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No matter what the groups are, it is inevitable to have conflicts of interests and values, and the battle for their preferences and principles (subjects ranging from family and neighbor relationships to “Village Earth” or from child abuse to global warming countermeasures). This is because the individuals constituting each group all have different personalities and come from different backgrounds; they are all aspiring to realize different objectives. However, so long as “other people with differences” try to live together, their conflicts and feuds will have to be “resolved” in one way or another, thus necessitating the coordination of their actions. In that case, as a rule, there are only two methods: violence or dialogue. In reality, of course, since there exist discrimination and exclusion by class, gender, race, and religion, unequal power relations, and differences in knowledge, information, and the ability to express oneself, violent and coercive resolutions, both tangible and intangible, become dominant. On the other hand, it is not only proved in the histories of all ages and cultures but also by cold, hard, daily fact that returning violence for violence multiplies violence and offers no fundamental solution to any problem (Chambers 1996: 4-9). Therefore, “the communicative mastery of these conflicts constitutes the sole source of solidarity among strangers—strangers who renounce violence and, also in the cooperative regulation of their common life, concede one another the right to remain strangers” (Habermas 1998: 374). In other words, “the premise that the interested parties want to resolve their conflicts not through violence or compromise, but through mutual consent” (Habermas 1983: 56) provides a starting point.

If that is the case, the first assignment can be given in the following manner: based on the premise of resolving an actual issue in the ideal way, what should we do to move closer to a solution by discussion? One of the necessary tasks for that is to reconstruct the conditions for resolution by discussion into an ideal type. However, this ideal type cannot be the result of a thought experiment. This is because those conditions must be reconstructed based on “fragments of an existing reason (Habermas 1998: 349)” scattered in an actual discussion. However, this ideal can never be realized in practice (Habermas 1996: 37). It means assuming a world made up of “angels and gods.” What is possible for humans to do is to attempt to get closer to the ideal type by analyzing and critiquing reality based on it (Peters 1994: 51; 2001: 655-668) and by reforming actual discussions.

Next, with those ideal types in mind, the author will examine what issues politics in reality may contain, how deliberative democratic politics, which is supposed to resolve those problems, may take shape, and finally, outline the potential of deliberative democratic society and economy with associations as their key elements.

1 Deliberative Democracy as a Normative Theory: Participation, Equality and the Universalizability Principle

(1) Formal Conditions: Participation, Equality, Independence, and Disclosure

< **Participation** > Suppose some of the parties concerned in a certain dispute (not only the parties directly involved but also those who may possibly receive a direct or indirect influence from the implementation of a solution) were excluded from the forum of discussion, or the remaining majority agreed to a certain solution. Would those who were excluded be obliged to act according to that agreement? They were not at all involved in reaching the agreement since they had been deprived of the opportunity to express their own opinions and will, and then argue for them. Despite that, if they were forced to comply with the agreement, they would be subservient to the will and action of other people, which is nothing less than an act of violence. For this reason, each and every person concerned in a dispute must be able to participate in the discussion forum without exception. (Needless to say, the condition for participation in this discussion is not limited to just an “actor with language capabilities.” That is because if this condition is limited, the number of people to be excluded will increase tremendously). What is important here is to be aware that there are a great many people who are practically excluded from participation despite their desire (for example, people with very little economic and temporal latitude, and people with age limitations) as well as people of constant minority status (such as homosexuals), and therefore, to always strive to have the discussion forum opened to those people. Another important point is that we must give full consideration to future generations who may not be able to participate in such an event depending on the current agreement in existence.

< **Equality of Opportunity** > The status and power, and language and expression skills of participants are unequal. If this inequality was brought to the discussion forum and certain participants (groups) exercise dominant power, opinions of other participants (groups) would be, in effect, suppressed and excluded. That would be a violent action, and even if a solution were achieved, it would be an unfair one. Therefore, equal opportunity must be guaranteed to all participants with regards to making a statement, discussion, as well as consent or refusal. (The logical premise here is that all participants respect others as equal actors, but if this were a

prerequisite to reality, it would end up limiting the range of participants quite narrowly. This is because humans, no matter how hard we try to consider others as equal, cannot deny our self-serving nature; we tend to prioritize our own interests over theirs. On the other hand, there is no need to make the above premise a prerequisite. For we can presume in the discussion process that the participants who take away equal opportunity from others will eventually lose trust as discussion partners and their credibility will be questioned. At the same time, through such an experience, they may possibly come to learn the necessity of respecting others and cannot help but regret their actions (Gastil/Levine 2005: 282-284).)

< Self-Independence > Each of the participants can freely make comments as a self-independent person with no restrictions or interference from others. In other words, there must be no limitation whatsoever in principle regarding the subject of discussion, comments and arguments, criticisms of other participants' comments and arguments, countercriticisms to others' criticisms, as well as the procedure and rules of discussion. The reason is that, so long as conflicts and feuds are rooted in our interests, values, preferences and beliefs, even though there are cases, we assume, in which it is necessary to step into the realm of the moral consciousness or religion in order to resolve an issue, if we avoid that, it will be impossible to carry out the discussion, thus arriving at no solution. (However, to have the issue of moral consciousness as the subject of a discussion does not mean that the realm of sense of morality will be interfered with and regulated, and also, the subject matter is not decided beforehand; it depends on how the discussion among the participants goes. Needless to say, all is also premised on the agreement of the parties concerned.)

Although there may be inconsistent and contradictory comments or insincere false statements—and we may request that participants stop making such comments or even ban them—this should not be a prerequisite for participation. Human beings tend to make those comments, often not intentionally. Despite that, people, by necessity, will learn if the discussion continues. This is because as long as the discussion continues using verbal and non-verbal language (such as facial expressions and gestures), no matter how self-serving one's motivation may be (with strategic behavior to take advantage of the counterpart in order to realize one's own objectives), eventually, factors such as seeking to attentively listen to and understand the counterpart (communication-oriented behavior) will begin to function and one will be “forced to shift the perspective” toward the speaker (Habermas 1998: 72).

< Disclosure > Although the above conditions are all met, if that discussion is conducted in a “closed room” where the concerned parties are participating, it means an exclusion of opinions and arguments of people already interested in the issue, as well as social movements and citizens'

groups, and particularly those who may grow interested in the issue via information transmitted by the media and journalists. Most of all, it is not that the extent and depth of the concerned issue are known in advance. Or the discussion may influence those who are not in the range of the parties involved. Also, the issue may be worth discussing among others as well. Therefore, discussion as a rule should always be open. (Still, there are exceptional cases in which the nature of the issue forces the discussion to remain undisclosed. For instance, cautious consideration is required where privacy issues are involved.)

The above formal conditions can be summarized in the following (Habermas 1988: 62). “① Those who may be able to comment on the matter concerned must not be excluded; ② everyone must be granted equal opportunity; ③ participants must carefully consider their statements [with all sincerity]. ([] denote the author’s supplementary notes, hereafter); ④ and communication must be liberated from both external and internal coercion. In other words, the decision-making on the right-or-wrong position on the request for criticizable validity is motivated only by the persuasiveness of better reasons [Directly quoted. It is not persuasiveness but the ability to convince.].” (However, even though “sincerity” in ③ certainly should be requested, as already stated, it is not necessarily a prerequisite.)

Here, the key question is what are the “better reasons” in ④ and how should they be based? This is a key issue because it can be a substantive condition to directly prescribe the content of problem solving; the issue of basing means to explore the process in which how “better reasons” are shaped, and the conditions for its formation. That is to say, in addition to a free, equal and open discussion by its participants, the following deliberation will also be necessary. (However, there is also the predominant view that the basing issue does not exist; in other words, it is potentially included in the formal conditions. “The decision based on equality, by a ‘deliberative’ procedure, relies on the argument preceding to the decision; thus, only the legitimate decision will be included). Furthermore, this procedure includes all the parties concerned (Therefore, they can all participate). And through this procedure, all the participants have no choice but to accept each other’s perspective. (Therefore, it makes it possible to have a fair comparative weighing of all the interests concerned.) This is the epistemological meaning of the procedure to discover neutral and fair decisions (Habermas 2004: 183-185).” (However, it remains vague as to why the participants will “[by necessity] accept each other’s perspective” because of participation and equality.) “For a rational deliberation, two conditions are required . . . to guarantee the inclusion of all interested parties, the transparency of deliberation, and the equal opportunity for participation [a formal condition], and then base the inference of rational conclusion. . . . [the latter] is based on the following assumption: a proper institutionalization of deliberation means to present the establishment of important issues, the subject matter, requests, necessary information, and the

proper grounds [reasons] for argument, for and against, and evaluate those discussions by the level of explanation appropriate for the concerned issue [the “discovery” of “better reasons”]. As a result, the for-and-against-attitude making is rationally motivated (thus, this attitude-making is established without deception or coercion based on insights [better reasons]. And then the conclusions consistent with the procedure are drawn (Habermas 2008: 148).”

Now, then, what is the deliberation upon which to base “better reasons”?

(2) The Universalizability Principle: Substantive Conditions

< Limitations to Persuasion > Let us use the following case as a clue to think about this. Suppose that corporate owner A demanded that worker B be transferred, and B refused (Rehg 1994: 73-79). Let’s assume that A, although able to force the transfer by order, decided to resolve the issue through dialogue. A will try to persuade B by giving reasons he considers justifiable for his demand, such as “Workers are employed by a corporate owner. Therefore, employees are under obligation to comply with the owner’s policy.” (Generally speaking, argument is individualistic and specific while reason is more universal and abstract. In this case, while A’s argument designates to the specific individual B a certain place for the place of employment. A’s reason is premised on the fact that a corporation retains the authority to demand transfer of all its employees, and to the rest of the workers besides B). B will question and criticize, offering a counterargument. “I want to know the details of the management status. My transfer will contribute to a productivity decline at the present workplace. Also, it will be impossible for me to nurse my family member, which is very important to me.” If A persists and clings to his argument, continuing the position to persuade his counterpart, it will be impossible to gain agreement from B. This is because people, by nature, stay self-centered no matter how much we try to understand and give consideration to the positions of others; our understanding and consideration persistently stem from our own points of view. Thus, to persuade another person means nothing but a self-privileging position by which one characterizes that person as a target of persuasion. Therefore, the idea of persuasion contains a sense of control over others. For this reason, in order to exclude the danger and realization of control, what we need is a self-relativization. To do so, there are no other methods but having a realistic dialogue with others, particularly those one considers different or foreign (Young 1997: 382-406; Fearon 1998: 49-52). Now, what is a realistic dialogue and what are the conditions to make it possible? We need to answer these questions before taking the first step toward achieving an agreement based on understanding.

< Understanding and the Acquisition of Perspectives > One condition is to listen attentively to and understand others. To understand means not only to know what the argument of another

person means (sharing of meaning) but also why that person makes that argument, i.e., the reason existing at the root of his argument. To paraphrase, it is about knowing how to grasp the situation from the perspective of another person (the acquisition of the other person's perspective). A must consider the possible consequences B's transfer may cause, as well as whether B can accept those consequences when looking from B's perspective and his interests. Once we learn how to see things from different perspectives through understanding and careful listening, this can lead to not only a relativization but also an expansion of our perspectives. If others do the same, we can expect similar results. (Of course, it is impossible to completely understand other people. And even if it is possible, perhaps, one may start growing identical to another person, and may have to abandon the perspective and position of his own. Thus, we have to understand the limited definition of understanding the argument of others and its reasons in a realistic dialogue. Also, perspective acquisition differs from the so-called Golden Rule, which has not grown out of the self-centered quality of "Don't do to others what you don't want them to do to you." Furthermore, it differs from the exchange of positions by imagination. No matter how fair one claims to be as an observer, that person is still an observer established from the position of an actor himself with a limited perspective. In addition, the so-called perspective shift theory can be misleading, too. The theory tends to emphasize only one aspect: A moves and shifts from his own perspective to B's perspective. While retaining his own perspective, A additionally acquires or overwrites B's perspective. That is why expanding one's perspective is possible. "A self-renunciation mediated by others enables a new self-renewal by the death of old self. Others can set off a dissimulation from myself or a change in my identity without seizing me. When this happens, my freedom is achieved not as the will for a power that assimilates and rules others, nor the will for a larger power of the collective ego fused with others, but a freedom to liberate myself from the narrow cell where I have locked myself up (Inoue 1999: 232).")

< Revision and the Universalizability Principle > Another condition is based on the above understanding of others (perspective acquisition and expansion): A will revise and limit the initial argument and reasons by presenting a new version of argument and reasons, which A believes has a higher possibility of satisfying B, thus making them a target of the dialogue. B, following his interests and values, will examine the result and influence predicted to be caused if the new proposal is implemented. If B is satisfied with the new proposal without coercion, A and B are both satisfied, which means that the argument and reasons common to the both parties (more universal than the individual reasons in particular, therefore "better reasons") have been formed and created (If B, like A, is assumed to perform the act of revising and creating a new proposal, this process will become symmetric). Needless to say, these common arguments and reasons are not the same as

“discovering” the then-existing ones before the dialogue. (Yet, they are not to be excluded, either.) Through the process of dialogue, those arguments and reasons were created for the first time as the result of mutual actions including revision, presentation of a new proposal, examinations and understanding. The core point of this process was that the new proposal had content that was satisfactory to both A and B and in accordance with their interests and values. It means that the proposal was universalizable. Of course, this does not mean that the achieved agreement was fair or right. It merely means that we could “infer the judgment to be fair” (Habermas 1996: 37-38) since the positions of both parties were equally considered. (In addition, the resulting agreement was merely a provisional one, and at the same time, by necessity, would be revised. The range of the parties concerned can change as well as information and knowledge. Unexpected results and influences may occur. Above all, the premise of the agreement, in addition to political, economic and social conditions, will change. Needless to say, if the agreement had not been achieved, another new proposal would have been needed. In principle, this process will continue indefinitely. Normally, however, another policy including compromise would be adopted due to time restrictions.)

Let us call a principle that enables an inference of fair judgment the universalizability principle. “Better reasons” are universalizable interests and values, and a discussion that shapes them is a mutual action (a deliberation) to create common reasons through conflicts and revisions (Cohen/Arato 1992: 350-360). (Conversely, there are clear errors in views that equate deliberation to the acceptance and agreement by participants without clarifying it in connection with “better reasons” and have spread widely, as in the following: “The important feature of genuine deliberation is that participants find reasons that they can accept in collective actions, not necessarily that they completely endorse the action or find it maximally advantageous” (Fung 2003: 17).)

Lastly, summarizing the above points from the standpoint of normative theory, we have the following: “The rules of conduct that all the parties involved have examined the result and influence predicted to occur when carrying out certain rules of conduct according to the interests of each individual [and have jointly created “better reasons”] and agreed upon without coercion—only those rules of conducts are the legitimate rules of conduct (Habermas 1996: 61; Rehg 1994: 73-75). Since all individuals were convinced and agreed, those rules of conduct have binding power, both internal and external, over all the parties concerned; thus, everyone is obliged to comply with them and is forced to fulfill the obligation. In other words, they assume a normative character, even the character of a legitimate norm (compared to the existing norm commonly accepted as a fact). And considering that social norms, including law and morality, are also rules of conduct, the following provisional conclusion can be drawn: “Legitimate social norms are only those in which all the parties involved can participate in a deliberation, and be convinced of and agree upon.”

In this manner, when discussion following the above formal conditions is conducted while meeting this substantive condition, an ideal type of the most abstract deliberative democracy is established. (There is an argument by which the deliberation principle is defined as “the only norm that is capable of finding an agreement from all the parties concerned as participants in practical deliberation can demand validity,” stipulating the specialization to its moral principle as a universalizability principle, thus placing the principle of deliberation side by side with the principle of democracy (Habermas 1996: 41; 1991: 138-140). However, it is obvious that, once referring to the provisional conclusion above, deliberative democracy is a common higher principle among any deliberative type.)

2 Deliberative Democratic Politics

As long as there are conflicts and feuds universally, and problem solving and behavior modification through dialogue are required, deliberative democracy is needed in organizations of any nature and on any scale (though its extent varies). We can list numerous specific examples: on a global scale, those organizations are the United Nations (UN) and its various organs and conferences (such as the U.N. General Assembly, the World Conference on Women, the International Conferences on the Environment, and the World Conference on Human Rights), the International Court of Justice (ICJ), the International Criminal Court (ICC), the World Social Forum, and the International Conference for a Global Ban on Anti-Personnel Landmines; on a regional scale, they are the European Union (EU), the Association of Southeast Asian Nations (ASEAN), and the African Conference; there are other organization on a nation-state or municipal scale, not to mention neighborhood associations and nonprofits (NPOs) (Bohman 2010; Gastil/Levine 2005; Yasue 2007; Shinohara 1994). Here, we limit the stage to “nation-states” with a liberal-democratic political system. The reason is that we believe that the importance of the political unit of nation-state will never be lost no matter how state sovereignty is distributed, externally (international and regional unions, international treaties) and internally (“decentralization”), and how much that trend will develop in the future. In particular, considering that Japan currently faces urgent and critical national issues (for instance, the post-quake recovery and reconstruction, the nuclear power plant accident, the Futenma U.S. Base, the Trans-Pacific Partnership (TPP) agreement, and budget deficits). Despite this, those issues are not on the agenda for national discussion; therefore, conversely, deliberative democratic politics is most urgently sought by the citizens of Japan. (Some say that in the daily and fixed process of decision forming and making, where there are only a few or hardly any conflicts or feuds, we do not need deliberative democratic politics in the first place. They are wrong. It’s because even in those cases, we need to continue to question the reasons for the decision and ask what the “better

reasons” are.)

(1) Fundamental Problems in the Political Decision-Forming and -Making Process (Indirect Equal Participation)

< **Liberal Democratic Politics** > The most important ideal in liberal democratic politics consists of three points:

First, the Respect and Realization of Human Rights: human rights are the rights human beings possess innately and universally, logically preceding society and politics, and we are required to respect and realize those rights to the fullest. (This is because, in reality, inequality, oppression and exclusion remain the dominant problems.) Human rights are, quite generally speaking, centered on the right to subjective freedom (they are commonly called civil rights, such as human dignity and inherent value, the inviolability of individual lives, bodies, and freedoms, the freedoms of thought, belief, conscience, and religion, the freedoms of speech, expression, and the press, the freedom of assembly and association, the freedom of choice in employment, and the freedom of property rights).

Second, the Parliamentary Representation System by Universal Suffrage (Equal Rights of Political Participation): the law and power necessary to guarantee human rights must be organized by the people. (Otherwise, arbitrary autocracy cannot be eliminated.) In other words, only when the people organize a system that they administer themselves does that that system have legitimacy (the popular sovereignty principle). This system is embodied in the composition of a parliament by universal suffrage, followed by policy making by the parliament and the enactment of law, and, the legislative, executive, and judiciary organization by statutory law (the principle of state by the rule of law). To rephrase, normally, the people as sovereign can exercise their sovereignty only by indirect representation of themselves (parliamentary sovereignty; however, this is complemented by the right to direct participation such as through national referenda and the right to petition). Additionally, policy making in the parliament and statutory law bind the administration and at the same time, the judiciary branch is independent of the legislative and the executive (the separation of three branches of government).

Third, Guarantee of Social Rights: In order to substantively realize human rights and the equal rights to political participation as opposed to retaining them in name only, social rights such as the right to exist and the right to work must be guaranteed to everyone regardless of political, economic, social, and cultural inequalities, and oppression and exclusion (United Nations The Universal Declaration of Human Rights).

However, the liberal democratic politics in reality shows that first, politicians, representing the people, are strongly bound by the special interests of their constituents and elected organizations (if

they aren't, it is highly likely that they will not be reelected). They are controlled by the executive teams of certain large political parties (normally two or three). Often, those parties are tied to special interest groups and trade organizations, particularly the economic power (i.e., the independent market economic system). (The goals and driving force of the economic power are capital accumulation and the maximizing of private earnings.) Second, the parliament, which is supposed to assume policy making and the enactment of laws, has its legislative power restricted by ballooning administrative power (the independent administrative system consisting of bureaucracy and government). (It is overwhelmingly common that government proposals initiated by bureaucracy become statutory law.) Also, administrative power is strongly influenced by economic power (Habermas 1973). Third, consequently, social power groups, particularly the political system led by administrative power, which prioritizes the economic power's interests, increasingly tend to convert the parliament into not an organ of free deliberation but a bargaining organ to compromise interests and make deals. Fourth, for this reason, the primary task for political parties and politicians is to acquire positions in the government, the core of administrative power (power struggle through interparty competition), and to do so, set the goal of gaining parliamentary majority. To obtain the majority support of their constituents, they have to appeal to their private interests, preferences, and values. On the other hand, they also cannot help but appeal to the policies of interests "representing all the people" as well as the personalities with values embodying those interests. (Politicians who fixate only on personal greed and partisan interests are highly likely to meet with election defeat.) This is the dilemma of politicians. Finally, faced with such realities, it is only natural and quite understandable that many citizens lose faith in politicians and the parliament as well as administrative power; they harbor a sense of distrust, and grow apathetic toward politics itself, or end up abandoning the right to political participation.

< The Dilemma of Parliamentary Sovereignty >

Now, what do we need to attain the aforementioned ideal in this reality? We need to revert to the fundamentals of political decision forming and making.

No matter what one thinks of the nature of politics, politics, in regards to any problem involving society on the whole, requires one to come up with and decide on a policy to resolve the problem based on understanding and judgment, presumed to be neutral and fair, and it requires one to decide and enforce that policy in the form of statutory law. To expand it a little, a problem that can be resolved in a partial society (e.g. local government) or a subgroup (e.g. the family) is not subject to politics. (Of course, we cannot prophetically determine what a problem involving society as a whole is. The issue of Minamata Disease (mercury poisoning) was initially considered a local problem, and the issue of domestic violence used to be handled as a family problem. What should be subject to

politics will be greatly affected by the ideal ways of social movements and associations, or the process of forming multivocal public opinion.) Also, if the policy is determined by partisan or non-universalizable interests, it is self-evident that its legitimacy cannot be argued. Therefore, “Statutory law also ideally prescribes an issue while equally considering the interests of all the parties involved and, within that extent, expresses the universalizable interests (Habermas 1998: 191). Furthermore, unless it does not take the form of statutory law, the arbitrary control by the administrative power that implements policies cannot be eliminated.

The most important aspect in political decision forming and making is the condition to realize the formation and decision of fair policies and law. In other words, it is about clarifying specific forms to practice deliberative democratic politics. This is because, in many cases, political issues to be topicalized have conflicting understanding, judgment and opinions, thus are likely to be a target of controversy due to the diverse nature of those issues. (When goals are shared, an instrumentally rational deliberation, by which the optimum method is chosen, is sufficient; but when common interests and values are the points of contention, a political deliberation (in the narrow sense) to pursue universalizable interests and values to the fullest extent will be necessary; when verifying the consistency of the legal system, a legal deliberation will be requested; in the case of moral issues that should be valid to all people, the most strict deliberation will be required (Habermas 1998: 206-207).) We can assume four stage settings linked closely to each other.

The first stage is the institutionalized process of forming and making decisions, such as a parliament and its committees, a government ministry or agency and its council, as well as a court; however, one definition that most strictly prescribes the “procedure of an ideal deliberation” is the following definition (Cohen 1997: 74-75; Habermas 1998: 370-371). (Yet, even using the same phrase of legitimation through procedure, this completely differs from that in systems theory, by which deliberation subjects are completely excluded. “The point of legitimation by procedure is to have the concerned party isolated as the root source of the issue and render social order independent from its agreement or refusal (Luhmann 1983: 121).”) ① Every person who may possibly be influenced by the decision has an equal opportunity to participate and engage in the deliberation; ② All participants are equal. They will all follow the deliberation rules and may present reasons for the subject, solution, and consent or refusal at any stage. They also have the equal right to make a decision; any inequality in real power, resource, and information will be excluded; ③ Deliberation is conducted in a demonstrative format. The participants can freely present suggestions and the reasons for criticism regarding any issue assumed to be related to society as a whole. In that case, no power other than the “better reasons presumed to be universalizable” will be enforced. The participants will be bound only by the results of the deliberation; ④ Deliberation will aim to form agreement by rational motivation, that is to say, a

reason or reasons that will satisfy and convince all the parties concerned. However, due to time restrictions, it is often difficult to form a “common argument and reason” in political, legal and moral deliberations and conflict and feud may intensify; for this reason, majority rule has to be adopted. In that case, three conditions need to be met: a) The decision by the majority is regarded merely as a “provisionally” legitimate decision until the minority may convince the majority. The decision is revisable since it may possibly be wrong or its social and historical conditions may possibly change (Habermas 1998: 613); b) The minority is institutionally guaranteed equal opportunity participation and engagement (such as the equal opportunity to comment and record disclosure); and c) Especially in the case of majority rule by compromise, which is extremely common in reality, “All the stakeholders are guaranteed the equal opportunity to participate in a negotiation to compromise, and given an equal opportunity to practice influence each other during the negotiation, therefore, in general, are also provided the opportunity to realize all related interests. As long as compromise is made while following such a procedure, the inference that the agreement reached is fair can be established (Habermas 1998: 205-206).” (Although Habermas distinguishes political deliberation from compromise, it lacks a convincing explanation. A fair compromise is still the second best policy when no agreement has been reached.); and finally, the process of deliberating and decision making is released to the people, the mass media, and journalists; therefore, records and information necessary for fair understanding and judging is disclosed, and if requested, an explanation will be made.

The parliament and politicians, on one hand, have no choice but to make efforts to respond to those requests. Above all, since the process of deliberating and making policies and laws, as well as the comments they have made in the parliament are already disclosed to the people, however partial or unilateral, these are subject to the people’s interest, supervision, verification and criticism. Also, we cannot completely ignore the results of “opinion polls,” an accumulation of personal judgments and opinions of the people. In addition, as “the representatives of all the citizens” who make (or are able to make) fair judgments by equally weighing the public interest, as well as experts with knowledge and information far more abundant than that of the public, as opposed to representing certain special interests, they may have pride and a sense of responsibility. But on the other hand, as previously mentioned, the fact remains that there have been rampant cases of majority rule, power struggles, and compromise and deal-making, surrounded by the overwhelming power of the independent system of the market economy and the administrative system. Furthermore, almost all politicians have become the “privileged class” in terms of power, position, assets, knowledge, and information; they have lost touch with the judgment and opinions of the public, occasionally ignoring or denying the “will of the people.” The dilemma of the parliamentary sovereignty is this: the former (the people) and the latter (politicians) frequently battle against each

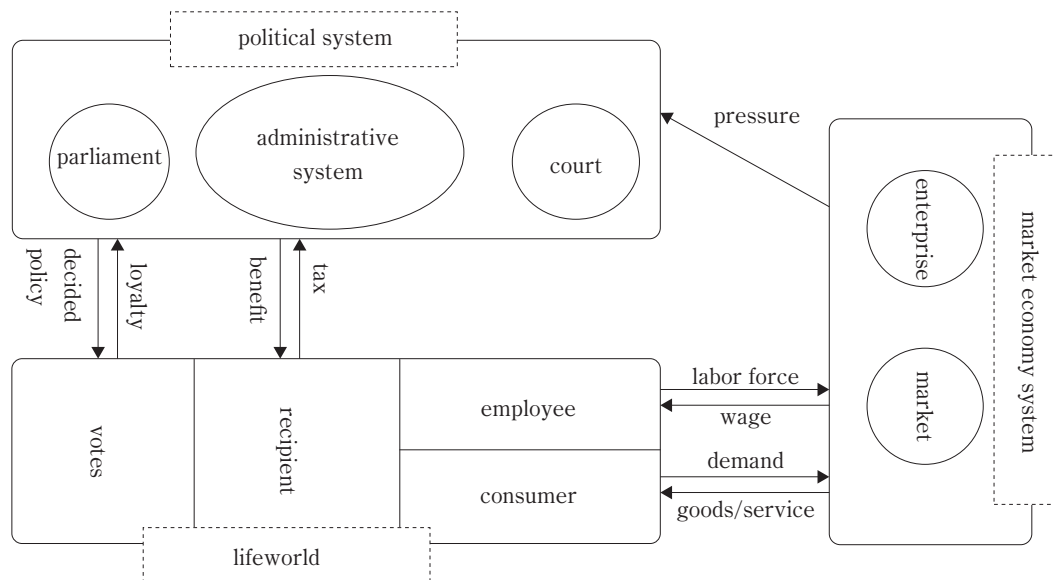
other and the weight tends to lean toward the latter. (This trend is conspicuous when social issues that should have been topicalized as political issues in the first place are ignored, which will be examined in the next section.) In order to promote the formulation and adoption of fair policies and laws against this trend, we must strengthen the political participation by the people who exercise influence upon the parliament and politicians (or the administration and the court). (Here, the exercise of influence means to obtain “understanding and agreement” through speech, and it differs completely from “control,” a form of the use of power, which is actually completely opposite to it.) And that is rightfully required under the principle of popular sovereignty. Next, the circuit to enhance participation is the second stage setting called the formation of multivocal public opinion.

(2) The Process and Function of Forming Multivocal Public Opinions (Indirect Deliberative Participation)

< Social Movement, Association, and Civic Society >

The two systems, the independent market economy and the administration, have also controlled the family-centered lifeworld (Fig. 1). This trend became conspicuous from the beginning of the twentieth century in Europe and North America and the 1960s in Japan (Particularly, as the new liberal market economy and nationalistic government made further progress since the 1990s, their control grew. As the transfer of finance, capital, labor, services, and information further progressed on a global scale, super-nation-state and corporation-oriented policies, symbolized by non-regular employment and deregulation, were implemented; welfare and social security were reduced while government-oriented policies, represented by privatization, were enhanced.) As a result, “New conflicts will occur at the contact points between the system and the lifeworld (Habermas 1981: 581; Honneth/Jaeggi 1980: 261-269).” In other words, in addition to the “old conflicts” represented by capital vs. labor, imperialism vs. colonies, we have seen an emergence of “new types of conflict based on new values,” such as antinuclear and peace vs. military expansion, anti-pollution and environmental protection vs. economic growth and development, women’s liberation vs. patriarchy, the minority (race, religion, the disabled, homosexuals, and the elderly) vs. the majority, subculture vs. culture industry, decentralization vs. centralization, youth inclusion vs. exclusion, consumer (living person) “sovereignty” vs. production-and-supply initiative, and antinuclear power vs. “peaceful use of nuclear power” (Eder 1988: 256-282) (Fig.2). On top of that, those conflicts stemmed from anxiety and fear, disappointment and anger, as well as resistance of individual persons (For instance, change in the social conscience that began with the Chernobyl nuclear meltdown as a turning point was not necessarily caused just by the existing political parties and peace organizations; it was also supported by the wide-ranging, simple, yet responsive sensitivities of child-rearing women. Those who opposed food additives and genetically modified food were the

Figure 1 correlation between system and life world from the perspective of system

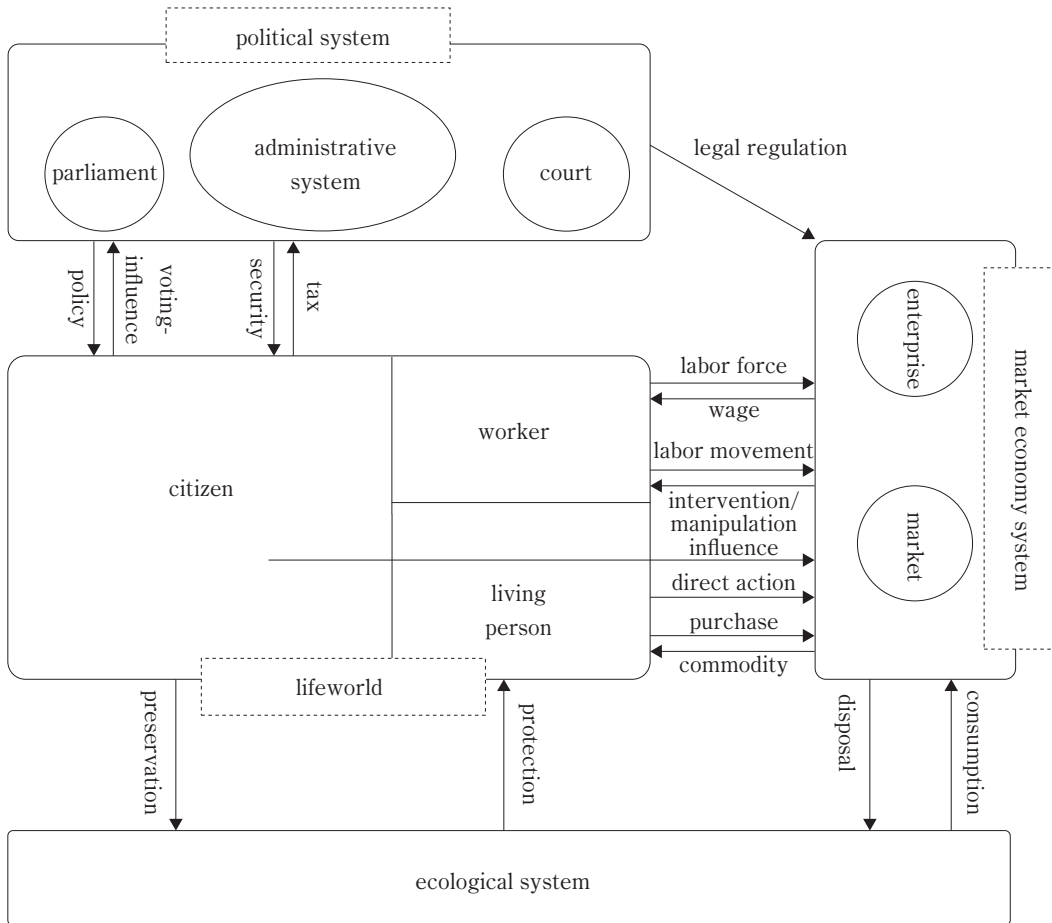


(Habermas 1981 : 473)

same (Meinberg 1990: 148-159). Also, the antinuclear and peace movement originated in the anger of Suginami-ward housewives who protested the radiation exposure of the 5th Fukuryu-maru boat in the U.S. hydrogen-bomb test off the Bikini Atoll, as well as the fact that its victims decided to put their experiences into words (Kurihara 2011).) But, those events were not recognized by society (or the public) from the beginning. On the contrary, they were criticized, ignored, and denied as minority opinions.

Now then, regardless of the age of conflicts, in order for a “social issue” to be discovered, recognized and topicalized, deliberated based on proper information and reasons, and consequently, helping shape plural public opinions, and discussed at a venue of political decision-forming and making a policy and then be enacted, the following subjective and semi-institutional conditions and developmental process are necessary (edited from Habermas 1981: 435-443).

- ① The parties concerned and related present an issue, which they subjectively feel and believe should be resolved by society as a whole, as individuals or a private group (via a discussion with family, friends, acquaintances, fellow members or fellow volunteers). (Often, the turning point comes when the media and journalists discover the issue. Here, we assume that it begin through daily communication by private citizens of the lifeworld.) However, in order to generate feedback and responses, especially to be recognized by the media and journalists, it is necessary to adopt a continuous presentation of issues and diverse methods of expression (such as events, assemblies, study and discussion groups, advertising and petition campaigns on the

Figure 2 correlation between system and life world from the perspective of lifeworld

(author)

streets, demonstrations, the publication of brochures and documents, research reports, and policy presentations), which will be premised on the dual organization of time and space, i.e., development as a social movement and the formation of an association at its core. And since each of the issues to be tropicalized has individuality and independence as the starting point, both the social movement and association, and the participating actors, are characterized by independence and autonomy. At the same time, if both the social movement and association have a broader social expanse in activity, it is highly likely that their mutual affiliation and networking will develop further. (For example, since Fukushima, the hibakusha (victims of radiation exposure) movement and the Japan Confederation of Atomic- and Hydrogen-Bomb Sufferers Organizations, began to clearly emphasize the homogeneity in nuclear weapons and nuclear power plants, namely “the peaceful use of nuclear energy,” contributing to

synchronizing the antinuclear peace movement and antinuclear power plant movement (Kurihara 2011).)

To define an association based on or affiliated with social movements most generally, we have five characteristics (compiled and edited from Sato 2007; Kasuya 2007; Habermas 1992; Salamon 1999): It is a voluntary organization with citizens' free will and voluntary nature (including the freedom of withdrawal); it is an organization independent from the government or corporation; its goal is to realize the common good and public benefits needed by society (such as welfare and social services, medical care and health, education, the environment, and human rights) as opposed to pursuing private benefits, or particularly being profit-oriented (even when conducting commercial activity, there will be no dividends for the joint investors or limited to a certain level or lower); its members have equal authority and decisions are made and management is carried out through participation and deliberation (Democratic self-rule. In the case of a co-op, it is expressed as "joint" investment, labor, decision-making, management, and operation); and its organizational principles and medium are not power and money, but solidarity, cooperation and dialogue.

The specific form of association widely varies, as in the NPO, international NPO, labor union, co-op, mutual-aid association, foundation, fund, research organization, policy-recommendation group, volunteer group, and self-help group. Needless to say, those associations are also at risk of losing the above characteristics, especially the deliberative democratic nature, due to their tendency to be large-scale and to expand commercial activity, and governmental intervention (funding, control). Thus, in addition to the dialogue and checking between associations, they need external checking (by the government, labor union, or other civic activities) as well as internal check (on the degree of freedom in participation and withdrawal, democratic operation, and external accountability) (Warren 2000: 207-210).

At the same time, there are organizations that compete with those associations. They are mostly political parties, political associations, entrepreneur groups, and trade organizations (Habermas 2008: 171). Therefore, associations, while debating and fighting against competing organizations, perform their activity to seek social recognition and approval. Such a social relationship is behind the civic society going against the political system and the market economy system (Fig. 3). "Existing at the institutional core of civic society are non-government, non-economic joint groups and associations based on free will; consequently, the communicative structure of the public sphere is rooted in the social components of the lifeworld. Civic society is made up of associations, organizations, and movements, voluntarily founded to a greater or lesser extent. Those joint groups will lead to a political public sphere while taking up sympathy and empathy, found in problematic circumstances in the realm of private life, and condensing or magnifying them. The core of civic society is an association that institutionalizes a problem-solving deliberation into an issue of

ecological system

lifeworld

civil society

public sphere

public discourse

political system

market economy system

CO₂

CO₁

S₁

A₁

P₁

S₂

A₂

P₂

S₃

A₃

P₃

S₄

A₄

P₄

influence

manipulation

legal regulation

dispute

solidarity

mutual critique

S : social movement
A : association
CO : counter organization
P : public discourse
(author)

② The Mass Media, Journalism, the Formation of Multivocal Public Opinion, and a Triple-Function Circuit

67

of accountability, and fragmented and one-sided data.) The media, in particular, is by far the strongest in terms of diversity, extension, and power of influence. Yet, the following issues have been pointed out (Habermas 2008: 158-161, 174-175). Whether the media is independent from both the political and market-economy system (The lack of independence is reflected in the media's response to the nuclear energy policy of the government and corporations since 1954.); whether the media and journalists manipulate their topicalization and reportage in an arbitrary and power-wielding manner (proved by the reporting of the 50,000-Participant Antinuclear Power Plant Rally on September 19, 2011.); whether the media, in discussion programs regarding highly conflicting issues, take measures to contribute to fair recognition and judgment of the viewers and listeners (Accurately established subjects and issues, a fair representation of participants, the equal opportunity to comment, the presentation of accurate facts and information, and the respecting and complying with dialogue format).

- ③ The last point is decidedly important in two respects. This is because there are definitely gaps in knowledge and information and unequal abilities of expression and dialogue among most participants appearing in the media (panel discussion programs) (such as journalists, politicians, experts, association representatives, opposed group representatives, and occasionally viewers' representatives); it is thus necessary to "invalidate" that realistic inequality of power. This is because the participants need to make fair recognition and judgment, no matter how difficult, to get as close as possible to the aforementioned "ideal deliberation procedure." This is practically the same in the case of interviews or debates in papers and magazines, and open discussions (forum and symposium). However, in reality, it is difficult to meet those two conditions. That is because, in addition to temporal and spatial restrictions (the limited broadcast, airtime, and article space in papers and magazines) and the difficulty of a continuous systematic pursuit (single shot), the bias of the participants is unavoidable in the first place.

We cannot immediately judge whether those deliberations can influence the viewers and readers in shaping their opinions. On one hand, it has been pointed out that political discussions have turned into entertainment, their influence on civic society and lifeworld no longer functions, and apathy and private life-oriented, self-centered lifestyles are widely promoted. On the other hand, it is said, "Unconsciously . . . we will begin to adopt a rational position on political subjects (Habermas 2008: 185-188, 179)." Particularly, influence on associations and social movements and the interaction between the two and deliberation remain uncertain. But, there are several cases in which, due to the media's topicalization, conflicting opinions were released in a civic society, revitalizing the activity of associations and social movements, and consequently, local or topical deliberations have begun. (Recent debates are over whether the Futenma U.S. Base should be relocated to Henoko or

outside Okinawa Prefecture, whether the construction of the Yanba Dam is right or wrong, the continuation or suspension/decommissioning of nuclear power plants, and participation in the TPP. The formation of citizens' opinions by the media and its influence on social movements have been analyzed in detail (Ito 2005: 211-258; Kobayashi 2007). Function analyses on local media, different from the mass media, and journalism are also beneficial.) Of course, at this point, we are far from "the formation of public opinion through a self-reflection [called deliberation]." To be able to do this, we need the premise of presenting "a more or less consistent set of conflicting opinions of agreement and denial, which are opinions related to important subjects, and plural opinions to express most convincing and best reasoned interpretations considering available information, as well as interpretations of crucial, yet commonly unresolved issues (Habermas 2008: 171-172)." In addition, there exist opinions of varied degrees of rational nature in the opinion formation process for each of the arguments, for and against. On top disputed subjects can vary widely, and "public" opinion, as formed by citizens' deliberations, have no choice but to become multivocal in a triple sense.

There are three circuits for such multivocal opinions to function: the exercise of influence on the aforementioned civic society and lifeworld, the influence on voting behavior through it, and the influence on the political system (the parliament, administration, and court) and the market economy system (corporations and markets) (Fig. 4). As revealed in the issues of the Minamata Disease and HIV-tainted blood products, movements and public opinion can certainly change the public opinion of lifeworld, as well as the administrative system and corporations, enabling legislation by the parliament. And the administrative system, bound by statute, will change the current state of the lifeworld. In that sense, social movements, associations, and public opinion have a significant role in political decision-making, which is presumed to be fair judgment, as well as for the administrative system and the ideal state of the lifeworld. With a focus on the relationship between public opinion, the parliament, and the administrative system, it can be summarized as follows: "The [popular] sovereignty, fluidized in a communicative manner, gains validity in the power [Directly quoted. Deliberation is not power.] of open discussion [public opinion]. This open discussion will discover crucial subjects to society as a whole, interpret various values, contribute to problem solving, generate reliable reasons, and dismiss wrong reasons. Of course, such opinions must take the shape of the decision of a democratically organized group [parliament]. That is because the responsibility of practically effective decisions requires institutional liability. Deliberation is not about controlling; it is about generating a communicative power [called the parliament]. [Directly quoted. Deliberation can merely enforce influence on the parliament and does not and should not generate any power.] And this power can only exert influence on the administrative power and cannot replace it. This influence is limited to procuring or depriving

legitimation. Communicative power appeals to state bureaucracy “in the form of surrounding it,” but cannot be replaced with its systemic characteristics [Yet, it can change the system’s organizational form and the way it functions (Habermas 1990: 44).

Nonetheless, on the other hand, there are three limitations to multivocal public opinion. First, because of the strong power of both systems and opposing groups, its influence on decision forming and making in the parliament is limited, and its effectiveness is rather weak within that extent. Second, since participants in social movements and associations are a minority in society, and thus, multivocal public opinion cannot completely sweep off the arbitrary and authoritative attitude of the media and journalists. Third, therefore, it is not necessarily true that public opinion is formed via the selection of “better reasoning” through the presentation of arguments for and against, cross examination, and deliberation, embodying the content presumed to be fair and rational recognition and judgment. Hence, the challenge to those limitations is the third stage setting, namely, “deliberative mini-publics or microcosmos.”

(3) “Deliberative Mini-Publics and Microcosmos” (Indirect Equal Participation of Representatives)

There have been numerous examples of this (Ogawa 2007; Shinohara 1994; Gastil/Levine 2005). We will examine this stage based on the “deliberative opinion poll” (Fishkin 2005: 2009), whose theoretical foundation is reliable and whose practical cases are copious in the world including in China, while adding several supplementary notes and revisions from other examples (particularly Mervile 2005: 37-58).

① A random sample of 300 to several million representatives will be selected from the population including those from local governments to the EU. (To create a “mirror”-like population including race, class, and gender, neither the self-recommendation format nor allocating sampling as in citizens’ jury and consensus conference will not be adopted. However, layered sampling may be used in some cases to guarantee a representative selection of minority groups. By random sampling only, there may be minority groups without possible selection and it may be necessary to have plural representatives depending on the subject or in order to secure plural representatives in the deliberation session in each phase. Sometimes, if there is only one representative to make a case, he or she may not be able to comment). Each deliberator will be paid compensation (\$150 a day) in addition to travel and accommodation expenses. (If any representative cannot participate in the deliberation for a financial reason, we cannot say that it represents the population.) A poll will be conducted in advance. (One goal is to survey the change in preferences and opinions by deliberation. Sometimes, a questionnaire on issues may be conducted in advance.) ② The representative will read in advance the briefing document equally

covering all the different arguments. ③ After the plenary assembly, the deliberators will move to 15-person group discussions. They will select a foreperson by majority vote. The foreperson must strictly guarantee to every participant the equal opportunity to speak. The main objective of the deliberation is to “reach an understanding representing a collective informed consent.” (However, since “requiring an agreement as a prerequisite will raise the possibility to generate a false consensus under social pressure” (Mervile 2005: 88), it should be avoided. Thus, it is necessary to “sincerely examine the grounds for opposing arguments in the discussion.” To do so, the following conditions must be met: a) “how much sufficiently accurate information on the dispute is given to all participants;” b) “how much consideration by other participants is given to the argument presented from one perspective;” c) “how many of various social positions are expressed to the participants;” d) “how sincerely the participants examine the arguments;” and e) “to what extent the arguments presented by all participants are carefully considered [without taking into consideration the social standing of the participants]” (Fishkin 2009: 33-34). (The reason why b) and d), in which the resources and attitudes of participants are more valued, should not be prerequisites for deliberation was already pointed out in Chapter 1. In addition, we need the aforementioned formal conditions and the “ideal deliberation procedure to meet the five conditions;” so long as forming an agreement is the goal, definitely, the universalizability principle must be one of the premises.) If no agreement is obtained, we select main opinions (plural) by a vote. (If an agreement is reached, this does not apply.) ④ The plenary assembly foreperson will collect the opinions of all small groups to create a list for the plenary assembly. Afterwards, a question and answer session will be conducted with politicians (joined by experts and journalists in some cases). The distribution of pro- and anti-opinions on the main opinions (plural) will be released. In other words, the formation of agreement is not forced and majority rule is excluded. ⑤ TV broadcasting and newspaper reporting must be conducted. (Those who were not selected to constitute the population are still given the opportunity to learn, talk and think.) ⑥ A post-mortem survey will be conducted on the representatives to compare with ①.

The most important results were reported in the following: “by the participation in the dialogue, short-term personal interests were overcome, the sensitivity to the common good and public benefits was generated . . . civic bonds will be revived.” Many cases of “there is certainly also the influence on policy making, public opinion and voting behavior” were frequently pointed out (Fishkin 2009: 135-158; Ackerman/Fishkin 2003: 21-22).

The problems were ① large expense, ② level of representation, ③ presence of continuous influence on political preferences (Wakao 2002: 206-208), and ④ influence on policy making. The most important points are ② and ④. (The financial burden in ① should be “evaluated in relation to the capability to obtain citizens’ agreements through deliberation beyond the cost-benefit analysis”

(Wakao 2002: 26) and should also be assessed in comparison to the significance of popular participation on political decision-making. ③ is not a problem. The fact that political preferences can change through deliberation, especially based on “better reasons,” is far more important. First, speaking of the level of representation, the deliberators equally represent class, hierarchy, and gender, and equality is guaranteed to each and every representative in the assembly. But can 500 participants truly represent 100 or 200 million constituents? This is much too small a representation. Besides, some of the selected representatives may not be able to participate. In an extreme case, if the actual participation rate was 51% (as in the 1996 National Issue Convention in Austin, Texas (Wakao 2002: 207)), is there any legitimacy to the argument on being “mini-publics” or a “microcosmos”? In other words, the two conditions of equality and deliberation are met (no matter how small scaled), but the condition for participation is clearly not met. Are there any methods to resolve this “trilemma” (Fishkin 2009)? Also, in terms of impact on public policy making, “if the participants cannot expect to see their actions and recommendations possibly “influence” public policies at least to a certain degree, the desire to participate, spend time for learning and understanding, and properly deliberate will eventually dry up (Offe 2010: 128).” However, finding a solution to this is relatively easy. For there is certainly a method to get political decision making closer to the will of the people.

(Lastly, there is the fundamental issue of who will organize such deliberations. They are overwhelmingly associations (such as NPOs and incorporated foundations), research institutions including colleges, administrative agencies including municipalities, and their joint organizations (Gastil/Levine 2005). Many experiences have been accumulated at multiple universities, research institutions, and municipalities in Japan as well.)

3 Self-Governing Body Deliberative National Referendum (Direct Equal Participation)

This is the fourth stage setting, a deliberative national referendum in self-governing bodies (omitting the other direct participation method, citizens initiative). In either the legislative or advisory type, the significance of political decision-making in direct participation is decidedly greater than that of the various forms of indirect political participation. First, based on the principle of popular sovereign, whether in the theory of “popular sovereign” or “the people’s sovereign,” this referendum can legitimize the exercise of direct legislative right of the sovereign. This is because, in principle, we cannot exclude the will of the sovereign with regards to the form of implementing the right to political participation. “If we should be excluded from the direct decision-making due to ignorance, why should we participate in the selection of decision-makers [parliament members]? If

there is a reason to participate in the selection of those decision-makers, why isn't that the same as the reason to participate in decision-making? (Tsujimura 1996; Budge 1996: 72; Pateman 1970)." Second, this referendum can completely satisfy the requests for participation and equality, two formal conditions for deliberative democracy. Third, even though it is an advisory type, this setting can practically bind the will of legislators. That is to say, when making a policy different from (or against) the result of a national referendum, the accountability of the legislator is extremely heavy and more difficult to explain to gain the understanding and agreement of the people.

Since a national referendum is certainly ambiguous (Imai 2000; Yoshida 2007; Abromeit 2003), it is necessary to meet the substantive conditions for deliberation and the universalizability principle in order to avoid "mob rule" or "the danger of oppression by the minority," and enact policies and laws presumed to be based on fair and rational recognition and judgment. (Some argue that because the decision by national referendum will directly involve the people, the responsibility of their will can be taken seriously; consequently, they will voluntarily study, gather information, and participate in discussion. As mentioned previously, there have been many cases like that in local referendums. Still, that does not necessarily mean that deliberation accompanying participation and equality is performed all the time.) Furthermore, national referendum is not a deliberation by an overwhelmingly smaller number of people, as in multivocal public opinion or "mini-publics." Thus, to realize it, we have to come up with a type of deliberation for a large number of people. "Deliberation Day" (Ackerman/Fishkin 2003; Fishkin 2009) is perhaps the only solution to the aforementioned trilemma. (Imagine selecting 50 million citizens out of 100 million registered voters of the U.S. Presidential election and then holding a public discussion in every community of 100,000. Assuming that one-fifth of the population would watch the TV coverage of those discussions, virtually, two-thirds of the entire population would have participated in some form of deliberation.) However, even disregarding the enormous financial burden, unless its subjects or issues correspond to the "nation-building" scale, this proposal is not realistic. For this reason, this idea as a reference, we propose an organization of self-governing community deliberations (Barber 1984; 267-289).

① We will limit subject to major issues that will fundamentally define and reform the life of the people now and in the future (e.g. the long-term comprehensive energy policy including the issue of nuclear energy and the long-term policy to establish "food sovereignty"). ② We will create briefing documents equally covering all the different arguments related to the subject. ③ We will distribute them to deliberators in advance and request them to read and examine them. Any citizens wishing to have them can receive them (distribution and delivery). ④ In approximately 1,700 municipalities (ward, city, town and village), we will randomly sample 100 deliberators from every 100,000 people. 50,000 deliberators approximately correspond to 1/10,000 of constituents. Small groups of ten

people will deliberate, respectively. Then, based on the main questions and opinions, they will have a question and answer session in a large group with politicians (experts and journalists). After that, they will have ten-person group deliberations again. The event will be completed in one day. ⑤ Simultaneously, we will select a 300-to-500 random sample of deliberators from 47 prefectures. Small groups of ten people will have a deliberation, respectively. Based on the main questions and opinions, they will have a question and answer session in a large group with politicians, experts and journalists. After that, they will have ten-person group deliberations again. The entire process will be aired on national TV, the Internet, or radio. The event will be completed in two to three days. ⑥ Besides the traveling and accommodation expenses, compensation will be paid to the deliberators. (For example, if the compensation is 15,000 yen a day, totally, 772.5 million yen will be necessary.) ⑦ After one week, we will hold a two-to-three choice advisory-style national referendum. The parliament will respect its results and make decisions based on them.

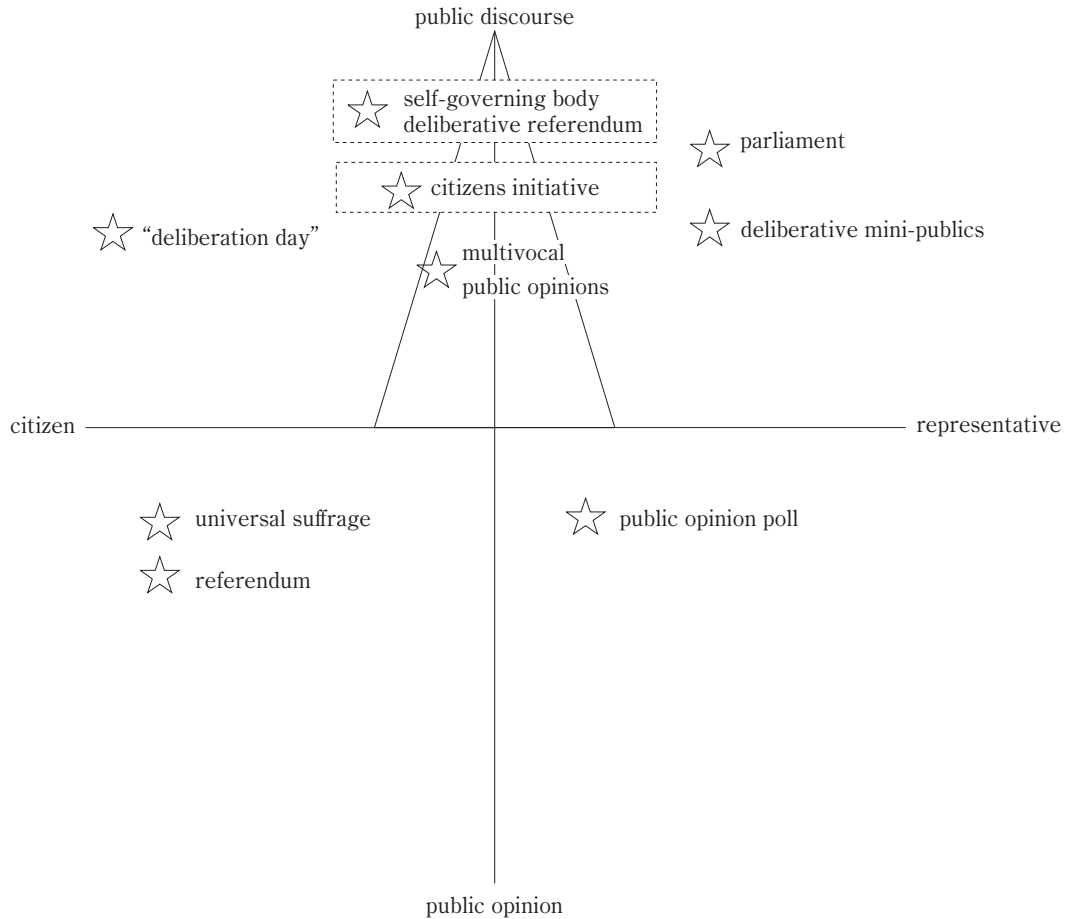
This self-governing body deliberative national referendum is certainly not sufficient in terms of participation (limited to the participation of representatives). Still, in terms of feasibility, being connected to national referendum, hosting in every municipality (highly likely to revitalize discussion among family members and neighbors, between acquaintances and friends, at the workplace, and at associations), the coverage and offer of discussion programs by the mass media and journalists, and presenting a solution to the trilemma (except “Deliberation Day”), this is the best policy as of now to realize deliberative democratic politics (Fig. 5).

4 Challenge of Associations: the Potential of Deliberative Democratic Society and Economy

Now, deliberative democracy is conditioned upon the equal participation of the all parties concerned, and the understanding and agreement based on the interests and values that are universalizable through deliberation. Yet, deliberative democracy is not limited to the political field on a nation-state scale. Rather, the area that requires decision-making based on participation, equality, and deliberation has increasingly expanded both internally and externally. In that case, it is important to have the perspective that small-scale approaches are an essential prerequisite to resolving the trilemma. We will organize the issues in general terms by limiting them to three areas.

(1) Establishing and Strengthening of the Local Self-Government: the adverse effects caused by the ballooning of the current political system, self-reliance, and centralization, with the administrative system at its core, have been conspicuous as it lost touch with the “will of the

Figure 5 relationship among participation, equality and public discourse



(Fishkin 2009 : 89)

people,” and invited the distrust of politics. The combination of the four stage settings previously examined remains important and effective. This is because the nation-state frame assumes indispensable functions such as the guarantee and implementation of human rights and the “national minimum” concept, diplomacy and security, finance and monetary policies, not to mention the legislature, executive, and judiciary. However, at the same time, we also need to strengthen local self-government through small-scale approaches and decentralization in order to bring political decision-making closer to the will of the people. The implementation of small-scale approaches, the local transfer of power and financial sources, and the complementation principle [Upper communities will assume the issues that lower communities cannot handle, while the central government will be in charge of the issues common to all lower communities, particularly human rights issues, and issues related to the national minimum concept. Otherwise, regional disparities will expose human

rights and living to danger.] will not just promote the interests and participation of the people and associations toward local politics. In the first place, the administration and parliament of a self-government cannot exist and function without associations (Hirst 1994: 56-65). For instance, in Sweden, nearly 300 communes, which are 30,000-person-scale municipalities, have independent power in the fields of welfare, nursing care, education, and land and housing. Taxation rights and the right to issue bonds are also established. Many parliament members represent educators, medical and welfare personnel, commune staff, corporate workers, and the elderly, the disabled, and immigrants. It is reported that female parliament members account for approximately 30% of the commune parliament, and approximately 40% in 23 Lansting (equivalent to Prefecture) Parliaments (Oyabu 2003: 134-135).

(2) Strengthening of Civic Society: There is no question that associations, the foundation of social movements and their development, are involved in “social movements in almost all categories and areas, and the organization of social relations” of lifeworld and civic society (Oyabu 2003: 42). What it means is that associations are replacing the functions that the administrative system has assumed (typically, welfare and nursing care for the elderly, and support and welfare for the disabled). To further enhance this trend, ① we need to have a statute in relation to associations enacted to regulate and formally recognize them so that they meet the conditions mentioned in Section 2, Chapter 2. ② At the same time, we need to have part of the authority that the administrative system used to wield transferred to associations (a transfer of social power). ③ While founding a public financing system, we need to promote mutual financing between associations and establish an independent financial base in civic society (Oyabu 2003: 20-26).

(3) Strengthening of Social and Economic Associations and Democratization of Corporations: The development of associations, mainly NPOs, co-ops and social enterprises, assumes a key position in creating a sustainable world, society and region against the control by the system, conserving the sustainable ecosystem, and realizing democracy based on deliberative democratic decision-making. (I owe the following descriptions in this section basically to Kasuya 2009.) Only three indices for these associations will be pointed out.

① These associations are already active in resolving the major issues that the present society is faced with. “Non-government and non-profit organizations in the third sector have drawn attention in recent years, and the reason is a ‘nation-state crisis,’ which has occurred in the world in the last twenty years. This crisis is reflected in serious doubts in many social welfare states in the North, disappointment in government-led development projects in much of the South, and the collapse of state socialism in Central and Eastern Europe, as well as environmental deterioration. Due to this

crisis, new attention and expectation have been paid to civic society groups, which are active throughout the world. Consequently, they have rapidly grown in number and scale, the true ‘association revolution on the global scale’ began, and private and voluntary activities organized across the globe are swelling like giant waves. Civic society groups, prompted by suspicion toward governments’ capability to cope with the various issues of social welfare, development, and the environment that individual nations are facing today, are also inspired by the communication revolution and the expansion of the middle class.

Finally, in recent years, because of one element, attention to nonprofits and civic society groups has been on the rise. That element is the doubt or suspicion toward ‘the agreement under neoliberalism.’ With this type of agreement, they believe they can approach the above issues most effectively by the simple method of private markets. However, this agreement has generated a world-scale financial crisis and social hardships in many regions, placing this agreement under increasingly fierce attack . . . the civic society group has emerged as an alternative and strategically important participant called ‘the third path.’ This is a path to the market economy, but not the one to market society’ for various reasons: its unique position of being outside the market and state, being small-scaled overall, having ties to citizens, flexibility, and the capability to take private initiatives in order to support public objectives, and the capability to increase ‘social capital’ (Salamon 1999: 4-5).”

① Specifically, the total expenditure of 22 nations (including Japan) (1995) reached \$1.1 trillion, equivalent to the GDP of Italy, accounting for 4.6% of the average GDP and 4.8% of employees (Salamon 1999). The ‘EU Social Economy Enterprises’ employ approximately 8.3 million (1998); its social enterprises (characterized by continuous economic activity, local capital, and employed labor) have been tackling welfare and social services, job creation, social inclusion (re-inclusion to the society of the people excluded due to disparities, poverty, and unemployment), and regional development (Kasuya 2009: 87-98; Tabata 2003: 37). Throughout the world, 800 million participate in the co-op movement and the lives of 3 billion are sustained by the co-op. ③ In Japan, approximately 30% of households belong to the co-op; volunteers and volunteer groups number 9 million and 90,000 (1999), respectively; and the number of certified incorporated NPOs is nearing approximately 25,000 (2005). The most advanced co-op, “Seikatsu (Life) Club Co-op,” a) creates safe food and daily commodities with little environmental load in partnership with producers, b) founds social welfare corporations and incorporated NPOs to implement public-participation welfare projects including adult day care services and the management of special nursing homes, c) actively promote political participation to implement policies, under such themes as environmental conservation and the improvement of the welfare system (“agent movement”), and d) founds Workers’ Collectives by joint investment, joint labor, and joint management; almost all co-ops in

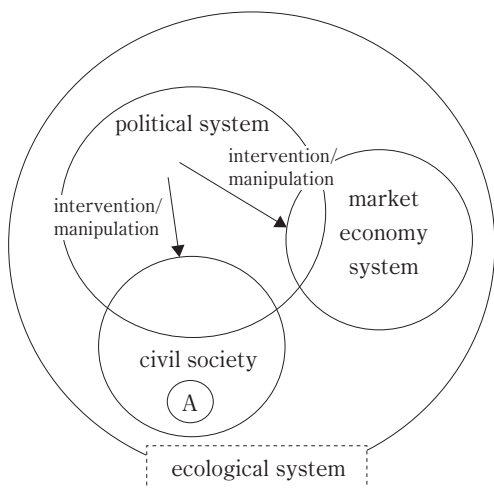
Japan are known to participate in the same activities (Kasuya : 247-252).

Those associations are not a new “social system” to replace corporations and markets in the market economy system; they are there to complement both the political system and the market-economy system. Thus, they are not in an antagonistic relationship with the administrative system or corporations; rather, they are in a partnership with them (Hirst 1994). This category constitutes the core of deliberative democratic society and economy.

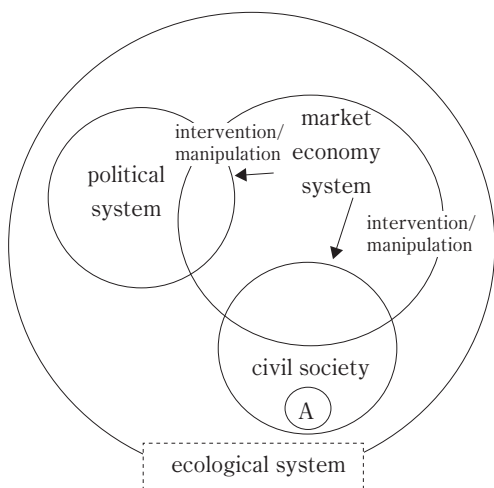
Nonetheless, at the same time, corporations and markets under the market economy system, are also venues to realize a deliberative democratic economy. Many tend to believe that the market economy system is “a reified system . . . with money as a medium” controlled by “twisted and manipulated communicative actions” (Habermas 1981).” But this is a wrong and one-sided understanding. No matter how badly twisted and manipulated, the system does not function without communicative action (Kasuya 2007), and the economic activity is an essential foundation to support lifeworld. Therefore, a reform based on the deliberative democracy of corporations and the market is not only possible but also indispensable. There are three paths to that reform. ① It’s the path to strengthen the “surrounding” by the legal restrictions of the political system. But in order for the political system to function in that direction, it is essential for civic society and public opinion to exercise influence. Ultimately, “the socially integrating power of solidarity [Directly quoted. Solidarity is not a power.] can self-accomplish against the ‘power’ of two other control sources, money and the administrative power, only when proper associative relations . . . can relatively provide solidarity with the opportunity for development” (Offe 1989: 762). ② Also effective are social movements and associations, the citizens shareholders movement by civic society and public opinion, the pursuit of corporate social responsibility (CSR), the exercise of citizens’ evaluations (Ecomark, FAIRTRADE Mark, and ecological footprint), and direct actions such as boycott campaigns. ③ Democratization of corporations is most difficult, but one of the most important tasks. ④ To do so, first, it is necessary to raise the labor unionization rate, which has dropped to 18.7% (2005), to strengthen its influence. In particular, it is crucial for non-regular workers and unorganized workers to organize a local union/community union, and participate in the movement. By doing so, we will be “able to exercise influence, inside and outside corporations, not only on the universalizable security of social wages and employment but also the improvement in social security. Second, it is necessary to implement a labor-management consultation system including codetermination law and become involved in the administrative operation (However, we must avoid the turn into a ‘manager’s complement,’ which so-called industrial democracy has fallen into.) Third, it is necessary to obtain participation by workers using the employee stock-ownership plan. Those will be the main tasks (Cohen/Rogers 2009: 4-17; Hirst 1994: 42-57; Dryzek 1990: 220; Kasuya 2009: 130). At any rate, along with the revitalization of labor movement and labor union

Figure 6 transformation of the relationship among association, civil society and political/ market economy system

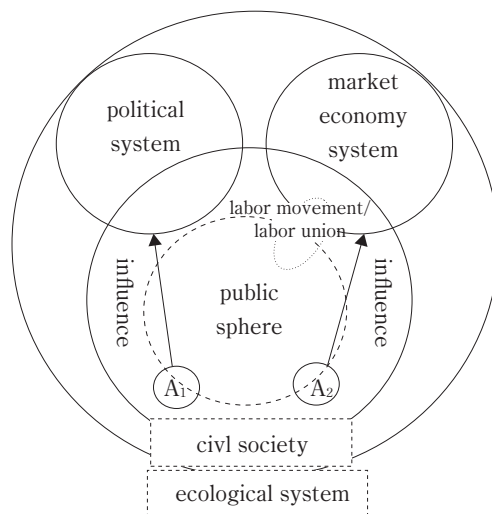
(1) welfare state and former socialist state



(2) neo-liberalism



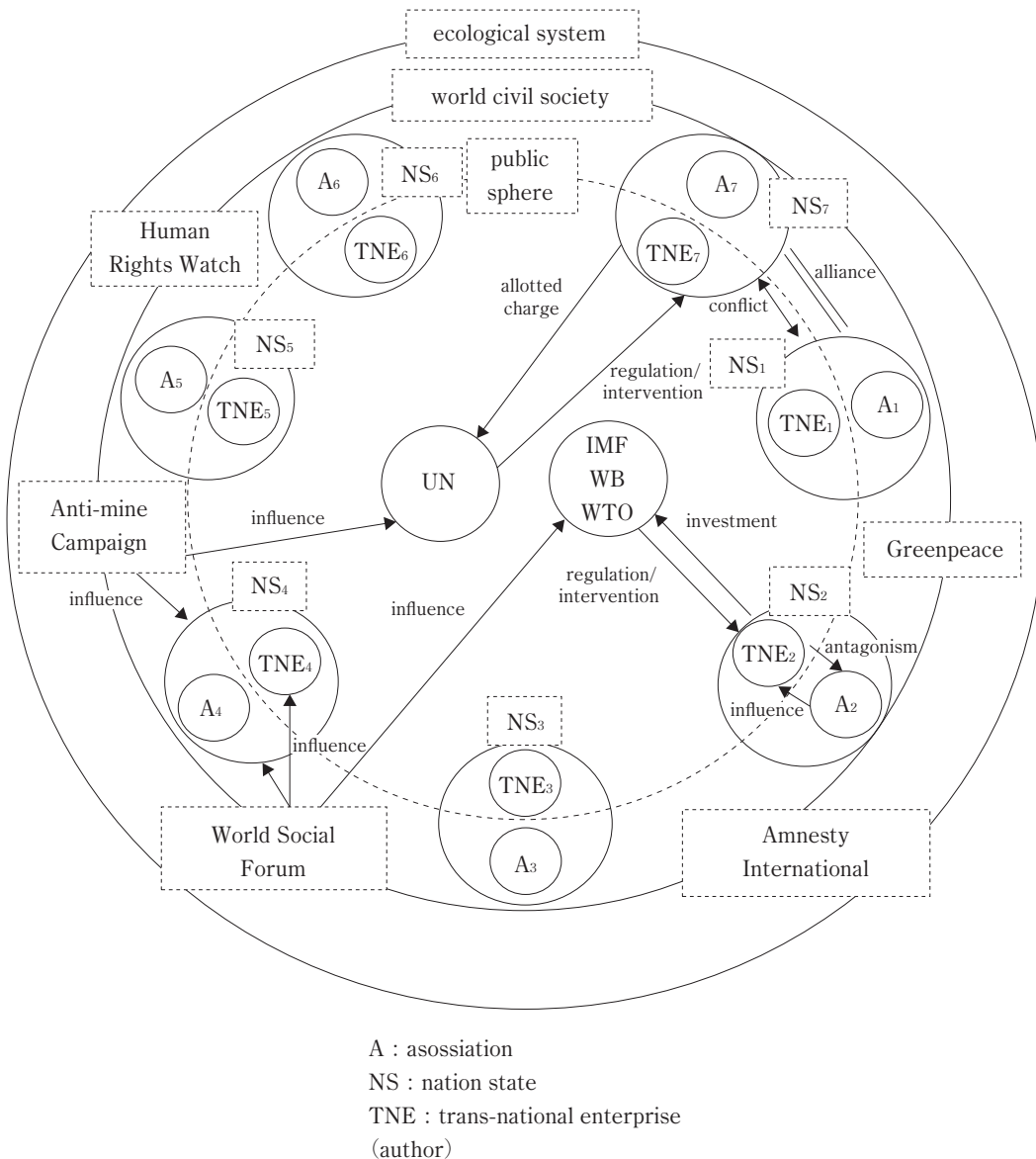
(3) associative society



A : asossiation

(KASUYA : 2009 : 102-103)

Figure 7 relationship among world civil society, nation state and trans-national enterprise



activity in civic society and the public sphere, the relationship with the market economy system will possibly change fundamentally (Fig. 6). Therefore, using that as a foundation, we will be able to discuss the formation of world civic society, a development of deliberative democracy on a global scale (Fig. 7).

References

- Ito, Mamoru, et al. (2005). *Democracy Reflection: Sociology of the Maki Town Referendum*. Liberta Publishing.
- Inoue, Tatsuya (1999). *The Freedom for the Other*. Sobunsha.
- Imai, Hajime (2000). *Referendum: Beyond Spectator Democracy*. Iwanami Shoten.
- Oyabu, Ryusuke (2003). *Transitional Times And Associations*. Tabata, Minoru, et al., (eds.). *Toward the Association Revolution*. Shakai Hyoronsha. 111-142.
- Ogawa, Ariyoshi (ed.) (2007). *The Comparative Politics of the Post-Representation System: Democracy of Deliberation and Participation*. Waseda University Press.
- Kasuya, Nobuji (2009). *The New Dimension of the Civic and Public Sphere That Social Enterprises Open (Enlarged and Revised Edition)*. Jichosha.
- Kurihara, Yoshie (2011). "The Hibakusha." (No. 226, November 10, 2011).
- Kobayashi, Naoki (ed.) (2007). *The Discourse and Representation of 'Minamata.'* Fujiwara Shoten.
- Saito, Junichi (2011). *Human Rights as Political Rights*. (Saito, Junichi, ed. *The Realization of Human Rights*, Horitsu-Bunkasha.)
- Sato, Yoshiyuki (2007). *Associative Democracy*. Yuhikaku.
- Shinohara, Hajime (1994). *Political Science of Citizens*. Iwanami Shoten.
- Tabata, Minoru, et al. (ed.) (2003). *Toward the Association Revolution*. Shakai Hyoronsha.
- Tamura, Tetsuki (2008). *Reasons for Deliberation: The Political Theory of Democracy*. Keiso Shobo.
- Dahl, Robert, A. (2001). *On Democracy*. (Trans. Takafumi Nakamura. Iwanami Shoten.) Trans. of *On Democracy*. New Haven/London: Yale University Press, 1998.
- Tsujimura, Miyoko (1996). "The Constitutional Significance and Issues of 'Referenda.'" ('Jurist,' No. 1103, December 15, 1996, pp. 34-40).
- Yasue, Noriko (2007). *European Public Sphere: the Institutional Design of EU Democracy*. Keio University Press.
- Yoshida, Toshihiro (2007). *The National Referendum Law: Issues and Commentaries*. Nippon Hyoronsha.
- Wakao, Shinya (2002). *Deliberative Democracy and State*. Iwasaki, Masahiro, (ed.) *The Changing State*. Ichigeisha.
- Abromeit, Heidrun (2003). 'Nutzen und Risiken direktdemokratischer Instrumente' in Claus Offe (hg.) *Demokratisierung der Demokratie. Diagnosen und Reformschlge*, Fft/M & New York: Campus, S. 95-123.
- Ackerman, Bruce/Fishkin, James (2003). 'Deliberation Day', in James Fishkin / Peter Laslett (ed.). *Debating Deliberative Democracy*. Oxford : Blackwell Publishing, 7-30.
- Barber, Benjamin (1984). *Strong Democracy. Partipatory Politics for a New Age*. Berkley/Los Angeles/London:

University of California Press.

- Bohman, James (2010). *Democracy Across Borders. From Demos to Demoi*. Cambridge/London: The MIT Press.
- Brune, Jens Peter (2010). *Moral und Recht. Zur Diskurstheorie des Rechts und Demokratie von Jürgen Habermas*, Freiburg: Verlag Karl Alber.
- Budge, Ian (1996). *The New Challenge of Democracy: Cambridge: Polity Press*. (Trans. Atsushi Sugita, et al. *The New Challenge of Direct Democracy: The Electronic Network Will Change Politics*. Shinyosha, 2000).
- Calhoun, Craig (1992). 'Introduction: Habermas and the Public Sphere,' in Craig Calhoun (ed.) *Habermas and the Public Sphere*, Cambridge: The MIT Press, pp.1-48 (Trans. Kei Yamamoto and Shigeru Nitta. 'Habermas and the Public Sphere. Miraisha, 1999).
- Cohen, Jean/Arato, Andrew (1992). *Civil Society and Political Theory*, Cambridge/London: The MIT Press.
- Cohen, Joshua/Rogers, Joel (1993). 'Associative Democracy,' in Branab Bardhan/John Roemer (ed.) *Market Socialism*, New York: Oxford University Press, pp. 5-17.
- Cohen, Joshua (1997). 'Deliberation and Democratic Legitimacy,' in James Bohman and William Rehg (ed.): *Deliberative Democracy*, Cambridge/London: The MIT Press, pp. 67-91.
- Dryzek, John S. (1990). *Discursive Democracy*. Cambridge: Cambridge University Press.
- Eder, Klaus (1988). *Vergesellschaftung der Natur*, Fft/M: Suhrkamp (Trans. Masami Jufuku. *Socialization of Nature*. Hosei University Press, 1992.)
- Fearon, James (1998). 'Deliberation as Discussion,' in Jon Elster (ed.) *Deliberative Democracy*, Cambridge: Cambridge University Press, pp. 44-68.
- Fishkin, James/Farrar, Cynthia (2005). 'Deliberative Polling. From Experiment to Community Resource,' in John Gastil/Peter Levine (ed.) *The Deliberative Democracy*. Handbook, San Francisco: Jossey-Bass, pp. 68-79.
- Fishkin, James (2009). *When the People Speak. Deliberative Democracy and Public Consultation*, Oxford/ New York: Oxford University Press (Translation Supervised. Yasunori Sone; Trans. Takako Iwamoto. *When the People's Voices Reverberate with Each Other: Deliberative Space and Democracy*. Hayakawa Shobo, 2011).
- Fung, Archon/Wright, Erik Olin (2003). 'Thinking About Empowered Participatory Governance,' in Archon Fung/ Erik Olin Wright (ed.) *Deepening Democracy. Institutional Innovations in Empowered Participatory Governance*, London/New York: Verosa, pp. 3-41.
- Gastil, John and Levine, Peter (ed.) (2005). *The Deliberative Democracy*. Handbook, San Francisco: Jossey-Bass.
- Habermas, Jürgen (1973). *Legitimationsprobleme im Spätkapitalismus* (Trans. Sadao Hosoya. *Legitimacy Issues in Late Capitalism*. Iwanami Shoten, 1979).
- Habermas, Jürgen (1981). *Theorie des kommunikativen Handelns, Bd.2*, Fft/M Suhrkamp (Trans. Takashi

- Maruyama, et al. *The Theory of Communicative Action, Volume 2*. Miraisha, 1987).
- Habermas, Jürgen (1983). *Das Moralbewusstsein und kommunikatives Handeln*, Fft/M Suhrkamp (Trans. Kenichi Mishima, et al. *Moral Consciousness and Communicative Action*. Iwanami Shoten, 2000).
- Habermas, Jürgen (1988). *Nachmetaphysisches Denken*, Fft/M: Suhrkamp (Trans. Kenichiro Fujisawa and Keizo Kutsuna. *Postmetaphysical Thinking*. Miraisha, 1990).
- Habermas, Jürgen (1990). *Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft*, Fft/M: Suhrkamp (Trans. Sadao Hosoya and Masayuki Yamada. *The Structural Transformation of the Public Sphere (2nd Edition)*. Miraisha, 1994).
- Habermas, Jürgen (1991). *Erläuterungen zur Diskursethik*, Fft/M: Suhrkamp (Trans. Takichi Shimizu and Kiichi Asakura. *Discourse Ethics*. Hosei University Press, 2005).
- Habermas, Jürgen (1996). *Die Einbeziehung des Anderen*, Fft/M: Suhrkamp (Trans. Masayuki Takano. *The Inclusion of the Other*. Hosei University Press, 2005).
- Habermas, Jürgen (1998). *Faktizität und Geltung*, Fft/M: Suhrkamp (Trans. Rinitzu Kawakami and Kenji Mimino. *Between Facts and Norms*. Miraisha, 2002-2003).
- Habermas, Jürgen (2004). *Der gesplittene Westen*, Fft/M: Suhrkamp (Trans. Atsuko Onuki, et al. *The Divided West*. Hosei University Press, 2009.)
- Habermas, Jürgen (2008). *Ach, Europa*, Fft/M: Suhrkamp (Trans. Kenichi Mishima, et al. *Oh, Europe*. Iwanami Shoten, 2010).
- Hirst, Paul (1994). *Associative Democracy. New Forms of Economic and Social Governance*. Cambridge: Polity Press.
- Honneth, Axel und Jaeggi, Urs (hg.) (1980). *Arbeit, Handlung, Normativität. Theorie des Historischen Materialismus*, Bd.2, Fft/M: Suhrkamp.
- Hölscher, Lucian (1997). *Öffentlichkeit*, in Otto Brunner et al. (hg.) *Geschichtliche Grundbegriffe*, Bd.4 (2.Auf.), Stuttgart: Klett-Cotta (Trans. Masami Jufuku. *The History of Fundamental Concepts on the Public*. "The Creation of the Public Sphere and Research on Normative Theory." Faculty of Social Sciences, Hosei University Grants-in-Aid for Scientific Research: Reference Materials and Translations (2), 2010).
- Luhmann, Niklas (1983). *Legitimation durch Verfahren*, Fft/M: Suhrkamp (Trans. Hiromichi Imai. *Legitimation through Procedure*. Fukosha, 1990).
- Meinberg, Eckhard (1995). *Homo Oecologicus*, Darmstadt: Wissenschaftliche Buchgesellschaft (Trans. Masami Jufuku and Hiroko Goto. *Human Ecology*. Shinhyoron, 2001).
- Mervile, Keith, et al. (2005). 'National Issues Forums,' in John Gastil/Peter Levine (ed.). *The Deliberative Democracy*. Handbook, San Francisco: Jossey-Bass, pp. 37-58.
- Offe, Claus (1989). 'Bindung, Fessel, Bremse. Die Unübersichtlichkeit von Selbstbeschränkungsformeln,' in Axel Honneth, et al. (hg.) *Zwischenbetrachtungen*. Im Prozess der Aufklärung, Fft/M: Suhrkamp.
- Offe, Claus (2003). *Herausforderungen der Demokratie*. Zur Integrations- und Leistungsfähigkeit

- politischer Institutionen, Fft/M: Suhrkamp.
- Offe, Claus (2006). *Strukturprobleme des kapitalistischen Staates* (veränderte Neuausgabe), Fft/M & New York: Campus (Trans. Masami Jufuku. *The Late-Capitalist Social System: Systems of Capitalist Democracy* (1972 Edition). Hosei University Press, 1988).
- Offe, Claus (2010). 'Crisis and Innovation of Liberal Democracy: Can Deliberation be Institutionalized?' Faculty of Social Sciences, Hosei University. Project under the Grants-in-Aid for Scientific Research, "The Creation of the Public Sphere and the Exploration of Normative Theory." International Symposium Proceedings. 2010 (May): 71-81. (Trans. Masami Jufuku. "The Crisis and Innovation of Liberal Democracy: Can Deliberation be Institutionalized? Proceedings-a separate volume. Tokyo: The Faculty of Social Sciences, 1-11").
- Pateman, Carole (1970). *Participation and Democratic Theory*. Cambridge: Cambridge University Press (Trans. Katsumi Yorimoto. *Participation and Democratic Theory*. Waseda University Press, 1977).
- Peters, Bernhard (1994). 'Der Sinn von Öffentlichkeit,' in Jürgen Friedrichs, et al. (hg.) *Öffentlichkeit, öffentliche Meinung, soziale Bewegungen*, Opladen: Westdeutscher Verlag, S. 42-76.
- Peters, Bernhard (2001). 'Deliberative Öffentlichkeit,' in Lutz Wingert/ Klaus Günther (hg.) *Die Öffentlichkeit der Vernunft und die Vernunft der Öffentlichkeit*, Fft/M: Suhrkamp, S. 21-45.
- Rehg, William (1994). *Insight and Solidarity*. Berkeley/Los Angeles/London: University of California Press.
- Salamon, Lester, et al. (1999). *Global Civil Society*. Dimensions of the Nonprofit Sector, Baltimore: The Johns Hopkins Center for Civil Society Studies.
- Warren, Mark E. (2001) *Democracy and Association*. Princeton: Princeton University Press.
- Young, Iris Marion (1997). 'Difference as a Resource for Democratic Communication,' in James Bohman and William Rehg (ed.) *Deliberative Democracy*. Cambridge/London: The MIT Press.

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