viewed from an institutional and ethical point of view; the ordering of political offices and how they are distributed among citizens is the institutional element of the constitution, and the ethical element involves the shared values of the community, which include a specific view of distributive justice in according political power among citizens.[46] This ethical element of the constitution is especially important to highlight, because just as Aristotle has a normative preoccupation with the ways in which political power is distributed, it is also an essential purpose being pursued in this thesis. For Aristotle, it is a matter of justice how each community distributes political offices among citizens; each community has its own prescription of what the just ordering of power is, including the extent of equality among citizens. However, for Aristotle, only constitutions which consider the common interest of the people are valued as right constitutions.[47] Johnson finds three classificatory taxonomies in the *Politics* related to constitutions: the first is *normative* – distinguishing right from deviant constitutions based on distributive justice; the second is based on *social class*, specifically of the ruling class; and the third is the ordering of states according to the

[44] Ibid., p. 156.
[45] Mulgan, R. G. Aristotle's Political Theory: An Introduction for Students of Political Theory. Oxford: Clarendon Press, 1977. p. 55, 56.
[46] Johnson, Aristotle's Theory of the State, p. 52.
[47] Aristotle. The Politics of Aristotle, p. 112.

occupations of the ruling class.[48] In recognizing there are both institutional as well as social values that pertain to the different varieties of constitutions, we are able to list the different forms of constitutions. On the other hand, underlying these different constitutions is a common aspect, namely the interdependence of labour; the importance will be apparent when this thesis argues that this common labour justifies the inclusion of all people into the citizenry and the possibility of random selection into deliberative political office.

According to R. G. Mulgan there are six initial classifications of constitutions in Aristotle with the criteria already established above - namely whether the *sovereign* civic body is one, few, or many, and whether they rule with their own interests in mind or with the common interest at heart, which also includes social classes – rich, poor and middle classes, groups of merit or virtue, and groups specified by occupation.[49] The resulting classification breaks down as follows, into three right and three deviant constitutions. The class of right constitutions are those which rule with a view towards the common interest of the state: the rule of a single meritorious person, Kingship; the government by a few outstanding persons, known as an Aristocracy, and; finally the Polity, which occurs when the masses govern the state. The corresponding perversions of right constitutions start with Tyranny as the corruption of Kingship, then Oligarchy of Aristocracy, and lastly Democracy of Polity.[50] Further, Aristotle goes on to say "Tyranny is a government by a single person directed to the interest of that person; Oligarchy is directed to the interest of

[48] Johnson, Aristotle's Theory of the State, p. 60.
[49] Mulgan, Aristotle's Political Theory: An Introduction for Students of Political Theory, p. 60.
[50] Aristotle. The Politics of Aristotle, pp. 114-115.

the well-to-do; Democracy is directed to the interest of the poorer classes."[51] It is clear from this statement that each government is named according to its organization of political office, and further, it is the *constitution* which makes explicit who holds political office, namely what *citizens* hold power, and how exactly *citizenship* will be exercised. Hence, it is important to understand which citizens hold office for which state. Moreover, key to the practical implications of this thesis is polity, a constitution which may include all citizens in the lawful right to have the opportunity to commonly deliberate about politics as citizens. This will be looked at in the section below on the polity because the goal is to have deliberative political influence by citizens applied to modern constitutions in some similar fashion or another.

Aristotle's Concept of Citizenship:

From above, the sixfold distinction between constitutions indicates that certain variations between constitutions exist according to the distribution of power to *control* offices of government. At this time, it is appropriate to give an account of citizenship that Aristotle provides which concerns authority based on deliberation. A comprehensive definition of citizenship according to Aristotle is "he who enjoys the right of sharing in deliberative or judicial office [for any period, fixed or unfixed] attains thereby the status of citizen of his state."[52] In addition, it should be highlighted that deliberative or judicial offices were *shared*, meaning citizens exist in a double capacity; that is, "citizens, in the common sense of that term, are all who share in the civic life of ruling and being ruled in turn."[53] The benefit of this sort of arrangement is that individual citizens share in the

[51] Ibid., p. 115.
[52] Ibid, p. 95.
[53] Ibid., p. 103, 134.

responsibility of forming legislation and deliberating on political issues, limiting the prospect of one person or a group of persons to have a monopoly over governmental processes. Further, participation in the deliberative part of the constitution involves a very important area of authority: "the enacting, amending, and rescinding of laws, since the laws fundamentally determine all the political rights of the citizens (including who is qualified to be a citizen) and the manner in which decisions are made in every department of the constitution."[54]

For Aristotle, the dialectic of debate is fundamental to human nature. Peter Simpson gives a good explanation of Aristotle's view of deliberation: "humans possess by nature reasoned speech and logos [which] serves to make apparent what is advantageous and harmful, just and unjust, good and bad, enabling people to commune with each other about these things. By nature humans make it a point to live in the city, and are naturally political."[55] Another account of deliberation by Aristotle is found in his *Ethics,* a book claimed to precede the *Politics,* which at certain times is a helpful supplement to the theories put forth in the *Politics*. In the *Ethics,* Aristotle claims that deliberation is about practical measures - about means and not ends; in fact, he considers that political measures are the effects of deliberation produced by human agency – within one's personal power as well as communal control.[56] Politics is essential to one's character - to one's personal and social development. Thus, deliberation is an important factor in ensuring the fulfillment of the political element of one's being, and the requisite contribution to the common good of the polis.

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[54] Miller, Nature, Justice, and Rights in Aristotle's *Politics,* p. 167

[55] Simpson, Peter. A Philosophical Commentary on the Politics of Aristotle. Chapel Hill: University of North Carolina Press, 1998. p. 23.

[56] Aristotle. The Nichomachean Ethics. Trans., Thomson, J. A. K. England: Penguin Books, 1953. pp. 57-58.

Aristotle not only found a distinction *between* the compositions of states, but in their relative *worth* according to goodness. The difference between constitutions becomes important when Aristotle distinguishes the patterns of who has the right to deliberate on what affairs, because for Aristotle, the excellence of the citizen must be relative to the constitution.[57] Though citizens do in fact vary, they all have the common object of making the association in which they live work; hence, the citizen will not only *achieve* relative to the constitution, but only *contribute* relative to the constitution. Thus, the right to deliberate is the apogee of the polis; from this, singling out the constitution best designed for deliberation in the most practical and encompassing terms will be an important object of study and concern (considered by this thesis to be the polity).

The next section deals with the polity; and before delving entirely into its formation, it is important to talk about democratic, oligarchic, and aristocratic models in addition to the polity, showing how these constitutions only allow *specific* parts or citizens to have authority in determining political outcomes in the polis or state. Overall, it will be shown that these constitutions taken alone, and in the long run, lack the relative stability compared to the constitution of polity, which in the least, normatively retains greater strength by balancing social (rich and poor) segments through the combination of oligarchic and democratic methods of political rule.

Aristotle on the Polity:

For Aristotle, all states have three distinguishing parts, or classes – the very rich, the very poor, and the middle class.[58] From this, there are four classifications or mixtures

[57] Ibid., p. 101.
[58] Aristotle. The Politics of Aristotle, p. 180-181.

Aristotle provides of the constitution called polity: a) a mixture of oligarchy and democracy; b) a mixture of the wealthy and the poor; c) a mixture of wealth and freedom; and d) a mixture or synthesis of the institutions of oligarchy and democracy.[59] In other words, the polity is in general, a *mixture* of the constitutional qualifications for oligarchy as well as democracy; but as Aristotle points out, the mixture of polity itself, inclines more towards the masses and hence democracy (described below).[60]

Aristotle recognizes the organization of democracy and oligarchy by the civic body that holds supreme authority in the state. For Aristotle, the differentiation that truly divides the two constitutions is found more in the relative holding of property and wealth, and not solely upon numbers: "the real ground of the difference between oligarchy and democracy is poverty and riches."[61] Thus, democracy and oligarchy are defined by the social position people hold. For Aristotle, "the proper application of the term democracy is to a constitution in which the free-born and poor control the government – being at the same time a majority; and similarly the term oligarchy is properly applied to a constitution in which the rich and better born control the government – being at the same time a minority."[62] The holding of offices by its own class leads oligarchy and democracy to maintain a certain conception of justice in the distribution of offices in the state. An oligarchy tends to exclude persons from power, considering justice to be the inequality of holding office (by means of merit or property-qualifications), whereas democracy involves the equality of all persons in the distribution of political office.[63]

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[59] Miller, Nature, Justice, and Rights in Aristotle's *Politics*, p. 256.
[60] Aristotle. The Politics of Aristotle, p. 175.
[61] Ibid., p. 116.
[62] Ibid., p. 164.
[63] Ibid., p. 117.

There are several ways that public office is attained in both democracy and oligarchy, which are based on different varieties and methods of distributing rule among citizens. In a democracy, the law can declare that the poor are equal to the rich, all sharing alike in constitutional rights, where majority rule is sovereign; a second democratic method assigns office based on a low property qualification; a third variety grants those with the proper descent an opportunity to share in office, but laws are sovereign over the majority; a fourth way grants all those who are considered citizens a share in office with the law having authority; and a fifth variety of democratic distribution of office gives all citizens a stake in office holding as well as sovereign authority.[64] In the case of oligarchy, one method of office distribution is based on a property-qualification that is enough to exclude poor people; a second oligarchic variety of assigning constitutional rights is to have vacant offices filled by electing those who have a high property-qualification; a third way involves selection to office based on heredity; and lastly, like the third, heredity provides people political rights, but with the practice of personal rule rather than the rule of law.[65] The underlying perspective for *justice* in a democratic distribution of rights is arithmetical equality; on the other hand, an oligarchic defence for distributing political office is according to the proportionate enjoyment of equality determined by merit.[66]

Taken alone, democracy and oligarchy respectively rule according to their own conceptions of justice, and the interests of their own dominant social classes, the poor in democracy and the rich in oligarchy. Hence, a polity is considered to be the balance and

[64] Ibid., pp. 167-168.
[65] Ibid., pp. 169-170.
[66] Ibid., p. 203, 206, 258.

moderation between oligarchy and democracy in Aristotle's thinking.[67] It is because "every state consists, not of one, but of many parts"[68] that through mixing various social elements and different methods in the selection of office holding, that a greater proportionality between 'parts' can be achieved in polity over the constitutions of democracy and oligarchy.

According to Aristotle, the only difference between aristocracies and polities consists in the ways oligarchic and democratic elements are mixed together.[69] In the situation where the mixture of democracy and oligarchy tends to the political pre-eminence of the few, polity is no longer the form, but that of an aristocracy.[70] The few are either the wealthy or the meritorious (those who excel in virtue), or both. The regulation of oligarchy and aristocracy are similar in some ways, namely social ranking as well as wealth and property are held in the hands of few people; but what distinguishes aristocracy from oligarchy is its greater emphasis on the quality of merit.[71] Therefore, aside from (democratic) polity, there *are* other forms of mixed constitutions, which vary according to the mixture of wealth, free-birth and merit, having more aristocratic than democratic characteristics. Yet this thesis is more concerned with the constitution of polity that tends to the masses, and not solely to the few.

Aristotle contends that democracy and oligarchy taken alone are wholly on the side of error – they are perversions of right constitutions.[72] Seeing how a constitution is a

[67] Ibid., p. 185.
[68] Ibid., p. 117
[69] Ibid.
[70] Ibid., p. 175.
[71] Ibid., p. 222.
[72] Ibid., p. 158.

way of life for the citizen body,[73] oligarchy then, tending only towards the rich and democracy only to the poor, each in favour of their own class, were constitutions anticipated by Aristotle to have inherent difficulty in matters of longevity and the overall ability to flourish. As pointed out, the state is composed by several parts: in one end, there are those concerned with *labour*, i.e. the farmers, mechanics, as well as people in various arts and crafts, which are the groups that make up the poorer aspects of the constitution; at another end, there are the wealthy, who in having *property,* are able to serve in the functioning of state apparatuses.[74] The incessant struggle between the rich and poor segments in both democratic and oligarchic states is what causes each constitution to be a perversion, because they only tend to favour their own position; the masses try to control and redistribute property and offices, whereas the few try to maintain and acquire more wealth and office holding. In both cases, they do so by means of the vested power they control in the constitution.[75] Each formation taken alone is seemingly less stable and more volatile than a combination of the two, which ultimately takes into account each other's position and needs.[76] Thus, the relative merit of the polity is as a *mean* between the rich and the poor, or a balance of the poor and the rich in their overall interests.

Where authority in a polis or state is divided, and it is viewed that no single group of citizens has the right to deliberate collectively about every common affair, who should be allowed to deliberate when there are different interests attested by various groups of people or citizens? As this thesis is concerned, there is an emphasis to *add* to the already

[73] Ibid., p. 180.
[74] Ibid., p. 165-166.
[75] Ibid., p. 117-118, 166-167, 181-183.
[76] Ibid., p. 118, 168-170, 204.

existing modern democratic representative formation of *election* from the general body of citizens. Aristotle's constitutional formulations on polity permit and suggest this deliberative configuration. Constitutionally, according to Aristotle, the methods of mixing democracy and oligarchy are several: the first is to simultaneously use democratic and oligarchic rules; a second is to strike a mean between the two different constitutions; and the third way, is to combine elements from both, mixing part of the oligarchic with part of the democratic.[77] While all three relate to a mixed form of constitution, the last method is most appealing, in which the combination of polity involves neither the use of entire democratic or oligarchic sides, nor an average between the two, but the application of combined elements from both constitutions taken together.[78] For purposes of this thesis, it is better to not view the polity as mixture one or two above, namely using all the rules from oligarchy as well as democracy, or striking a mean between the two, but more in line with the third, the combination of elements from democratic rule and oligarchic rule. How this should be viewed is that social classes exist in the polity, which are understood to be a facet of social existence, but no one class dominates, nor is there a sole (democratic or oligarchic) form of rule applied to the holding of office.

Aristotle considers the appointment of citizens to public office by a system of lottery to be a democratic method of selection.[79] On the other hand, he associates systems of appointment by election with oligarchy.[80] The polity or mixture being described and advocated here combines both oligarchic and democratic elements, and the reason why both elements are valued is because the habits of exercising and obeying authority are

[77] Ibid., p. 177.
[78] Ibid.
[79] Ibid., p. 258.
[80] Ibid., p. 170.

extended throughout the members of the citizenry.[81] Aristotle describes two possibilities for combining methods of selection through election and lottery in the polity:

> Another alternative is that some issues of deliberation should go to persons appointed by election, and others to persons appointed by lot (with the chance of the lot either open to all or open only to candidates selected in advance), or, again, that all issues should go to a mixed body of elected persons and persons appointed by lot, deliberating together.[82]

The idea behind mixed constitutions is that deliberative rights are partitioned and that the sphere of authority held by collectively deliberating citizens is limited; for Miller, "the authority over certain matters belongs to all citizens, whereas other authority belongs only to some of them, a smaller deliberative body. Some officials are elected rather than chosen by lot."[83] Thus, the point is to achieve a balance of interests, a check on the rule of the many and the few simultaneously, yet ensuring that each have their share in the sovereign aspects of the constitution. The reason why a check on the masses was of concern in classical Athens as it is today, is the fear of the vociferous clout enticed by mob rule and demagogues - an all out free for all, subjecting laws to the whims of the people. Similarly, the fear of the virulent few dominating the many has been present throughout history, as the potentiality for the already wealthy to recur to venality and corrupt temptations submitting the many to extreme poverty, degradation, and destitution.[84]

The polity emphasises mixture - it aims at social moderation.[85] Therefore, as Aristotle finds, the constitution which is best for most states (and argued here for all

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[81] Ibid., p. 86.
[82] Ibid., p. 191.
[83] Miller, Nature, Justice, and Rights in Aristotle's *Politics*, p. 259.
[84] Aristotle, The Politics of Aristotle, p, 215, 217.
[85] Mulgan, Aristotle's Political Theory: An Introduction for Students of Political Theory, p. 102.

liberal democratic states) is in fact a polity.[86] Stability in a constitutional sense appears to be less of a worry in modern constitutions than it was for Aristotle; modern Western liberal democracies feel they are the end of history - politically, economically, and ethically. Yet, a state's existence is meant to last, and even a good state should at all times be concerned with its stability. Stability depends on the balance and moderation of social groups. The reason is as Aristotle claims, "tyranny is a form of government which may grow out of the headiest type of democracy, or out of oligarchy, but is much less likely to grow out of constitutions of a middle order."[87] For Aristotle, instability breeds some form of incitement to rebellion, and the cause of sedition is always found in inequality, whoever the claimants may be: in oligarchy, constitutional inferiors or the poor become agitated and rebel in order to be equals, and; in democracy constitutional equals or the rich seek greater power and superiority.[88] A constitution which moderates varying interests seeks to prevent self-interest, so that it may in the long-run be more stable and less likely to devolve into an extreme form of government; the equitable and secure mixture of these different classes is the best means to achieve this aim.

Aristotle and Deliberation by Citizens:

With polity, the constitution establishes a deliberative element for the masses. What comes next is to describe Aristotle's view of the capacity for *common* people to deliberate on public affairs, including the competence of the (physical/manual) labourer, as well as what issues are to be included as matters of deliberation, and finally, the wisdom of collective judgement in contrast to specialized knowledge. A discussion of

[86] Aristotle, The Politics of Aristotle, p. 186, 206.
[87] Ibid., p. 182.
[88] Ibid., p. 204 - 205, 207.

deliberation should begin by reiterating that Aristotle classifies objects according to their parts, and from these, the most necessary are given a greater role and worth. Biology had a large significance for Aristotle; classification of a polis or constitution could be likened to the anatomy of an animal body, where the enumeration of parts can be divided according to physical and mental attributes. The physical is analogous to the labouring individuals of a polis, who serve the body of the state, providing various arts, crafts, and physical necessities. Mental attributes are anatomically related to the parts of the polis which maintain the legal organization of justice and the intelligent deliberative guidance of the state.[89] In matters of politics then, the contrast between the former and the latter can appear to have a tension between them, especially when trying to substantiate who should be participating in the affairs of the state - labouring citizens or elites?

Contemplation was the highest virtue for Aristotle,[90] and thus, the conflict between those who have the freedom of time to devote to politics and moral perfection in contrast to people who do not, is something that cannot be taken lightly. The reason is modern political deliberation has come to be nearly an entire elitist enterprise, undertaken by representatives who have more time or alleged greater reasoning skills to devote towards political or moral matters. However, this thesis aims to counteract this through provoking alternatives to pure elitism in matters of political deliberation, by working with Aristotle's arguments in defence of the constitution of polity. Delegating a reasonable opportunity for people to be engaged in some issues of political significance is what must be reconciled with those who must labour for a living.

[89] Ibid., pp. 165-166.
[90] Aristotle. The Nichomachean Ethics, p. 270.

Aristotle's view of nature or *physis* influenced his delineation of quality of living standards for humans. Through his philosophy of nature, one can figure into his thought processes why different values in living are better than others, as well as why different formations of constitutions are better. As described by Barker, Aristotle inclined towards the "genetic [...] doctrine of *physis*, according to which the substance of things, and of man himself among other things, is engaged in a process of movement from a primary natural potentiality to the formed and finished completion which is also, and even more natural."[91] However, this genetic theory does not imply that the polis is growing like a tree. In the polis *physis*, being at once a completion of nature, also involves convention or *nomos* as part of this process, because the polis not only exists by nature, but is also a matter of conscious creation involving human art in its development.[92] The implication is apparent in the art of deliberation; reconciling both *physis* and *nomos*, or otherwise natural human creative and communicative tendencies, with the conventions of political affairs is an object achievable in the constitution of polity.

There is for Aristotle an ideal state and an ideal citizen, but short from the ideal are the majority of states and citizens. To Aristotle, "[we] have not only to study ideally the best constitution. We have to study the type of constitution which is practicable[...]under actual conditions[...]"[93] The constitutional reform that is most acceptable and easily promoted is the one people can graft onto the system already in place, and this is why Aristotle inclined towards polity, because it was amenable to

[91] Barker, The Politics of Aristotle, p. xxix.
[92]Barker, The Politics of Aristotle, p. xxlviii-xlix
[93] Aristotle, The Politics of Aristotle, p. 155.

practical reform in various ways.[94] The further benefit of polity is that citizens share in ruling by means of deliberation; the majority are not bereft from political influence, nor are the few delegated a minor share in the constitution.

The matters of deliberation according to Aristotle are anything but trivial or banal, nor are they left to personal values, and pure whims or narcissistic wants that arise in different individuals; deliberation challenges precocious tendencies, is about weighty affairs, and moreover will not include invariable matters or "eternal facts."[95] For Aristotle, humans deliberate about practical means, and this insinuates that not all affairs are objects of deliberation.[96] Furthermore, Aristotle claims that deliberation is about a course of action not yet achieved; to be sure, he mentions that people "first set some end before themselves, and then proceed to consider how and by what means it can be attained. If it appears that it can be attained by several means, they further consider by which it can be attained best and most easily."[97] Aristotle values the deliberative element of the state as a sovereign function; the deliberative element, while relative to common affairs, was in fact involved in executive decisions. Accordingly, there are four concerns that Aristotle attaches to the deliberative element, which are: one, issues of war and peace; two, enacting laws; three, cases of exile, sentencing of death, and confiscation; and four, the appointment of magistrates, as well as holding them accountable at the end of their office.[98] From the matters attached to deliberation it can be seen that deliberation is a very important activity to be carried out, and concerns affairs that people could be expected to desire a stake in handling. If we follow up with the matters that deliberation

[94] Ibid., p. 156.
[95] Aristotle. The Nichomachean Ethics, p. 57, 145.
[96] Ibid., p. 57.
[97] Ibid., p. 58.
[98] Aristotle, The Politics of Aristotle, p. 189.

entails, we can find three patterns by which Aristotle claims the rights to deliberate might be distributed among citizens: first is that all citizens have the right to deliberate about all common affairs; secondly, some of the citizens have the right to deliberate about all common affairs; and thirdly, all of the citizens have the right to deliberate about some common affairs, and some of the citizens have the right to deliberate about others. In this breakdown, one is characteristic of a democratic model, two is typical of an oligarchic model, and three is a quality found in a mixed model or polity.[99]

Regarding deliberation, there appears to be some difficulty when Aristotle speaks of the general, 'run of the mill' labourer. Labourers are not people who can achieve a civic excellence comparable to those who are free from the daily toils of work, if they are not provided with democratic initiatives, namely the opportunity to participate (via constitutional inclusion, as well as time away from the duties of labour and a subsidy for lost hours of work). For Aristotle, menial duties hamper the ability of labourers to be integral agents in an active political existence and contributors to the civic excellence of the state. To be sure, Aristotle claims that "the want of sufficient means prevents the enjoyment of leisure which is needed for political activity."[100] If it is understood that in Aristotle's conception of *physis*, moral perfection in the polis is a natural end,[101] then it may be deduced that labouring undermines a full devotion to the accomplishment of moral and political excellence. Yet the polity, a constitution Aristotle inclines towards, is one that allows the masses to be engaged in civic duty. Labourers may then be included in *some* of the deliberative affairs of the polis. What happens in polity is that the

[99] Ibid pp. 189-192.
[100] Ibid., p. 171.
[101] Barker, The Politics of Aristotle, p. xlix.

individual labourer does in fact gain some realization of *physis*; that is, because labour is still manifest in the reproduction of the state and personal life, people do not have the full-time availability to deliberate politically, but they do have the part-time opening for the activity of civic deliberation. Thus, people gain a share in a natural (*physis*) development of their own self as an end achievement in the polis, as well as in the conventional (*nomos*) design of public policy. Moreover, as will be shown directly below, Aristotle counters the perspective that specialists in moral and political reasoning are the only viable alternative in civic affairs. On the contrary, where certain individuals lack proficiency in political reasoning, deliberation by all people, gathered as a whole, creates a collective prudence that can make up for those who at the outset lack the know how to deliberate (or are not well versed in political affairs), by agglomerating a plethora of human ingenuity and diversity into a single deliberative body.

Aristotle was not a direct advocate of "democracy", yet it may be claimed that he did recognize (by his support for the constitution of polity), that political deliberation in an assembly or forum involving the general body of citizens, was important for the stability of class interests. Aristotle argues that the polity achieves a mean of social elements in the polis, a balance of the excesses of democratic or oligarchic practices taken alone. It may be viewed that, in polity, if the poor and rich are balanced in this form of constitution, it is also likely that the uneducated and educated, as well as labourers and those with greater leisure time (whether or not they happen to be the same people), could also be politically balanced. In matters of deliberation, Aristotle contends that results are better when *all* deliberate – that is when the notables mix with the populace and vice

versa.[102] For Aristotle, "when there are many who contribute to the process of deliberation;" when all meet together, each person may bring different qualities of character, prudence, judgement and goodness; where these elements may individually be everywhere scattered, together in deliberation, they can be combined in unity.[103] Thus, he considers that the judgement of the masses could be good if they debate collectively. What Aristotle concedes is that experts, who are continually involved in or are naturally adept to political business, do have a special knowledge in the workings of the government, but their capacities, experience, and influence are anything but exempt from lay control.[104] For Mulgan, "Aristotle does not claim that the many are invariably superior, but they may be sometimes superior, especially when combined together. Collective participation is not a monopoly of government. Magistracies are held by a small number of people. Participation of the many in deliberation and adjudication coincides with a mixed form of constitution."[105]

Thus, taken together, the masses can achieve excellence, which lies in the collective value of judgement - something beyond the advantages of wealth or property, which could if properly applied have a great and lasting impact in political affairs. The idea of the polity is one in which deliberation by citizens characterizes its essence, insofar as the deliberative element is sovereign, and political acts are deliberative. The importance of this is greatly appreciated once Aristotle is evaluated and critiqued; several perspectives will be looked at in the following section. What remains is to show that labour is a prerequisite for societal and political existence, and that some of Aristotle's

[102] Ibid., p. 192.
[103] Ibid., pp. 123-124.
[104] Mulgan, Aristotle's Political Theory: An Introduction for Students of Political Theory, p. 105.
[105] Ibid., p. 104.

premises produce *non sequitur* logic relating to labour; that is, his train of reasoning undermines certain forms of labour that must ultimately be critiqued, in order to effectively achieve a comprehensive defence of both polity and political deliberation by citizens.

Evaluating Aristotle:

This section has two goals. The first is to critique Aristotle's view of labour, providing a greater recognition of its function, claiming that human labour is not only the foundation for the material existence of society, but is also the explicit normative justification for political equality and political deliberation. The second goal is to commend the constitution of polity, showing that society has both clashes of interest as well as common goals, and that the vision of polity is one where these differences are *better* balanced by means of deliberative and discursive politics. The import of this lies in the idea that modern liberal democracies would do well if they applied Aristotle's notions of the polity, providing for the inclusion of all social segments in political deliberation.

Higher and lower classes exist even in ethically advanced liberal societies which are characterized by stubborn forms of social and material stratification. It may be nothing new to claim that *equality* is needed to rectify certain injustices or imbalances between classes. Yet what is in fact unique is that this thesis, adding to deliberative democratic theoretical repertoire, considers that greater equality is needed in the actual practice of political deliberation, and this is justified by the division of labour. Political deliberation by all citizens provides some possibility of rectifying misappropriations of undermined forms of labour, through having lower and higher class people respect and

face each other in a deliberative forum. Such a formal deliberative institution utilizes the political sphere as a place for the restitution of society's evaluation and gradation of the labour that people perform, and would be established to counterbalance social hierarchy and material stratification. If for any one reason, which is not some sort of romanticism, it is because in discoursing and deliberating, people take control of their own lives and are not left to the residues produced by a monopoly of forces, i.e. the market, corporations, and representative government. This thesis views the lack of citizen deliberation in modern representative constitutions as a failure to promote the necessary rectification of the institutional and social imbalances they retain.

The state for Aristotle is self-sufficient, having everything it requires within its own legal or territorial bounds.[106] It may be equated that a self-sufficient state in Aristotle's view is a fully realized division of labour in which people help or serve one another with their variegated forms of labour or services. To achieve the means of self-sufficiency through a state's own parts is to place its very function and survival in the hands and labour of the people who compose the state. Aristotle understands the whole to be prior to its parts, where the whole must itself be present in order for the part to exercise or have a function.[107] Contrary to Aristotle, in considering the nature of the state, it should not be viewed as prior to individuals - but interdependent and correlative. The parts of a state create and maintain the whole, and the whole serves the individual by providing the external potential to function according to desire and necessity, namely for oneself and for the common good. All citizens should be minimally viewed the same –

[106] Ibid., pp. 119-120.
[107] Barker, The Politics of Aristotle, note 1, p. 6.

those who labour for society; thus the name of citizen should be not *only* "applicable to those who share in the offices and honours of the state."[108]

Aristotle views the nature of the state as the consummation of self-actualizing humans who act in concert together for mutual advantage.[109] Yet mutual advantage may be a misnomer if we account for the fact that only those who do *not* labour in menial necessities are more valued socially, economically and in several cases, politically.[110] Sources of this elitist mentality are found in Aristotle's aristocratic conception of the good life which is about having leisure as well as having excellence of character;[111] certain kinds of services performed by people are to be valued, while others are servile in character and degrade this esteemed lifestyle.[112] Indeed, Aristotle claims that some of these menial and servile services are rendered by manual labourers and slaves, "who live by the work of their hands."[113] It is this mentality that is being challenged. This thesis argues that all people who labour must be valued equally for their contribution to the good and preservation of the state. Aristotle should have extended the fact that if people who labour are undermined, and are neglected to be included in a constitution in terms of political rights and deliberative participation, it is a failure to recognize the end goodness of the polis, namely common interest. Where Aristotle falls short, is by not reproaching constitutions that exclude persons as citizens. An example of this is where Aristotle states that just as there are a number of types of constitutions, there are also a number of differences in citizenship, and hence "in one variety of constitution it will be necessary

[108] Aristotle, The Politics of Aristotle, p. 109.
[109] Ibid., p. 111.
[110] Barker, The Politics of Aristotle, p. L.
[111] Ibid., note 2, p. 118.
[112] Aristotle, The Politics of Aristotle, p. 104.
[113] Ibid.

that mechanics and labourers should be citizens: in other varieties it will be impossible."[114] Further to and following from this statement, two factors of Aristotle's political theory need to be evaluated: the first is his undermining of women and slaves, and the second is the inclusion of labourers into the constitution of polity.

The modern liberal-democratic rationale: views slavery as an absolute debauchery of human existence; values women for their potential to equally contribute to the state; and understands equality, in the inclusion of all people in society as citizens, to be the most ethical form of constitutional organization. In contrast, Aristotle wrote in an epoch that supported the legal conventions as well as philosophies of natural slavery, and the exclusion of whole categories of people from political existence; in several sections of the *Politics* Aristotle explicates views in line with the dogmas of his time. Unfortunate points of Aristotle's political theory are that he undermines many human beings, such as slaves and women; he does this by degrading the various forms of labour they perform, viewing them as mere instruments of production, as well as diminishing their attentive reasoning skills or rationality, and even claiming them to have pusillanimous characters or animal-like qualities.[115] To Aristotle, labour may be considered necessary for the functioning of the state, but he does not defend labour as absolutely central to the existence of equal rights in a state.[116]

Only enrolled male citizens have political rights, leaving out children, superannuated (elder) citizens, women, foreigners and slaves.[117] The severity of this is not something that can be justified any way it is looked at, for over half of the population

[114] Ibid., p. 109.
[115] Ibid., pp. 10-13, 15, 20.
[116] Ibid., p. 108.
[117] Miller, Nature, Justice, and Rights in Aristotle's *Politics*, p. 148.

(of Athens) were slaves, women, and children.[118] For Aristotle, the rule of master over slave, as well as husband over wife is a matter of nature;[119] that is, the natural capacities of slaves and women are exactly fitting for their lack of ability to rule over their own self.[120] To be sure of this, Aristotle claims that "anybody who by his nature is not his own man, but another's, is by his nature a slave,"[121] and further that, "the relation of male to female is naturally that of the superior to the inferior – of the ruling to the ruled."[122] The result of justifying a natural mastery of Freemen over slaves and women is to give an argument grounded on superior qualities of command, goodness of character, as well as a higher faculty of reasoning; it is to set up the latter to serve the former through certain "menial duties of life."[123]

The contradictions of the ideas regarding slavery and the rule over women are so readily apparent that it is amazing Aristotle was not able to transcend such conventions. He recognized that politically, tyranny was an abuse of power, which was conducted on a so-called legal basis, in a temper similar to that of master over slaves, subjecting all to the ruler's will.[124] Clearly, tyranny was considered a perversion to Aristotle as he mentions in his classification of states, yet this was never equated to the rule of the household. What is true of animals is *not* also true of men, nor are humans (slaves and women) to be considered an article of property.[125] The arguments *contra* Aristotle used in this thesis, are a revaluation of labour and human rationality to undermine the belligerent dominance

[118] Mulgan, Aristotle's Political Theory: An Introduction for Students of Political Theory, pp. 41-42, 44.
[119] Aristotle, The Politics of Aristotle, p. 14.
[120] Ibid., p. 41, 35-36.
[121] Ibid., p. 11.
[122] Ibid., p. 13.
[123] Ibid., p. 13, 15, 32.
[124] Ibid., p. 179.
[125] Ibid., p. 18, 20.

of the patriarch over women and the indolent use of slaves for the masters' benefit. There is simply no empirical evidence that could show slaves are "entirely without the faculty of deliberation," and that women do but inconclusively possess such a faculty.[126] Furthermore, physical characteristics, such as a large build and the possession of strength, are not substantial reasons to justify the *freeman* with an endless supply of menial labour for the support of life by people who hold such qualities.[127] If the benefit of self-preservation is granted through the division of labour, then the value of labour provided by other people must be respected.

This argument that recognizes all who contribute to the division of labour in a state will promote a potential for all people to be valued in the foundation or constitution of that state. The constitution should be viewed as an embodiment of rights which provides equality to those who are integral and instrumental to its betterment. If this is put another way, the constitution should not merely be a nominal promotion of freedom and equality between citizens; it must *provide* the possibility for the actual fulfillment of these values - a place where people can achieve deliberative political rights.

Labourers who are left out of deliberative activity, who actually provide the opportunities to others to have leisure, are merely tools of systematic usage. Yet, the people who can pursue civic excellence (which requires experience in ruling) by means of time and leisure must be indebted to the labourer who supplies every matter of necessity and whim of desire.[128] The fact that most people labour continuously throughout their lives is all the more reason to have political constitutions that work in

[126] Ibid., p. 35.
[127] Ibid., p. 13.
[128] Ibid., p. 108.

favour of recognizing such people and their contributions. It must come to pass that heuristically, no form of constitution can escape including labourers as deliberative citizens so long as labour is not viewed to be perfunctory. Therefore, it may be stated that this thesis is both a defence for political deliberation as well as labour.[129] Where the polity is concerned, this constitution can be considered the best for two reasons: one, it may allot political deliberation to all citizens (including labourers) specifically through appointment by lottery, granting political equality between all citizens; and two, it provides the potential for politics as a vocation, coinciding with modern representative constitutions.

Polity can be valued for the fact that it aims for stability - to limit the self-interest of any one social class. In another sense, polity can be viewed as an achievement of deliberative political equality: the spirit of this constitution actualizes human dignity. The polity is a constitution to be contrasted to modern liberal democracies; the polity should be esteemed for the fact that deliberation is respected as a primary form of political participation by citizens. This is important from both an institutional point of view and from an ethical consideration. Returning to an area mentioned earlier in this section to be evaluated: are labourers valued in Aristotle's constitution of polity? From the discussion of slaves and women above, it appears the answer is no, or at least not all labourers would be included. However, is it possible to somehow reconcile this in any way? The answer is yes. According to Aristotle,

[129] There is a further implication here for modern constitutions, namely, for states which retain foreign workers who provide labour but are not granted citizenship. Such states abuse the value of labour by failing to grant an appropriate scope of political respect through citizenship for the use and support provided by these workers' labour. This issue, however, is beyond the scope of this thesis.

> in matters political there is no good reason for basing claim to the exercise of authority on any and every kind of superiority. Some may be swift and the others slow; but this is no reason why the one should have more [political rights], and the other less...There is a certain sense in which all the contributors of the different elements are justified in the claims they advance, though none of them is absolutely justified.[130]

The quote here provides a loophole so to speak, or at least the potential for an argument to be made on behalf of all contributors to the state to be considered citizens and to be included in the common deliberative affairs of the polis. On another level, the polity is a combination of both oligarchy and democracy. Thus, a democratic element by its very definition includes the masses (being mostly labourers). In an oligarchic constitution, where participation in public office depends on meeting a high property qualification, skilled labourers may be admitted to citizenship, defined in Aristotle's sense of alternating in ruling and being ruled. Such citizenship is attained by merely acquiring the set amount of wealth necessary to hold office.[131] From both perspectives, it appears there is at least some basis, however loosely it is viewed, for all (labouring) people to be included in the polity.

Institutionally, polity can provide a wide range of citizens constitutional recognition - the possibility of being selected by random lottery to be civically engaged in the common affairs of the polis. It is very important that Aristotle advocates in ethical as well as political situations, the mean between extremes. Thus, the polity realistically and logically aims for a balance of social class interests. Institutionally, the mean is a balance of class interests - that is, neither the rich nor the poor entirely dominates a constitution because both share in the function of ruling and being ruled. Ethically, the mean is a balance between people who are socially and economically considered differentiated in

[130] Ibid., p. 131.
[131] Ibid., p. 109.

terms of worth, prestige and intelligence. Modern democracies place less emphasis on this balance, because they choose to not have higher and lower classes engaged with one another politically beyond the realms of social and economic existence. The political downfall of modern liberal democracies is simply the lack of what the polity emphasizes regarding political inclusion and control of government by citizens. In the polity politics serves as a mean between social and economic extremes because it places all people on a more equal footing with the ability to debate about issues of importance to all, and not just some. The fact that deliberation is the actual practice of greater equality indicates that Aristotle was ahead of his time in valuing the polity. Deliberation is indeed the *sine qua non* for achieving a mean between excesses of social and material imbalances because it rectifies the market and society by the restitution of power to those who gain less in these spaces. The ethical value of polity then is the lasting effect of stability and balance, hastened by the greater equality of political relations between all segments and people of the constitution.

Modern democracies value the representative over the citizen in political affairs. The defence for this is generally one grounded on the value of merit, and this will not be called into question here. In fact, elites or elective officials are supported by this thesis, because there is an understanding that the division of labour is present in modern liberal democracies, and thus, politics as a vocation is similar to any other choice in the field of specialization, as a job that people can dedicate their lives towards. This works out well with the institutional formation of the constitution of polity. Governments of liberal orientation vouchsafe the representative as a vanguard of popular sovereignty; this is something that can be beneficial for at least three reasons. First, election of

representatives provides the potential for the instatement of qualified persons - those with expertise as well as the advantage of having past experience in dealing with bureaucratic institutions; second, the representative serves to aid larger societies which are vast in territory and numbers, by agglomerating interests; and lastly, representation allows the majority of citizens to dedicate their main time to their own jobs and personal lives. On the other hand, where elite mentality *is* challenged by this thesis, is when theorists, politicians or constitutions alike retrograde the influence of citizens to a place of irremediable complacency, by preventing the deliberative authority and impact of citizens in affairs of genuine political, social, and economic importance. Overall, the implications polity has for this thesis is to ensure that all citizens have the lasting opportunity to deliberate on specific issues of common interest by means of lottery, while simultaneously having other concurrent issues handled by representatives elected by the citizenry.

The defence of political deliberation by citizens in this thesis is substantiated by the need for a greater balance of class interests in contemporary representative democracies. The balance of social classes in the constitution of polity offers a theory that representative governments could find laudable for considering the implementation of deliberation between citizens. Furthermore, political deliberation is argued to be a considerable requisite for valuing the labour of citizens. A more aggressive and detailed defence of labour within the overall division of labour in capitalist society, will be looked at in the next chapter. Karl Marx takes up a defence for labour where Aristotle fails to solicit a comprehensive account. The intention then is to supplement Aristotle's ideas on

polity with Marx's defence of labour, all in order to give greater grounds to the predilection of mixed constitutions, political deliberation, and political equality.

Chapter 3:

Marx on the Division of Labour, Alienation, and Politics

Introduction:

Since its inception, Marxist philosophy has endured a proliferation of critiques from various fields in the academy. The critical analyses of capitalism found in Karl Marx, are traditionally seen to strive for the emancipation of human beings from its oppressive relations of production. Yet, his opponents feel that as the communist smoke has cleared just prior to the close of the last century, Marx's views are more removed than ever from the themes of current social dissatisfaction in advanced industrialized countries.[132] For example, in *Resurrecting Marx*, David Gordon sought to explain the current trend in Marxist scholarship, which he describes as analytical Marxism; the goal of his book, through the explication of the prominent analytical Marxists, was to argue (rather cogently) how traditional and analytical Marxists fail to show that capitalism is in fact exploitative. For Gordon,

> the condition of the proletariat did *not* worsen in the major Western economies: it improved enormously. There has not been an ever-increasing trend toward monopoly domination. Socialism did *not* first arise in a highly industrialized country, as the theory would lead one to expect. Most important, the much-promised collapse of capitalism seems far away. Perhaps Popper erred – in that Marxism is not unfalsifiable, but false.[133]

Thus, a problem faces this thesis: how can we be sure that what is argued here, will normatively justify the case for greater political deliberation, especially when certain Marxist ideas are going to be used, and for that matter, not be dismissed along

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[132] Postone, Moishe. Time, labour, and social domination: a reinterpretation of Marx's critical theory. Cambridge,
England: Cambridge University Press, 1993. pp. 11-12.

[133] Gordon, David. Resurrecting Marx: The Analytical Marxists on Freedom, Exploitation, and Justice. United
States: Transaction Books, 1990. p. 18.

with Marxism as pejorative rabble, or some utopian prophecy? On the other hand, there is the need to break away from Marxist philosophy, in favour of the pursuits in this thesis. It follows that, in opposition to Marx, the current project will not engender the goal of abolishing class and along with it wage-labour and capitalism.

To state the obvious, wage stratification and social prestige exist in capitalist countries, and this indicates a hierarchy of respected forms of labour; and so long as this remains as it always has, it may be claimed that some jobs and some people, are considered to be more important than others. According to Moishe Postone,

> social domination in capitalism does not consist in the domination of people by other people, but in the domination of people by abstract social structures that people themselves constitute […] Social wealth produced by workers does not benefit all members of society under capitalism, but is appropriated by the capitalists for their particular ends.[134]

Honour and admiration in social status, as well as quality or standard of living in terms of wealth, are reserved for certain ranks of people, even at the cost of others'.[135]

It is the opinion of this thesis that Marx's philosophy does contain certain didactic achievements; several of his diatribes on the structural relations that dominate humans still echo and apply to the world. The pervasiveness of this rests on Marx's view of history as production, and production that is dominated by elites in every epoch.[136] It will be argued that there is no need to show if capitalism rests on an entirely exploitative structure to appreciate Marx – but that capitalism rests on an interdependence of human

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[134] Postone, Time, labour, and social domination: a reinterpretation of Marx's critical theory, pp. 10, 30.
[135] This brings up a claim by Jean-Jacques Rousseau in his Discourse on Political Economy: "those citizens who have deserved well of their country ought to be rewarded with honours, but never with privileges." Rousseau, Jean-Jacques. The Social Contract, A Discourse on the Origin of Inequality, and A Discourse on Political Economy. Cole, G. D. H., trans. United States: Digireads.com Publishing, 2005. p. 128.
[136] See Marx, Karl, "The German Ideology". In Tucker, Robert C., ed. The Marx-Engels Reader. Second edition.
United States: W. W. Norton & Company, 1978.

labour. Yet, it will also be argued that Marx fails to recognize the potential impact that *political* deliberation could have for remedying class conflict and social inequities that reverberate from capitalist economic relations.

This thesis considers that the significance Marx attaches to labour can be applied towards modern politics. The expenditure of human labour is central to the functioning of a capitalist society, in which the process of selling and buying of labour is continuous; people come to be used for their own work in order that they may live. If the opportunity for citizens to politically deliberate is to be seen as a central aspect of a just political order (as it is viewed in this thesis), then this chapter, to maintain due course, must bear in mind an overarching question: why is labour the factor which defends political deliberation by randomly selected citizen-bodies in modern society? The following chapter will be divided into three sections: the first will explain what the division of labour is according to Marx; the second will apply Marx's view of alienation in a similar fashion to modern politics; and the third section will discuss deliberation as a mediator of class conflict and as a factor for stabilizing a nation. This chapter looks at how capitalist societies can balance stratified class formations through the political influences generated by deliberative citizens. Taken together, the sections to follow will make it clear that deliberation is necessary for liberal-democratic *capitalist* societies, and that this is grounded through a corollary of labour.

Labour is a value, one which is relied upon, and this reliance people have on labour, is the point which will support the constitutional integration of a deliberative democratic institution in capitalist society. The division of labour in this analysis will be directed to achieving class balance by demanding and justifying the deliberative input of

citizens from all social strata. Any subsequent change in the distribution and production of economic power is indirectly viewed as something that *could* be considered, but only through the change of political and social (deliberative) control allotted to citizens. Thus, the political sphere's direct influence in the economy, through the regulation of labour or of the instruments of labour, is not the main concern of this chapter, or this thesis for that matter.

Overall, the following chapter will not reconstruct Marxism, but merely use certain perspectives that Marx explicated in a variety of his works. Similarly, this thesis is not purely within the trajectory of theory - its implications are real. The concern is to clarify the nature of inequality which exists in the actual and current state of affairs. In seeking remediation for this inequality, a new state is not needed for citizens to gain control of their social and political existence, but the one already in place.

The Division of Labour:

A constitutional placement of citizen deliberation can be founded on the societal interdependence being derived from material exchanges in the division of labour. Several Marxist ideas will be looked at in the section below, to help prove this, including the materialist concept of history, the division of labour, and objectified labour.

In what is understood to be *early* Marx, that is, in the several works preceding his more mature writings on political economy, Marx developed alongside his friend and collaborator Friedrich Engels, a theory of human history based on the material relations of production found in society. The chief works which provide this theory are the *Economic and Philosophic Manuscripts of 1844* and *The German Ideology*. The heart of

this theory claims that "political economy starts from labour as the real soul of production,"[137] and "the history of the world is the begetting of man through human labour."[138] According to Joseph J. O'Malley, the materialist conception of history claimed "world history is the history of production; and production is the activity of man which is undertaken and carried on in answer to his needs."[139] Marx understood there was this materialistic connection of humans with one another, determined by their needs and by their mode of production.[140] For Marx, "their material relations are the basis of all their relations. These material relations are only the necessary forms in which their material and individual activity is realized."[141] Marx views the mode of production as the level of producing achieved by the advancement of human industry; and this *level* can be viewed as the *extent* to which labour is divided in a certain society.[142]

In capitalism, there exists a law of growth so to speak - that is, accumulation and concentration of capital is a natural result of its (system's) emphasis on private property. In this system, workers exercise their labour power, or use and exchange their own labour as the activity to sustain their life.[143] This leads into the capitalist mode of dividing labour; as capital is increased, the number of wage labouring individuals also increases, and with this, arise different processes, services, and technologies.[144] The numerical

[137] Marx, "Economic and Philosophic Manuscripts of 1844". In Tucker, The Marx-Engels Reader, p. 79.
[138] Ibid., p. 92.
[139] O'Malley, Joseph J. "History and Man's "Nature" in Marx." In Avineri, Shlomo ed. Marx's Socialism. United States: Lieber-Atherton, Incorporated, 1972. p. 90.
[140] Marx, "The German Ideology". In Tucker, The Marx-Engels Reader, p. 157.
[141] Marx, "Society and Economy in History". In Tucker, The Marx-Engels Reader, p. 137.
[142] Ibid.
[143] Marx, "Wage Labour and Capital". In Tucker, The Marx-Engels Reader, p. 137, 209.
[144] Ibid., p. 210.

increase of jobs and the manifold competition between labouring individuals for these jobs is the development of the division of labour in the capitalist mode of production.[145]

In addition, the level of production reached in the material relations of production, is also important from a social consideration. For Marx,

> in the social production of their life, men enter into definite relations that are indispensible and independent of their will, relations of production which correspond to a definite stage of development of their material productive forces. The sum total of these relations of production constitutes the economic structure of society.[146]

Coinciding with a specific industrial stage or mode of production is a simultaneous social stage or mode of co-operation between individuals; the multitude of these relations (both material and social), form the nature of productive forces in society.[147] For purposes of this thesis, *social* will be understood as Marx sees it, as the co-operation of individuals generated by the division of labour; thus, in this view, co-operation is seen as a productive force.[148] In *Wage Labour and Capital*, Marx states: "*The relations of production in their totality constitute what are called the social relations, society, and, specifically, a society at a definite state of historical development*, a society with a peculiar, distinctive character."[149]

Capitalism is social, in that, useful productive labour by individuals is only possible through society;[150] large-scale industry is predicated on co-operation to achieve high productivity and profit.[151] The total relationship that each person has to the whole of

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[145] Ibid., p. 211.
[146] Marx, "Marx on the History of His Opinions". In Tucker, The Marx-Engels Reader, p. 4.
[147] Marx, "German Ideology". In Tucker, The Marx-Engels Reader, pp. 157.
[148] Ibid., p. 157, 161.
[149] Marx, "Wage Labour and Capital". In Tucker, The Marx-Engels Reader, p. 207, emphasis in original.
[150] Marx, "Critique of the Gotha Programme". In Tucker, The Marx-Engels Reader, p. 526.
[151] Marx, "Capital, Volume One". In Tucker, The Marx-Engels Reader, p. 388.

capitalist society, on a technical or specialized level as well as social level, is based on the extent to which labour is divided, and where people fit into this division. For Marx, as the productivity of a specific society increases in a particular era, so then do its needs, as well as its population; in and amongst all this, is the development and further, refined segregation of physical and mental labouring.[152] Thus, according to Marx, "how far the productive forces of a nation are developed is shown most manifestly by the degree to which the division of labour has been carried."[153]

For Marx, production is tied to social (and political) structures, because they evolve out of the life processes of definite individuals. This presupposes that individuals are taken to be part of a whole social network.[154] The co-operative interdependence between labourers in capitalism is the activity in which the whole of labour is at all times taken to be something social.[155] In fact, Marx claims that "the *social* character is the general character of the whole movement: *just as* society itself produces *man as man*, so is society *produced* by him. Activity and consumption, both in their content and in their *mode of existence*, are *social* […]"[156] This goes to show that Marx considers humans to be social animals, where they only individuate their self within the presence of society.[157]

There are important implications in characterizing labour as a socially constituted movement, especially in capitalist societies. Humans require a body to produce their means of subsistence; without the body of others – that is, without the use of another's labour – people would only have their own hands to fulfill their needs. In a society

[152] Marx, "German Ideology". In Tucker, The Marx-Engels Reader, pp. 158- 159.
[153] Ibid., p. 150.
[154] Ibid., p. 154.
[155] Marx, "Economic and Philosophic Manuscripts of 1844". In Tucker, The Marx-Engels Reader, p. 85.
[156] Ibid.
[157] Marx, "The Grundrisse". In Tucker, The Marx-Engels Reader, p. 223.

characterized by the capitalist division of labour, *no-one* relies entirely on products and labour of their own work. The division of labour devolves onto separate people, who each in their own turn, supply society with the work of their own hands, and rest a level of reliance on society for the services and products of other people.

This chapter begins from the *fact* of the capitalist division of labour, and emphasizes the social interdependence of *this* mode of activity. Which is to say that the particular stage of productive development assumed is capitalist, and this system is comprised not of isolated individuals, but entirely of social individuals.[158] From this, the argument can be developed, that all labour that contributes to the whole of society, contributes to each individual, demanding in return some chosen level of social and political equality for having this supplied labour relied upon. Needless to say, the division of labour in the capitalist mode of production is not something positive for Marx; in fact, he views it as the enslavement and subordination of the individual.[159] In accordance with Marx, this thesis recognizes that the division of labour undermines people by devaluing certain types of labour, conferring social status and material gain on certain people. However, there must be a break here from Marx: status and prestige can be mediated, by class segregation being politically mitigated. This is viable through a process of deliberative political participation by individuals from different social classes. Let us look further into this.

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[158] Ibid.
[159] Marx, "Critique of the Gotha Programme". In Tucker, The Marx-Engels Reader, p. 531.

Marx understands well what labour means for the individual. He knows that labour is the (objective) unfolding richness of (subjective) human nature.[160] We can see this in the abstract arguments he presents in the *Economic and Philosophic Manuscripts of 1844*. He pinpoints that labour in production is the process of human labour becoming objective – that is, cultivated or materialized in an object; thus understood, objects are the direct embodiment of human sensibility or essentially, a person's individuality.[161] As labourers appropriate the (external) world of nature, congealing their own labour into an object, they transcend human (subjective) internal reality by bringing *something* into *being*.[162] In the capitalist mode of production, Marx sees human beings as estranged and alienated from their products, which will be discussed in the next section in relation to representative politics.

Capitalism, as a socially construed productive process, involves a reliance of all people on the world of objects. Objectified goods and services are the *results* of the labour of interdependent individuals. This is important from a social point of view because objectified labour – the results of labour – provides all members of society with their means of subsistence.[163] What we must understand from this is, once the objective labour of an individual becomes part of a social process - continually exchanged and used between other individuals - society develops systematically, into an interdependence of the continuous exchange and use of objectified labour.

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[160] Marx, "Economic and Philosophic Manuscripts of 1844". In Tucker, The Marx-Engels Reader, pp. 88-89.
[161] Ibid., pp. 71-72, 85.
[162] Ibid., p. 71, 89.
[163] Ibid., p. 85.

Due to this reliance, there should be no claim to social privilege over other people, because each person's life in some way or another is a result of the objective labour provided by other people in society. But where this thesis wants to be idealist, it settles with the practical view that where capitalism prevails, there must simply be (political and social) respect for this social reliance on objective labour. With this respect, there must be either a reduction, or a mediation of social hierarchy. This comprehends that lower classes are expected to have a greater inclusion in the political process than what currently exists. As this thesis is concerned, political deliberation by randomly selected citizens in a formal institution is the means to this goal.

The concept of merit is the greatest philosophic obstacle in the way of social equality, as well as political deliberation by citizens. This is a sophisticated argument, ostensibly defended by the notion that nature provides some people with advanced mental and physical capabilities. An argument founded on the concept of merit will claim that people who perform more important labour than others, producing more valuable objective products or services, will deserve in the end a greater portion of the social and economic spoils in society. Such an argument often understands merit to be grounded in a natural hierarchy of human beings: by nature, people are endowed with unequal powers, and the most qualified and gifted people are best suited for certain forms of labour, granting them a natural requisite for deserving more status or wealth than people who are not as naturally talented as themselves.

Such an argument is taken out of its true context however. No matter how we look at it, those who possess an advanced strength of human will, intellect, or physical capacity, all in the end, survive in capitalist society, not by the grace of nature, but by the

labour of other people, and the objective products and services they produce. The context that people are to be viewed in a capitalist system is not *qua* merit - as independent persons - but through collective production and interdependence in society, or as Marx claims, "individuals producing in society–hence socially determined individual production."[164]

If argued correctly, the above should have established that labour is a value socially relied upon; people need the objective labour of other people in order to survive. Those who claim that merit should grant favours onto people who perform certain (higher) forms of labour, need only reflect that society and not nature (or natural ability), is how they survive. For example, and this is by no means the only one that can be used, a doctor's labour is by far one of the most (if not the most) respected and meritorious forms of labour, by social and economic standards found in capitalist societies. A doctor exists only in society, through multiple years of education and specialization; but this can only occur because he or she has the available time away from finding the basic necessities to survive, which is provided as it turns out, by the objective labour of other people. A doctor without the division of labour, namely the labour provided by society as a whole, cannot progressively learn and become more specialized and entirely devoted to being a doctor, but must continually spend extended periods of time to find food, shelter, water, etc., in order to merely live. Without society doctors have no practice, even if they do somehow manage to study after finding all their basic means of survival.

In the end, it should be clear that social respect and political equality are demanded by the division of labour. To ensure that these are met, deliberative political

[164] Marx, "The Grundrisse". In Tucker, The Marx-Engels Reader, p. 222.

equality must be in place, including the opportunities and mechanisms for random appointments by lottery. This thesis is aimed at overcoming the social stigmas embedded in capitalist societies, which superimpose social stratification on individuals based on the idea that some people deserve more social recognition than others. Political deliberation by equal citizens should be viewed as a remedy to this; the deliberative political realm is to be viewed as the neutral space in which all people have the equal opportunity to be randomly selected to corroborate their social life together, recognizing the (objective) interdependence that is entailed by the division of labour. Yet political deliberation is undermined in liberal democracies, and is thus alienated from people. The next section deals with this issue.

The Alienation of Labour:

A good way to lead into Marx's notion of alienation is by citing a passage from the *Economic and Philosophic Manuscripts of 1844*, which captures the heart of Marx's critical philosophy:

> we have to grasp the essential connection between private property, avarice, and the separation of labour, capital and landed property; between exchange and competition, value and the devaluation of men, monopoly and competition, etc.; the connection between this whole estrangement and the money-system.[165]

From this passage, anyone can lead into an extensive discussion of Marx and take it in several directions; similarly, one can easily devote vast amounts of time to the interconnectedness of the ideas in this paragraph, or even get lost in translation trying to do so. Hence, we must limit the scope here. Further, if there is any discussion of capitalism and private property below, its reference will be limited, and only in relation to

[165] Marx, "Economic and Philosophic Manuscripts of 1844". In Tucker, The Marx-Engels Reader, p. 71.

alienation. The direction taken in this section is to examine *some* of the fundamental aspects of what alienation is according to Marx; this examination will reveal something vital to the case of justifying deliberation to create greater levels of political and social equality in society.

From Marx's own view of labour, he was able to deduce many factors of alienation that are all related to each other. According to Bertell Ollman, Marx viewed *man* as a corporeal, objective being, who "possessed both senses and the potential for engaging in a variety of activities."[166] In his book, *Alienation: Marx's Conception of Man in Capitalist Society*, Ollman states:

> Marx believes that every man simply because he is a man possesses certain powers and needs, some of which he calls 'natural' and other 'species'. Man's natural powers and needs are those he shares with every living entity. Species powers and needs, on the other hand, are those man alone possess.[167]

From this separation of human capabilities into natural and species, Marx developed a teleological theory of human nature: both the natural and species characteristics of humans are essentially grounded in objective (i.e. material, productive) fulfillment. Natural powers are akin to the function (or ability) to fulfill the impulses of basic physical needs, through objects outside of the human body.[168] Through labour basic physical necessities are satisfied, by acquiring all the material (i.e. food and shelter) requirements to fulfill these needs. However, Marx considers human beings as beyond animal functioning: human life-activity is distinguished by being free and conscious.[169] For Ollman, "man is a species being because he knows what only man can know, namely

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[166] Ollman, Bertell. Alienation: Marx's Conception of Man in Capitalist Society. United States: Cambridge University Press, 1971. p. 81.
[167] Ibid., p. 76.
[168] Ibid., pp. 79-80.
[169] Marx, "Economic and Philosophic Manuscripts of 1844". In Tucker, The Marx-Engels Reader, p. 76.

that he is a species being, man."[170] This aspect of human nature plays a vital role in Marx's discussion of alienation.

When Marx writes of man as a species being, he is essentially describing him as a universal being - a free being.[171] For Marx,

> the whole character of a species – its species character – is contained in the character of its life-activity; and free conscious activity is man's species character. Life itself appears only as *a means to life*[…] i.e., that his own life is an object for him. Only because of that is his activity free activity.[172]

Therefore, Marx insists that it is essential to the nature of human beings to make their own life-activity, to produce, or *work-up* the objective world.[173] From this perspective, Marx was able to develop a theory of alienation to critique the modern world of production. He postulates that people are unable to develop their productive powers freely and to the fullest extent in capitalist societies.[174] Marx is very critical of capitalism, he considers the relations in production to be antagonistic, and he sees the state primarily as an instrument of class domination. For Marx, the bourgeois state is increasingly becoming anachronistic - in that two classes are readily becoming more at odds with each other, due to the nature of their material productive relations.[175] The reason for this stems from Marx's ideas of human nature being fundamentally rooted in social existence; the problem for Marx is that human activity cannot be "divided between "private" and "public" functions."[176] Private property, that is, products created by objectified labour, is

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[170]Ollman, Bertell. Alienation: Marx's Conception of Man in Capitalist Society, p. 84.
[171] Marx, "Economic and Philosophic Manuscripts of 1844". In Tucker, The Marx-Engels Reader, p. 76.
[172] Ibid.
[173] Ibid.
[174] Tucker, Robert C., "Marx as a Political Theorist." In Avineri, Marx's Socialism, p. 131.
[175] See Marx, "Communist Manifesto," "On the Jewish Question," "Economic and Philosophic Manuscripts of 1844". In Tucker, The Marx-Engels Reader.
[176] Avineri, Shlomo, "The Hegelian Origins of Marx's Political Thought." In Avineri, Marx's Socialism, p. 12.

appropriated in a way estranged from free beings who should have the product of their own hands for their own use. According to Marx, "the object which labour produces – labour's product – confronts it as *something alien*, as a *power independent* of the producer."[177] Thus, the individual living in such a hostile environment is according to Marx, estranged from his species being; true individuality for him, consists of men cooperating with each other, appropriating nature, developing their willed powers fully – and thus achieving their free life-activity.[178]

This very brief and abstract sketch of Marx's view of human nature, and the subsequent estrangement of people under capitalist relations of production, has been leading towards the main part of this section – that is, tying this all in to politics and political deliberation. Ollman clearly and succinctly lays out the theory of alienation found in Marx's *Economic and Philosophic Manuscripts of 1844*. Discussing Ollman's breakdown of alienation will provide a very helpful template for making the transition from Marx's analysis of the alienation of labour, into the aims of this thesis. Ollman indicates that in the theory of alienation:

> Man is spoken of as being separated from his work (he plays no part in deciding what to do or how to do it) – a break between the individual and his life activity. Man is said to be separated from his own products (he has no control over what he makes or what becomes of it afterwards) – a break between the individual and the material world. He is also said to be separated from his fellow men (competition and class hostility have rendered most forms of cooperation impossible) – a break between man and man.[179]

Thus, Marx presents alienation as four broad relations to human existence, including; man's relations to productive activity, his product, other men, and the species. We find

[177] Marx, "Economic and Philosophic Manuscripts of 1844". In Tucker, The Marx-Engels Reader, p. 71.
[178] Ollman, Alienation: Marx's Conception of Man in Capitalist Society, p. 117.
[179] Ibid., pp. 133-134.

this in the *Manuscripts*, where the alienation of productive activity involves: the product of labour as an alien object which exercises power over people; the act of production itself as an alien activity not belonging to people; and lastly, each man is estranged from the other, which is to say that people only appear to each other from the position they retain as *workers* in production.[180]

Thus, in the structure of alienation people are mere abstractions, isolated from the social whole.[181] Furthermore, conscious, creative activity is the chief means by which human beings achieve their fullest potential. Since the activity of appropriating objects from the world is central to human existence, where labour is alienated, creative development is thwarted. Ollman explains this special relationship that free activity has with the fulfillment of man's essential creative powers:

> Activity enters this account as the chief means by which man appropriates objects and becomes, therefore, the effective medium between the individual and the outerworld. Marx sees such activity in three special relationships to man's powers: first, it is the foremost example of their combined operation; second, it establishes new possibilities for their fulfillment by transforming nature and, hence, all nature imposed limitations; and third, it is the main means by which their own potential, as powers, is developed.[182]

If we apply the theory of the alienation of labour and human activity in a different sense - to politics and political deliberation by citizens, we may find some striking parallels. If the product of people's labour, and the social (and economic) value of such labour can be taken away from people, and be appropriated by a power external to them – and even be used as an instrument of their own domination - then there should be the instatement of deliberative political power for citizens, giving them the direct or indirect

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[180] Marx, "Economic and Philosophic Manuscripts of 1844". In Tucker, The Marx-Engels Reader, pp. 74-77.
[181] Ollman, Alienation: Marx's Conception of Man in Capitalist Society, p. 134.
[182] Ibid., p. 138.

ability to moderate the will and power that others can have. The claim being made here is that political deliberation is such a process - it is the unalienated course of action which utilizes a political institution to appropriate (individually and collectively or socially) various processes and objects which pertain to the organization of society. A formal recognition of the (objective) labour that people contribute to society, gives not just one (upper) class the prestige of benefitting society. It recognizes all forms of labour, including what is considered *lower* classes of labour. People from all classes, through the random selection process, are granted the opportunity to exercise political influence and socially connect within an institution representing the whole of society.

The fact is alienation goes beyond economic privation. Production and the mode of distribution could be conceived as a relation simply between the market and private property; but where this thesis aims to transcend this is by viewing production and distribution as political relations as well. Marx viewed the state as parasitic on the body of society,[183] and developed a revolutionary theory that would overthrow the bonds of alienation in society. This thesis denies the hostile take-over of society, and strives for something Marx was short-sighted on, namely deliberative political activity by citizens. The next section delves deeply into this; but for now, all that remains in this section is to describe what political alienation is.

Thus far, no connection has been made to the contradiction between the labouring person and representative democracy. Democracy, as the actual etymological word states, is the power of the people, involving political deliberation by the *citizenry*, as it was

[183] Marx, "The Civil War in France". In Tucker, The Marx-Engels Reader, p. 634.

originally developed in classical Greece.[184] Representative democracy appears as a political formation quite alienated from its grassroots. This is to say that democracy, which at its foundation is the actual civic involvement of citizens, is currently a process almost entirely alienated from citizens.

To reiterate the above aspects of alienation: man is separated from his productive activity, separated from his own products, separated from other men, and separated from his species being. In a similar but political manner, we may say that people are separated from formally deliberating about politics, separated from directly influencing the outcomes of the political process, separated from the political forum in which people meet face to face, and ultimately separated from species-life activity – reinterpreted to mean, conscious and creative social determination *via* politics. Similarly, to reiterate the positive relationship between free activity and man's powers, it acts as a medium in which the individual and the outerworld or society exist as a combined operation, it establishes new possibilities for the future transformation of nature and society, and lastly, it acts as a means to develop one's own powers. Politically, representative democratic practice fails the citizenry at large in all three regards. Deliberative democratic practice is a medium for interaction between free activity and man's (i.e. combined with the social/outerworld) through cooperation involved in political production. Political deliberation creates new possibilities for the future transformation of society. And it ultimately allows the actual, subjective determination and fulfillment of creative and communicative human powers. Hence, the process, the product, and the relations involved in current representative politics, truly do not belong to all citizens,

[184] Dunn, John. Democracy: A History. Toronto, ON: Penguin Canada, 2005. pp. 33-36.

and this is how Marx's view of alienation can be extrapolated to relate to the politics of modern liberal democracies.

For Marx, "human emancipation will only be complete when […] he [man] has recognized and organized his own powers as social powers so that he no longer separates this social power from himself as a political power."[185] This perfectly grasps how this thesis considers the formal process of deliberation: as socially and politically interrelated power held by citizens. Unfortunately for liberal democratic governments, as well as Marx, both fail to grasp the value in political deliberation by citizens. As the quote above indicates, Marx came very close to the overall aims of this thesis, but he unfortunately strayed in a direction people have come to discredit, even fear.

We can tell from a few passages in some of Marx's writings that he sees a value in democracy. He claims it to be the genus constitution, because the constitution of democracy appears as a system which involves the self-determination of the people, and is not subsumed as in Monarchy, under a particular power that determines the character of the whole constitution.[186] Yet he never went into any depth in terms of a democratic theory, or further, how deliberation by the masses is central to democracy. There *are* some inferences that may be made about democratic theory and political deliberation by citizens in *The Civil War in France*, yet what it goes to show is that Marx's view of democracy is different than what this thesis is arguing for.

For example, in this work, Marx traces the history and foundation of the Paris Commune which arose in 1871 at a height of social and political tension in France under

[185] Marx, "On the Jewish Question". In Tucker, The Marx-Engels Reader, p. 46.
[186] Marx, "Contribution to the Critique of Hegel's Philosophy of Right". In Tucker, The Marx-Engels Reader, p. 20.

the newly established Second Empire of Louis Bonaparte; in this work, we see him describe this political body as communist. Yet its political organization has a democratic tone to it. For Marx, had the Paris Commune succeeded it would serve as a prescriptive model for all of France, and ultimately, the vision of communism.[187] The Commune was described as a working-class government:

> The Commune was formed of the municipal councilors, chosen by universal suffrage in the various wards of the town, responsible and revocable at short terms. The majority of its members were naturally working men, or acknowledged representatives of the working class. The Commune was to be a working, not a parliamentary, body, executive and legislative at the same time.

However, the Commune was not to be considered as a government part of a state. It was more akin to separate but united co-operative societies that regulate national production upon a common plan.[188] In fact, the Commune "supplied the Republic [of France] with the basis of really democratic institutions. But neither cheap Government nor the "true Republic" was its ultimate aim; they were its mere concomitants."[189] Deliberation or direct democratic practice by citizens seemed only to occur as a matter of electing representatives, who would carry the interests of the people to certain political bodies. It is difficult to extrapolate from this text, how systematic its deliberative bodies were, leaving a direct inference about the value of deliberation for Marx, precocious at best.

The next section deals with Marx as a revolutionary, and is aimed at countering such a mentality, by arguing that deliberation is a means for stabilizing class conflict, and mediating social relations.

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[187] Marx, "The Civil War in France". In Tucker, The Marx-Engels Reader, p. 632.
[188] Ibid., p. 635.
[189] Ibid., p. 634.

Marx and Politics:

The main question to be dealt with in this section is: must there be complete emancipation (including economic) in current capitalist and liberal societies, for an elimination of alienated social and political existence to be viable? For Marx, the answer is yes - the final and absolute form of human emancipation, cannot solely be political expiation,[190] there must be an entire removal from the fetters of capital relations. This thesis claims the answer is not entirely so; deliberative political emancipation provides an alternative - an emerging synthesis of individuals who utilize the realms of civil society and politics to achieve a more balanced mode of living.

This thesis values certain (ideal) conceptions related to equality and political freedom of self-determination, but it also recognizes the complexity of the world - the world that requires change piecemeal, through struggle and adaptation, not an overthrow of it all. It will be important to look at the profound vision of Marx - which strove in a unique pithy style, to achieve the abolition of capitalism. Yet, the analysis will not be exhaustive - it will only describe certain facets of Marx's perspectives on civil society, the *state*, and communism. The point is to make an argument that uses his revolutionary thought as a warning for modern societies, to recognize the potential of his analysis to contain a rather potent motivation for subordinated peoples. If modern society is so careless to make human living (i.e. social, material, political) conditions alienated from people, then we can always expect a revolutionary mind to rise at some point to foment necessary change through whatever means necessary. Political deliberation and its claim to motivate social and political equality, seems to be an essential and plausible process

[190] Marx, "On the Jewish Question". In Tucker, The Marx-Engels Reader, p. 32.

(examined further in the next chapter) to help ensure that a regulated mode of power distribution exists between classes (or in society as a whole), in order that severe rebellion is never something necessary by citizens.

There are two driving forces for an equitable distribution of political and social power in this thesis, one moral and the other empirical. The moral point of view claims that formal respect (in the form of political equality) is required by people and society for the *use* of objective human labour towards private ends. The empirical claim is that, if people do not respect labour, individual people, or whole collectives may withdraw their labour and disrupt not only the method of production in society, but the entire social fabric binding individuals together. The latter is directly focused on here. One view, which is theoretical, is a withdrawal into a state of *nature*, forcing people to fend for themselves surviving only on their own hands and labour. This may merely be a conjecture however, but there is another view, which involves the real and actual examples of labour being withdrawn (i.e., quitting work and striking). The withdrawal of labour is a person's right (in most circumstances), if they feel it necessary; yet, the severity of withdrawing labour is not taken lightly by this thesis, and is viewed as a detrimental threat to the stability of a nation. If unhappy, people could at some point in time seriously consider the removal of their labour from the workforce, causing not only mass unemployment, but loss of capital accumulation, loss of products and services consistently used for survival, and if prolonged, the potential for a chaotic or unstable environment, and even revolution. There is always the potential that people, by their *own* determination, may withdraw their labour; but there are in addition, the common

influences of charismatic persons, demagogues, or philosophers, to incite in the masses, vociferous feelings of injustice.

This is where Marx comes into this study; as a revolutionary mind, Marx had a vision to overthrow the existing state of affairs in capitalist countries. It was argued in the *Manifesto of the Communist Party* that through epochal developments in history (namely class struggles at certain stages of economic, social and political development), a point will be reached in which the foundations for the harbinger of a free society will transpire.[191] In law-abiding society, people have the *powers* (individual, legal, social, religious, political, economic, etc.) they do because of the constitutional rights they are provided;[192] legal rights have the functional goal of reinforcing particular aspects and demands of society or the economy.

For Marx, political institutions and social forms of consciousness mirror the material ideology which is dominantly found in civil society.[193] According to Marx, "the form of intercourse determined by the existing productive forces at all previous historical stages, and in its turn determining these, is *civil* society."[194] In capitalism for example, bourgeois ideology dominates the material and social relations in civil society, and extends further, into the political domain, in which "the ruling ideas are nothing more than the ideal expression of the dominant material relationships."[195] According to Robert C. Tucker, "man as citizen, i.e., as a communal being or member of the political community, is but an idealization of real man and hence an "abstraction." Real man is not

[191] Engels, Friedrich, and Marx, Karl, "Manifesto of the Communist Party". In Tucker, The Marx-Engels Reader, p. 473.
[192] Cohen, G. A. History, Labour, and Freedom. United States: Oxford University Press, 1988. p. 9.
[193] Tucker, "Marx as a Political Theorist." In Avineri, Marx's Socialism, pp. 130-131.
[194] Marx, "German Ideology". In Tucker, The Marx-Engels Reader, p. 163.
[195] Ibid., p. 172.

man *qua* citizen but man as a member of civil society."[196] For Marx, modern civil society was brought about by the bourgeoisie, and social organization as well as the state, evolved out of the material relations of production and commerce.[197]

Seeing how Marx's category of labour is understood to be goal-directed social activity, his demystification of capitalism is first of all, aimed at revealing labour to be the true source of all social wealth (because wealth is only possible through society), and secondly, to demonstrate that capitalist society is a system of exploitation.[198] He thought society was essentially divided into classes, the driving forces of history and social change; in capitalist society there are the owners of production (bourgeoisie) and the workers of production (proletariat).[199] For Marx, proletarian labour *is* alienated labour; an elimination of this mode of production could only occur by revolutionary means, otherwise, the disparity between the individual and society would remain intact.[200] The problem in such a society is that there is no hope for a common good, the contending classes are at odds with each other, and the members of each class only share common ground with the people of their own class; therefore, class interests are irreducibly antagonistic, involving domination on the one side, and subordination on the other.[201] For Marx, the bourgeois state is independent from individuals and the community, in which any practical (political) struggle that occurs through the *state* is merely an illusion,

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[196] Tucker, "Marx as a Political Theorist." In Avineri, Marx's Socialism, p. 128.
[197] Marx, "German Ideology". In Tucker, The Marx-Engels Reader, p. 163.
[198] Postone, Time, labour, and social domination: a reinterpretation of Marx's critical theory, pp. 7- 8.
[199] Marx, "Manifesto of the Communist Party". In Tucker, The Marx-Engels Reader, p. 473.
[200] Ibid., p. 483, 500.
[201] Nielsen, Kai. Marxism and the Moral Point of View: Morality, Ideology, and Historical Materialism. United
States: Westview Press, Inc., 1989. pp. 231-232.

because it does not abolish the state, but merely uses the mechanisms created by the dominant class to achieve limited goals.[202]

Considering this, proletarian emancipation for Marx, would pave the way for a new communist society, and a social revolution was the only way to protest against a dehumanized form of life.[203] Marx realizes that when push comes to shove numbers count, and that the interests of the far greater number matter more; in fact, the interests of the bourgeois would get sacrificed in the revolution along with the division of labour, in order to achieve a universal class that has its particular interest as the general interest of society.[204] In communist society, man would be a 'being for himself', where man could appropriate himself, or his own essence because he was responsible for his own activity, and not forced to be *active* as a worker for private ends in capitalist production.[205] Marx thinks that by changing social categories (such as class), the resulting consequence would be an entire change of the existing society; thus, by changing the relations in which the productive faculties of people are developed, a corresponding civil society (in opposition to the bourgeois) would emerge, simultaneously creating a set of political conditions which officially expresses the new (proletarian) social and material relations.[206] Such emancipation would not simply be political, but more – it would be entire, universal human emancipation.[207]

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[202] Marx, "German Ideology". In Tucker, The Marx-Engels Reader, pp. 160-161.
[203] Marx, "Critical Marginal Notes". In Tucker, The Marx-Engels Reader, p. 131.
[204] Nielsen, Marxism and the Moral Point of View: Morality, Ideology, and Historical Materialism, p. 237.
[205] Ollman, Alienation: Marx's Conception of Man in Capitalist Society, p. 84, 95.
[206] Marx, "Society and Economy in History". In Tucker, The Marx-Engels Reader, pp. 136-137, 140-141.
[207] Marx, "On the Jewish Question". In Tucker, The Marx-Engels Reader, p. 30.

The problem with the political state according to Marx is that state power is independent from society.[208] As such, he claims that the state holds an overarching existence above and beyond society, forcing a schism between the general interests and private interests of citizens.[209] Marx feels the rights guaranteed by the bourgeois state, only reinforce self-interested qualities, reducing the citizen to a mere worker's existence in civil society, and nothing more.[210] In *On the Jewish Question*, Marx calls the citizen of liberal nations, non-political and egotistical; the reason for this is due to the unprecedented achievement of liberty gained over the *ancien régime*. With the fall of feudalism, society became divided into independent persons; with their relations merely regulated by law, all elements of civil society were allowed their own mode of existence.[211] According to Marx,

> the consummation of the idealism of the state was at the same time the consummation of the materialism of civil society. The bonds which had restrained the egoistic spirit of civil society were removed along with the political yoke. Political emancipation was at the same time an emancipation of civil society from politics.[212]

This is the prime locus of theory to be honed in on. The critique to follow, will propose an alternative view to the state and civil society as understood by Marx, and offer a combined view of civil society and the state *qua* deliberative politics by citizens.

Before we jump into a critique of Marx, it will be helpful to explain his reasons for backing full human emancipation in contrast to political emancipation. According to Marx's theory, political rule by the working, producing class, is not possible with the continued undermining of their social existence in the bourgeois state; the ready-made,

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[208] Marx, "The Civil War in France". In Tucker, The Marx-Engels Reader, p. 628.
[209] Marx, "On the Jewish Question". In Tucker, The Marx-Engels Reader, p. 34.
[210] Ibid., p. 43, 45.
[211] Ibid., pp. 45-46.
[212] Ibid., p. 45.

existing state is not something that workers can wield to their own advantage, because its design at base is self-interested.[213] Thus, there should not only be elimination of the state, but of class in general, as well as capitalist production. The liberation of people in communist society is not simply political liberation, but a reconnection of private *being* with social *being* - of civil society and the state.[214] Merely liberating individuals from political suppression only emancipates them in a roundabout way, still co-existing with the prevailing social order.[215] For Marx, political revolution must be a revolution of civil society.[216]

Here is where the citizen's deliberative forum comes into perspective. From Marx's point of view, in capitalism, bourgeois ideology reinforces the material relations of (civil) society, which as a result, heavily influences how social and political relations take form. We can adapt Marx's revolutionary formula, and aim to balance the capitalist material relations determining civil society. This is necessary to achieve a reduction of class ascendancy found in stratified societal relations, and to grant more equitable forms of support to all class segments of society. In doing so, we arrive at the idea of political deliberation by citizens.

From a Marxist point of view, the modern state power is still divested from social control, in that, individual citizens have no institutionally deliberative avenue to collectively gather for affecting any necessary changes concurrent with their needs: modern citizens are still non-deliberative, merely voters; modern civil society, retains as it was, self-interested private individuals; economic and material relations are still

[213] Marx, "The Civil War in France". In Tucker, The Marx-Engels Reader, p. 629, 635.
[214] Marx, "On the Jewish Question". In Tucker, The Marx-Engels Reader, p. 34.
[215] Ibid., p. 32, 35.
[216] Ibid., p. 44.

dominated by the few elite who own the means of production; the dominant state ideology still continues to enforce the independent, capitalist material relations of civil society; workers are still not appropriators in the process of production - both having a lack of control over the process itself, and the outcomes or products it provides - leaving them alienated and subordinated; and lastly, classes are still at odds with one another, whether or not they are fully conscious of it.

To tackle these issues we must defend political deliberation within the *existing* state. To answer this, there are at least two issues to be taken into consideration here. Firstly, to address whether or not a single universal (proletarian) class (in communism) is realistic? Secondly, it must be shown how the state, civil society, and the individual can be unified without a complete revolution. This would require a deliberative institution that allows randomly selected citizens the potential for institutionalized input into political processes.

As Marx claims, to retain the old society, is to leave old antagonisms intact. Thus, he advocates a complete revolution of all aspects of the *ancien regime*. Yet it does not entirely follow that this newly established communist society will itself, not retain old antagonisms. Old cultures, ideas, religions, and so on, would most likely still exist, indicating that differences in human interests would not disappear with a completely unified proletarian class, transpiring everything of the old. Class conflict, as the materialist conception of history understands it, has always been a fact of human history; why would it change? Human struggle (individual, social, class, or otherwise), has been, and will remain, a facet of human society.

As such, the goal is not to abolish the prevailing social structure; yet, it is also not a matter of accepting class divisions, the state and bourgeois material relations of civil society as they appear. From the fact of class struggle, we merely aim to supplant the complete dominance of one class over the other, with a mediated power provided through the random selection process of citizen deliberation, which involves variegated class interests in the course of its proceedings and development. Institutionally, and in conjunction with other constitutional bodies of power, the state could contain such a deliberative body; and thus, the state need not be overthrown if it can be accountable to this form of deliberative social control.

A way for the state to be influenced by society, and thus by citizens, is to grant them a space of formal political importance, allowing the recipients of a random lottery to deliberate on issues that relate to collective determination of social goods, services, and values; such a body would be additional to the purview of power allotted to democratically elected representatives. The greater promotion of social and political *being* found in the deliberative process, will attend to the current impasse of political and social deficits found in modern representative democracies and their capitalist economies, potentially achieving certain common goods, balancing contending classes, and liberating the individual from entire, superimposed control. The interdependence of citizens finds its true reality in the synthesis of civil society and the state, private and general interest. Political deliberation by citizens in a constitutional forum, acts as the mean between unfettered material relations of civil society and the untrammelled grasp elected representatives have on the political processes of the state.

To conclude, we should keep Marx's view on the bourgeois state in mind – as an instrument used for class domination, and to support the dominant (bourgeois) material ideology. The reason for this is that, if modern liberal capitalist societies were not to allow deliberation by the masses, Marx's analysis of the state, would be necessarily true. This is because political deliberation and citizen power would not be allowed to penetrate either civil society or the state, where the dominance of upper echelons, continues to prevail. The point of the matter is to utilize civil society, i.e. the division of labour, and to utilize state politics, i.e. citizen deliberation, to help people politically make their own lives suitably respectable. This goes hand in hand with the tenth entry Marx wrote in the *Theses on Feuerbach*, stating: "the philosophers have only *interpreted* the world, in various ways; the point, however, is to *change it*."[217] Fortunately for us, deliberation is currently being allowed by the state, as an evolving project. The following chapter will look at the extent to which modern deliberative politics by citizens is a reality, by examining the British Columbia's Citizens' Assembly, along with some normative issues that involve modern deliberative democratic theory.

Chapter 4:

Deliberative Democratic Theory and the British Columbia Citizens' Assembly

[217] Marx, "Theses on Feuerbach". In Tucker, The Marx-Engels Reader, p. 145.

Introduction:

Justifications of democracy usually stem from the defence and articulation of certain basic political values, arguing that democratic decision-making embodies or promotes them; the three kinds of values often cited separately or together are liberty, equality, and instrumentality.[218] This thesis has encouraged the appeal of a *deliberative* democratic model of democracy, by tying the necessity of deliberation to the interdependence of human labour. Those who regard deliberative democracy as valuable, claim that such a form of democracy is justified because its legitimacy rests on the fact that those who are affected by political decisions will at some point be included in the discussions that reach them.[219] It is often stated that deliberative democracy has the goal of generating legitimacy, and creating an informed public sphere that can author political discourse.[220] Adding to such arguments, this thesis claims deliberative democracy is desirable for countering the incessant pathology of social hierarchy imbued in capitalist societies.

It may be well to argue for and even make deliberative democracy normatively sound, but is such a theory capable of being practiced? The following chapter will look into the first Citizens' Assembly (CA) accorded the power to redesign a political institution - the British Columbia Citizens' Assembly (BCCA).[221] A few insights the actual BCCA afforded, as well as some critiques provided by the specialists who

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[218] Christiano, Thomas. The Rule of the Many. United States: Westview Press, 1996, p. 15. See also, Thompson, Dennis F., "Who should govern who governs? The role of citizens in reforming the electoral system." In Warren, Mark E., and Pearse, Hilary ed. Designing Deliberative Democracy: The British Columbia Citizens' Assembly. United Kingdom: Cambridge University Press, 2008. p. 21.
[219] Young, Iris Marion. Inclusion and Democracy. USA: Oxford Political Theory, 2002. p. 61.
[220] Leib, Ethan J. Deliberative Democracy in America: A Proposal for a Popular Branch of Government. University Park, PA: The Pennsylvania State University Press, 2004. p. 36.
[221] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 7.

observed and commented on the process will be given. With respect to deliberative assemblies, the following chapter must provide additional perspectives to the contemporary deliberative democratic theories presented in the BCCA volume. There are three claims to be looked at above all else. The first assertion is that a deliberative democratic assembly is a process instrumental for mitigating social hierarchies in the capitalist division of labour, by providing consistent opportunities to balance social class interests. The second is that the deliberative process is one which requires involuntary participation. Thirdly, it will be maintained that the BCCA model ultimately requires constitutional implementation. It should be noted that the discussion related to the constitutional implementation of a CA is not intended to be exhaustive but suggestive. The main aim of this thesis is to provide a normative justification for a CA based on the egalitarian implications that flow out of the previous analysis of the division of labour.

The British Columbia Citizens' Assembly (BCCA):

Democratic countries have had the daunting task of handling heightened levels of citizen political disengagement.[222] Democratic processes are increasingly being scrutinized by the populace - the very legitimacy and trust of the elected representative governments which control these societies, are often called into question. It has occurred to politicians and philosophers alike that democratic renewal is the only saviour for the problems of voter dissatisfaction.[223] In fact, as Mark Warren and Hilary Pearse point out:

> Electoral reforms, though they may alter the capacities of political institutions to reflect the preferences of citizens and convert them into legitimate and effective public policies, are not sufficient to resolve democratic deficits. Nor is the insufficiency surprising: given the complexity and scale of government within pluralized contexts populated by multiple powers and actors, it is unlikely that the standard model of representative democracy – voters elect representatives

[222] Ibid., p. 2.
[223] Ibid., p. 5.

> who develop policy guidelines and direct administrators to execute them – can ever again be adequate, if indeed it ever was.[224]

The perception that more interests need to be brought into the political system lead to the recent BCCA, which compared to advisory councils, public hearings, citizen surveys and so on, represents the experimental attempt by government to tend to the growing democratic "deficits" with which representative democracies have been faced.[225] For Warren and Pearse, "the CA represents the first time a government has responded to citizen discontents by empowering a citizen body to redesign political institutions [...] as compared to be consulted."[226]

The BC provincial government authorized through legislation a Citizens' Assembly comprised of 160 near-randomly selected citizens from voting rolls to take form, ensuring that this body of citizens be entrusted with the *potential* power to frame a new electoral system for the province in place of the status quo.[227] The BCCA was intentionally designed with "descriptive" or "proportional representation" in mind. The selection of members to the Assembly utilized three descriptive characteristics: gender, age, and geographic electoral district.[228] The members of the BCCA acted as representatives of the population as a whole, were paid $150 per day and travel costs, and met from January to November 2004.[229] According to Warren, "the theoretical frame of *citizen representative*" found in the BCCA was "a new kind of *representative* institution

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[224] Ibid., p. 4.
[225] Ibid., p. 3, 6, 10.
[226] Ibid., p. 7.
[227] Warren, "Citizen Representatives." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 57.
[228] James, Michael Rabinder, "Descriptive representation in the British Columbia Citizens' Assembly." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 109.
[229] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 6, 10.

focused on electoral reform, much as if it was a special single-issue legislature constituted by lay citizens."[230] However, the BCCA did not have power over the outcome. The provincial government of BC ensured that the task and timetable for completion was laid out for the Assembly,[231] and committed itself to having the decision of the BCCA, if it recommended a change to the BC electoral system, put to a province wide referendum.[232]

Influence over the agenda was specialist-led; the final authority over the crafting of the agenda rested with Assembly staff who were assigned to oversee the formal operation of the BCCA.[233] The Assembly staff were entrusted with the promulgation of the BCCA's tasks, having the responsibility of organizing and moderating deliberations, as well as answering specific questions with respect to electoral systems and Assembly procedures. Overall, BCCA members were afforded notable discretion in weighing their own particular preferences with the concerns of the public.[234] Yet, the institutional design of the BCCA as laid out by the Assembly staff, determined a large part of the information that Assembly members were exposed to, which along with a structured venue, helped Assembly members make a final decision.[235]

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[230] Warren, "Citizen Representatives." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 66, emphasis in original.
[231] Ibid., p. 57.
[232] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 6.
[233] Lang, Amy, "Agenda-setting in deliberative forums: expert influence and citizen autonomy in the British Columbia Citizens' Assembly. In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 91.
[234] Ibid.
[235] Pearse, "Institutional design and citizen deliberation." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 71.

There were several processes that the BCCA went through, starting with education, to individual reflection, public consultation, and collective will-formation.[236] The learning phase that BCCA members experienced occurred over the course of six weekends and related to electoral systems: members listened to lectures, read written materials, and even attended a workshop on the challenges of deliberation.[237] Due to the government's demand that the BCCA consult British Columbians, allowing them an opportunity to include their input via written submissions as well as spoken ideas in several public meetings,[238] the second phase involved panels of four to sixteen members attending fifty public hearings and lectures open to all citizens.[239] The last stage of the BCCA consisted of closed deliberation among all BCCA members for six straight weekends.[240] The BCCA ranked electoral systems by an assessment of important goals they should achieve for the electorate; the three most important were effective local representation, producing fair results by proportionally translating votes into seats, and maximizing voter choice.[241] For an external observer, the overall result of the BCCA is impressionable: "members came with open minds and did in fact change their views and arguments over the course of the proceedings. They were able to agree on a technically sound recommendation, one that reflected the values they had come to feel should be

[236] Ibid.
[237] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 11.
[238] Pearse, "Institutional design and citizen deliberation." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 71.
[239] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 11.
[240] Ibid., p. 11.
[241] Ibid.

respected by their electoral system. They offered this alternative with a near-unanimous endorsement."[242]

Considering that the BCCA was viewed as a credible representative and deliberative body, it was given an extended period of time (nearly a year), with personal stipends for BCCA members, as well as a sizeable budget to cover any necessary costs that would help the BCCA achieve an educated decision.[243] Following a host of plenary discussions, the BCCA was put to a secret-ballot vote on the desirability of a new electoral system for BC. The conclusion was 146 to 7 in favour of a new electoral model,[244] indicating their almost unanimous judgment that the BC electoral system was inadequately designed to provide the electorate with certain political values. In December 2004, the BCCA issued a report which recommended the Single Transferable Vote (STV) (an electoral system guided by proportional representation to remedy the uneven distributions of the rural and urban population in BC), to replace the current model of Single Member Plurality (SMP) in BC.[245]

Months after the BCCA was dissolved, the question was put to voters in May 2005: "Should British Columbians change to the BC-STV electoral system as recommended by the Citizens' Assembly on Electoral Reform?"[246] As the choice in question regarded the actual reform of the provincial electoral system, the BC government stipulated that in order for it to be implemented, two super majority thresholds of 60% support must be met, first in a province-wide vote and second, in all

[242] Ferejohn, John, "Conclusion: the Citizens' Assembly model". In Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 200.
[243] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 7.
[244] Ibid., p. 12.
[245] Ibid., p. 6.
[246] Ibid., p. 12.

the BC electoral districts.[247] Due to little public visibility, it failed to reach the first threshold of a 60% majority vote with 57.7% of the province in favour, yet it managed to garner 77 out of 79 electoral districts for the second threshold.[248] Following the recognition that there was a strong amount of support for this proposal, the BC government dedicated another referendum on the topic be held on May 2009, with more attention paid to public awareness of the CA process and decision.[249] However, the outcome was once again short of a supermajority.[250]

Many of the topics on deliberative democracy discussed in the Warren and Pearse BCCA volume are beyond the scope of this thesis; thus, this chapter is not a comprehensive account of the entire BCCA process as presented in this volume. Because they can be related to the particular perspectives generated in this thesis, this chapter will be limited to supporting the three assertions regarding a CA made earlier in the introduction of this chapter: the mitigation of social hierarchy; the necessity for involuntary participation, and; the need for constitutional implementation.

The CA as an instrumental process for generating a balance of social hierarchy:

For Warren and Pearse, "the superiority of democratic systems resides, in large part, in their reflexive capacities for reform, responsiveness, and innovation."[251] If this is indeed true, citizen deliberation is something that can be added to the current form of representative government; Warren and Pearse have already claimed that "democracy is

[247] Ibid., pp. 6-7.
[248] Ibid, pp. 6-7, 12.
[249] Ibid., pp. 12-13.
[250] 2009 Official Referendum Results. Retrieved: November 12, 2009, www.elections.bc.ca: <http://www.elections.bc.ca/docs/stats/2009-ge-ref/fres/REF-2009-001.html>
[251] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 2.

being used to renew democracy,"[252] redressing its deficits. According to Dennis Thompson, if citizens are viewed as free and equal moral agents, then they should not only have the political liberty to choose representatives, but also exercise power in influencing the system by which they choose representatives.[253] Metaphysically, people are free and moral agents, but to generate the social recognition needed for the implementation of citizen deliberation, we make this claim politically tangible. If we accept that the division of labour contains social hierarchy, which must be adjudicated accordingly, then deliberation by citizens is something that can no longer be denied. As society rests upon each other's active contribution *via* labour, every citizen who labours for society has the right to participate in political decision making. If the deliberative process serves as a forum – a means to generate respect towards all social strata (especially those who labour for society), and allows all citizens to address certain political issues - then such an assembly is certainly a viable instrument for promoting various class interests, generating some reprieve for any social and political favour the capitalist system generally affords the wealthy.

The BCCA was representative of the population in some respects, such as gender and political riding, having a man and woman selected from each provincial riding, which managed in some degree to generate social diversity.[254] This indicates that in general, the BCCA process had stratified selective criteria at the outset, followed by randomly selected participants; to a reasonable extent, the BCCA was representative of

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[252] Ibid., p. 8.
[253] Thompson, "Who should govern who governs? The role of citizens in reforming the electoral system." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 21.
[254] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 10.

the whole.[255] This, however, does not portray the entire picture. The process involved self-selection, and as such, certain groups were overrepresented - namely those who are white, older, university educated, and employed in professionally oriented occupations.[256]

This goes to show that there was a need for greater representation in the Assembly based on certain descriptive or selective characteristics of citizens. For Michael Rabinder James, descriptive representation is crucial for legitimacy because proportionally representing the actual demographics of the populace is crucial to the quality of deliberation itself: "failure to represent all relevant viewpoints can render deliberation both unfair and epistemologically deficient."[257] Assessing the degree of participation in the BCCA of citizens of low socioeconomic status was impeded by "a lack of data on the income levels of participants."[258] However, there was indirect evidence in the form of data on the education levels of participants. This data shows how underrepresented the category of low education was in the BCCA, indirectly suggesting how underrepresented was low socioeconomic status. Those who were educated with high school or less merely had 14.7% out of 43.6% of the BC populace included in the CA, and citizens whose occupational skill group based on a high school or less education, only had 13.1% representation in the CA out of 43.1% of the total population.[259]

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[255] Thompson, "Who should govern who governs? The role of citizens in reforming the electoral system." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, pp. 41-42.
[256] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 10. Also, Warren, "Citizen Representatives." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, 59. Also, James, "Descriptive representation in the British Columbia Citizens' Assembly." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, pp. 110-111.
[257] James, "Descriptive representation in the British Columbia Citizens' Assembly." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, pp. 108, 118.
[258] Ibid., p. 113.
[259] Ibid., p. 112, Table 5.1.

The large divide of social inequality found in a capitalist society can be relatively based on the levels of education people have. Certain higher levels of education generally provide access for people to find the best paying jobs; the result is not only a demarcation of economic status, but social position as well. The statistics provided on the representation of occupational skill group based on high school or less education indicates that lower income and lower educated citizens were disproportionately underrepresented in the BCCA relative to their number in the BC population. Stratified random selection would in most cases provide a representative sample of the populace. The problem however, is that the biggest factor for such underrepresentation in the BCCA falls on the fact that lower socio-economic status citizens turned down the role of participating in the BCCA. Due to the fact that the voluntary withdrawal from a CA generates a deficit in social proportionality, the only remedy likely to create a substantive increase of lower class inclusion is the implementation of involuntary participation in a CA, in addition to pecuniary stipends.

It was observed by Pearse that "the CA displayed many of the characteristics of a consensual collective body. Deliberation in the CA certainly involved respect and was largely conducted in person."[260] Furthermore, as the BCCA participants were randomly selected from the general populace, it was bound to happen that there would be a diversity of political knowledge between members. Recognizing this, André Blais, R. Kenneth Carty and Patrick Fournier set out to examine initial, pre-Assembly levels of political understanding of members. They wanted to see if some Assembly members had higher levels of political sophistication at the outset of the Assembly, prior to the

[260] Pearse, "Institutional design and citizen deliberation." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 82.

intensive educational phase they all experienced. The goal was to see if a difference of political knowledge between Assembly members would reflect a differential ability to rate electoral systems, and whether the more sophisticated members of the BCCA had a disproportionate influence on the group's final decision.[261] In order to do this they administered a benchmark questionnaire that measured the BCCA members' initial understanding, awareness, and interest in politics.[262] The survey was a standard ordinal or objective self-administered questionnaire, which also included open-ended questions to rate the members' subjective levels of political engagement.[263] The data they report concludes there "was very little discrepancy" in the ratings of the electoral systems between those members who were more and least initially informed.[264] Blais, Carty, and Fournier go on to say there is little evidence to support the hypothesis that those who initially knew more about politics and political institutions than others, in fact led them in forming a final decision.[265]

This helps the theory that deliberation as an actual process is one for generating respect of those involved as well as producing collectively informed and sanctioned choices. We know that the appropriate scope of inclusiveness must be there for this to happen, which *is* of course a question of institutional design. Institutional design cannot be fully developed here, but some discussion will be accorded in the section below. Deliberative situations should provide access to and utilize the range of economic classes in the whole – both rich and poor alike, for reasons of utilizing social diversity to balance

[261] Blais, André, Carty, R. Kenneth, and Fournier, Patrick, "Do Citizens' Assemblies Make Reasoned Choices?" In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 140.
[262] Ibid.
[263] Ibid.
[264] Ibid., p. 141.
[265] Ibid., p. 143.

social divides. It must also involve a learning experience which requires all participants to master new concepts and become familiar with political institutions, in order to ensure that all members can reasonably reflect and make a confident final decision, as the BCCA members were able to do. The BCCA proved that people from different backgrounds can hold similar views, as was indicated in the nearly unanimous decision they chose; and because of this cooperation, it further supports the involuntary inclusion of lower socio-economic status citizens for enhanced legitimacy and representation (as will be further argued below).

From a materialist view, deliberative democracy may be ineffectual if its processes deny the imperative of social class, in which a minimum threshold for representing lower class citizens is a must. Labourers must always be included in the deliberative fora because the primary impetus for deliberative constitutional assemblies is attenuating the upper and lower class schism reproduced daily in the capitalist system.

An argument based on the recognition of labour will be different in some respects to that of cultural or ethnic minorities; yet they will share a same basis for justification based on the concept of equality. The divergence lies in the fact that socially, the ties that bind people together in a capitalist country are material relations - something that may not be dependent on culture, religion, and ethnicity. A pluralistic capitalist state contains different lifestyles, but it is guaranteed that all will *a forteriori* belong to one shared life-experience – work and labour interdependence. Yet culture and ethnicity still factor in a capitalist society most certainly. Those who labour will necessarily come from different backgrounds of faith, language, and country of origin, requiring respect not only for labour performed, but also for the personal values that labourers retain. Given this, it is

impossible to divest identity from being significant to people, thus making the argument for the descriptive inclusiveness on culture and ethnic background also something relevant to deliberative CAs. The argument provided by this thesis does not take away from this, but merely brings to the fore that the politics of recognition related to culture and ethnicity has largely subsumed the social world of material inequality. Class inequality must not be forgotten.

Involuntary participation in deliberation:

Deliberation is an instrumental process for the outcomes it can produce. It is also intrinsically valuable, because the process itself gives people in their own person something dignified and educational. It must be ensured that people show up to deliberative forums, because collective endeavour ultimately requires the equality and inclusion of diverse participants. Ethan J. Leib feels that as civic responsibilities, the citizenry has to be relied upon for deliberative duty as they would for jury duty, to reduce endless deferments by eligible voters and deliberators.[266] For Leib compulsory service not only serves for greater legitimacy of deliberative institutions and a more robust civic-virtue oriented society; he goes on to say "fruitful deliberation can only happen if deliberative assemblies are representative and impartial, which they cannot be unless all citizens are equally likely to serve in them."[267] The consequent underrepresentation of lower class citizens in the BCCA due to voluntary selection and drop-out should be a clear enough reason to support involuntary participation in a CA. Procedural fairness involves egalitarian access to a CA and the equal opportunity to actually participate in the deliberations of the CA. This has already been looked at above. The institutional design

[266] Leib, Deliberative Democracy in America: A Proposal for a Popular Branch of Government, p. 19.
[267] Ibid., p. 108.

of the BCCA on the whole turned out to be a fair procedure through its random selection of voters, as well as the formal respect participants were given by Assembly staff and members, which included the equal opportunity to be heard during plenary deliberations.

We can easily think of reasons why people may be recalcitrant to the idea of lower class, undereducated citizens being political decision makers, as well as involuntarily making people participate in CA deliberations. It is noteworthy to mention that such claim against political deliberation by ordinary citizens generally involves a dislike for the inconveniences of both time and money attached to public service, and a concern about the extent of the knowledge deliberators possess when choosing an outcome. The problems of time as well as potentially earned money that are given up to deliberate in a forum go as far back as jury duty in ancient Greece. Pericles instituted monetary stipends for lower class citizens to solve the financial worry,[268] and it was also suggested by Aristotle that this be extended to those who attend the Assembly.[269] We know that the BCCA provided travel costs and a modest daily pay to all citizens for their time spent in the BCCA, so this needs no further attention. The many legitimacy concerns of citizens and elites alike who question whether or not there can be reasoned deliberations and outcomes in a CA, boils down to why should uneducated lower class citizens be allowed to make choices as representatives in place of other citizens. In addition, many of these same critics will not support the idea of involuntary participation in an assembly. These concerns will be briefly looked at here.

[268] Aristotle. The Athenian Constitution. Rhodes, P. J., Intro., Trans. England: Penguin Books, 2002. p. 70.
[269] Aristotle. The Politics of Aristotle. Barker, Ernest ed., Trans. New York, London, Oxford: Oxford University Press, 1958. p. 187.

The value of collective deliberation and involuntary deliberation can be defended from a couple different angles. As this thesis is concerned, the personal contributions made by people to economic livelihood are an undeniable fact of labour dependence in capitalism, and due to this fact, deliberation is a required duty by citizens. Those who deny deliberative democracy then, not only deny equality on this interpretation, but fail to recognize the interdependence they have on the division of labour in society. People might not want to have involuntariness attached to a CA; however, we must push them to see that the dependence on labour leads to the corollary requisite of structural and constitutional discursive equality – making deliberation involuntary. This is supported by the arguments put forth in the previous chapter through the analyses of Marx. The third chapter explained that Marx's ideas on the division of labour, the objectification of human labour, and the alienation of labour in capitalist society all help defend the claim that the interdependence of labour found in capitalism is the catalyst for the constitutional deliberative political equality of citizens.

In the second chapter, there is an argument that supports a balance of classes via deliberation. Specifically, chapter two claimed Aristotle's polity to be the constitution which ensures that a mean is struck between higher and lower class citizens for the overall stability of a state. This is an important point to highlight because there is an increasing criticism of Canadian electoral systems for their lack of responsiveness and inclusiveness, which if further unchecked can lead already divided classes and sceptical citizens into some form of conflict.[270] Recall that Aristotle feels deliberation is not only fundamental to human nature, but he fully supports the masses deliberating together

[270] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 4.

because of the collective value of judgment they can achieve when combined together. Modern theorists from various backgrounds support this claim in one way or another. Charles Taylor claims that the central aspect of human life is that it is dialogical; people are situated in the world in such a way that they express and understand each other through dialogue.[271] BCCA members were actively engaged in gathering information; an array of preliminary educational elements such as lectures and written material helped fashion personal reflection and the overall collective will of the BCCA. Moreover, BCCA members were required to communicate with the public, who submitted vast oral and written submissions conveying their values and concerns.[272] From all this combined, the BCCA became confident in its capacity to make a choice on behalf of the populace.[273]

Dialogue, or otherwise deliberation here, has a certain educational as well as procedural value. The procedures and outcomes of formal deliberation involve fair approximations of justice and protection against levelling down aspects of collective will formation; these will notably ensure that the tyranny of the majority is prevented from occurring. A negative abuse of rhetoric by demagogues is not acceptable in the speech patterns of deliberation, as well as other forms of inappropriateness for a formal institution, such as threats, violence, and prejudicial comments. For some contemporary deliberative democratic theorists, much of this falls under the epistemic value of the deliberative process. In such a view, the procedure tends to produce outcomes and deliberations that have a concept of fairness aimed at a common, universal standard of

[271] Taylor, Charles. Multiculturalism: Examining the Politics of Recognition. Gutmann, Amy Intro., ed. New Jersey: Princeton University Press, 1994. p. 32.
[272] Pearse, "Institutional design and citizen deliberation." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 80.
[273] Ibid.

good, which aims for the force of reason of better arguments.[274] Warren claims that "deliberative venues [...] form, inform, and solidify preferences, a condition for producing stable and legitimate collective decisions."[275] Therefore, from an epistemic point of view, the process of deliberation is a matter of discovering and transforming the will: "the participation of each citizen in social deliberation and collective decision-making is essential to the discovery and promotion of the common good."[276] Thus, it is important that citizens from all social strata be required – involuntarily if necessary – to participate in this process of collective will-formation.

Constitutional implementation of citizen deliberation:

Institutionalized discussion is recognized differently than less formal forms of communication and must be actively pursued. Each citizen must have the eligibility to be selected for deliberation multiple times.[277] This means that a citizen's deliberative forum must be a legitimate method of proposing laws, and be embedded in the foundation of society. For Jürgen Habermas "the responsibility for momentous decisions demands clear institutional accountability."[278] There must be an embedded deliberative political institution for citizens equal to the other primary constitutional powers, both adjacent to and as a supplement to these powers. The reason is because traditional constitutional powers are foundational – they act with real not nominal power, are structured and regularized. Thus, a *constitutional* deliberative body is focal to achieving the level of

[274] Estlund, David. "Beyond Fairness and Deliberation: The Epistemic Dimension of Deliberative Authority." In Bohman, James and Rehg, William, eds. Deliberative Democracy: Essays on Reason and Politics. USA: The MIT Press, 1997. p. 179.
[275] Warren, "Citizen Representatives." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, 69.
[276] Christiano, The Rule of the Many, p. 29.
[277] Leib, Deliberative Democracy in America: A Proposal for a Popular Branch of Government, p. 19.
[278] Habermas, Jürgen. "Popular Sovereignty as Procedure." In Bohman and Rehg, eds. Deliberative Democracy: Essays on Reason and Politics, p. 59.

equality being argued for here because it is more than an "innovative gamble."[279] John Ferejohn picked up on the fact that there is a desire for the wide-spread use of deliberative assemblies, utilizing the CA template for a path of reform on initiative issues, and as a supplement to representative institutions. For Ferejohn,

> suppose that whenever an initiative is proposed, a CA were automatically convened to deliberate about and possibly amend the proposal. Like the CA in British Columbia, this CA would be entitled to a competent professional staff, have the authority to call witnesses, and its members would receive a reasonable level of compensation, adequate to make it an attractive task for most voters. It would be expected to take the time necessary to build a level of expertise adequate to allow it to draft an informed proposal for the electorate to consider at a referendum.[280]

The implications of the referendum held in BC regarding the BCCA final choice have direct relevance here. The BCCA was a limited formal institution not a constitutional one; further, it was left open to a non-confidence vote by the populace, failing to have its decision implemented despite the fact that nearly 60% of the BC populace (the first time around) was unaware of the CA,[281] and the knowledge of the STV was not extremely high.[282] The division of political labour here went first to the Assembly members who assessed the electoral system based on structured deliberations and educational seminars, and then fell to the electorate whose potential for collective-will formation was volatile at best.[283] This thesis suggests that in addition to a CA decision going to referendum as is commonly thought to be the most legitimate method

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[279] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 7, 15.
[280] Ferejohn, John, "Conclusion: the Citizens' Assembly Model". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 212.
[281] Warren and Pearse, "Introduction". In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 7.
[282] Cutler, Fred, Johnston, Richard, Carty, R. Kenneth, Blais, André, and Fournier, Patrick, "Deliberation, information, and trust: the British Columbia Citizens' Assembly as agenda setter." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 173.
[283] Thompson, "Who should govern who governs? The role of citizens in reforming the electoral system." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 48.

of implementation, it could also be extended to a confidence vote in a legislature. When and how often this would be done is a matter for future consideration.

It was clear that as a representative body the CA showed strength in an area where elected legislatives tend to be weak, namely less weight placed on *ad hoc* partisan interest; but it is also recognized that the CA as a non-elected circumscribed political body, is not meant to cover all representative functions.[284] From this, it is clear that a CA should only supplement rather than replace other formal models of representation, and retain a high level of democratic accountability. It was already suggested here that this accountability has at least two options to be taken into consideration. In certain instances, it may fall to the electorate via referendum, whereas in others it would be placed in the purview of another representative institution. This understands that a CA would owe its democratic accountability to the will of the populace or an elected official institution; thus, the capacity of the CA is limited insofar as the electorate or an elected specialized institution see value in and support its choices.

Given the fact that a referendum was already part of the BCCA, we can focus on the relation of a CA to a representative institution. Leib indicates some formalities in line with how such a process could occur in an American context in his book *Deliberative Democracy in America: A Proposal for a Popular Branch of Government*, which has some suggestive significance for a Canadian framework. On his analysis once a proposal has proceeded through the deliberations and voting of a CA, and has gained support for its implementation, the proposal could pass on to the national or state (provincial)

[284] Warren, "Citizen Representatives." In Warren and Pearse ed., Designing Deliberative Democracy: The British Columbia Citizens' Assembly, p. 52, 66.

legislature.[285] On this point, if the legislature were to choose, it would have the power to veto the decision, and kill the bill in question, or otherwise have it implemented. This allows a democratically elected representative institution the power to ensure that the CA is accountable to a formal power and the persons who are specialized in the working of government. The importance of high governmental authority plus the people at large having the capacity to both inform and deliberate about the agenda of the CA, is that it allows the input and interrelation of all facets of political society, *inter alia*.[286]

In the introduction of this thesis the choice name for such a deliberative institution was selected to be the civilature for the deference it should be accorded. The divide of formal or constitutional political labour is generally between courts, legislatures, and executives. Because current democracies devolve different functions to various actors, we further expect that the division of political labour can be extended to citizens, beyond the vote, according them a constitutional civilature. Relying on people as political equals because of the dependence on social labour means people must take responsibility to be interlocutors in a deliberative assembly. It is for the reasons presented here that deliberative democracy should be found wherever labour supports social existence.

[285] Leib, Deliberative Democracy in America: A Proposal for a Popular Branch of Government, p. 14.
[286] Ibid., p. 66.

Chapter 5:

Conclusion

Taking a glance back, it can be noted that the institutional design of deliberative political bodies was not the overall focus of this thesis. The main aim of this thesis was a normative defence of deliberative equality between citizens. This thesis further asserts the constitutional integration of political deliberation by citizens in representative democracies can be used in part to mediate social and economic disparities between classes within the capitalist system. A premise contrary to the viewpoint in this thesis can be seen in the following quote. "Social standing, too, can be elevated and levelled by the actions of civil society; such standing need not rely on formal political equality within the state. When political actors rely on political equality, social parity rarely follows."[287] Contrary to this perspective, it may be said that formal political equality between citizens is absolutely necessary to achieve social parity. People are without any doubt equal in terms of their interdependence in the division of labour central to the capitalist system. As such, this thesis argued that political deliberation by citizens is important to remind each other of this; the fact that people are free to participate and be heard on equal terms is the attractive highlight of the citizens' deliberative political forum.

This thesis utilized several ideas by historical philosophers as well as current aspects of deliberative democratic theory. Aristotle's ideas on constitutions proved to be highly valuable. His preoccupation with how political power is distributed among citizens was used to promote deliberative political bodies of citizens randomly selected by lottery, to act as a supplement to the elite-led politics of representative democracies. He

[287] Leib, Ethan J. Deliberative Democracy in America: A Proposal for a Popular Branch of Government. University Park, PA: The Pennsylvania State University Press, 2004. p. 122.

contributes the polity, a mixed constitution that consists of wealthy and poor citizens ruling and being ruled alike through their participation in deliberative political office. This theory is very important for defending modern political deliberation. The polity can be viewed as a normative template for contemporary deliberative democratic aims because it inclines towards the masses, helps to stabilize economic classes at odds including the state as a whole, and it recognizes a positive potential in citizens to make reasoned decisions through collective will-formation.

Certain arguments of Marx were also examined. They were used to supplement Aristotle's political analysis of class relations. Marx was important to take the justification of political deliberation by citizens even further, recognizing that deliberation must be tied to a defence of labour. Marx understands how the capitalist mode of production operates - that it inherently preserves a power imbalance between owners of capital and wage labourers. Capitalist production requires a division of labour, and Marx developed a unique view that the division of labour produces certain forms of isolation and alienation for working class people. On a societal level, Marx sees how the interdependence between workers maintains the system's overall reproduction. The importance drawn from Marx was to point out that labour contributes to a capitalist society; every individual is forced to rest a level of reliance on the division of labour. This was important to explain in order to make a foundation for political deliberation by citizens. So long as the capitalist division of labour exists along with the material interdependence it creates, it was argued that people must have the formal opportunity to moderate the social and political imbalances this system endures.

Lastly, selections from contemporary political theory were examined to assess certain normative issues that surround constitutional deliberation by citizens. This work was important to this thesis by providing a contemporary context for the historical ideas presented. It was fortuitous that this thesis came at a time when democratic theory has been reviving the idea of citizen deliberation, and moreover, there has been some experimentation with it by elected officials in Canada. The British Columbia Citizens' Assembly paved the way for this thesis to further examine the value of deliberation. The BCCA proves the potential of deliberative democratic theory. The fact that the BCCA was not only given authority from the BC government to reform its electoral system, but came to a collective decision through a learning phase, correspondence with the public, and plenary deliberations, levels the claim that theories of deliberation are incapable of seriously being practiced. Scholarly analysis resulting from the BCCA has indicated that citizens from all backgrounds are able to learn dense political concepts and make relatively stable and reasonable choices together. As a learning experience for citizens, politicians, and academics, the BCCA model allows room to be critical of it, tweak its institutional design, opening the future of civic activity in liberal democracies to a new phase, the constitutional implementation of deliberation by citizens.

This thesis aims to add to the current discourses revolving around political deliberation by citizens. As such, it had to do so in its own fashion. Ultimately, what this thesis has offered contemporary debates is its consideration of constitutionally implementing political deliberation by citizens through a theory of labour, and how this process can be used to mitigate class hierarchies. Current democratic theory is still

working itself out, and this thesis may prove to be very timely for the modern projects of social reform.

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