

Polity Is as Polity Does: On Leib's *Deliberative Democracy in America**

Polity is as polity does. In Leib's *Deliberative Democracy in America*, we are greeted with a proposal for a revision of the legislative order of U.S. governing praxis; a revision based upon a theory of "agonistic populist deliberative democracy." For Leib, the clashing of constituent voices should constitute Polity, rather than the deal-making of a corporate-Congressional enclave that most often renders material the dreams of Capital. The deliberative collision of recombinative voices in deliberation and the resultant policies such a discursive force materializes should, in Leib's estimation, provide for a greater legitimacy in U.S. polity, by constructing a more demographically authentic and individually varied melee of debate and policy formation.

A new representative structure of the polis is what Leib has in mind, an editing of our current system; that which obtains today, most often as a function of the political scuffle of elite agendas and rationales. In other words, the ill for which deliberation is the cure is the political ossification of the structures of Polity, those hardening formations of governance which are not sufficiently recombinative, and that cannot possibly foster the multiplicity and difference that they generally purport to cultivate because as it stands, they function specifically to exclude diversity and reify uniformity, in every demographic sense. Notwithstanding the political device of *l'écran total*—the total screen (corporate media) we refer to nostalgically as Culture, one is led to believe that the U.S. is the apex of political equity; many do fetishize the Vote—votes for everyone!—no one is to be left out, voting is the slogan taking place everywhere; legitimacy demands it as the sign of our democratic authenticity—*le feu sacre*, our salvation and our prize of consolation.

Separating the copy from the content, Leib addresses the incestuously non-egalitarian, operational schema of what is only referred to as democratic Polity. What good is a vote do if the issues are already decided? Leib's suggestion in light of what we might call our consumer polity is to edit the program, that is, create a new branch of government—the *popular branch*.

Our citizens are distant. One can only see and hear the market indices of their collective purchasing power in our milieu, but not the material narratives of their docile and impotent political lives. Reality television advertises the “good” life; a glimpse of such political poverty, forever preoccupied with the aesthetic spectacle of its own consumer device. Alas, we consume Polity, and are infatuated with a zoo station we can only engage by remote control.

Vis-à-vis the masses, Leib contends, “decisions rendered in their name cannot fairly be imputed to them and their authorship.”¹ Leib's proposal is a rejoinder to Roberto Mangabeira Unger's call for a new branch of government², a practical reply to the atherosclerotic enclosure of aristocratic political space. Leib maintains that the elitist sphere of political administration suffers from a legitimacy deficit that can only be ameliorated by providing that which our Polity lacks—legitimate public participation and negotiative accountability.

The program edit proposed by Leib is additive; in addition to the executive, judicial, and legislative branches—we are to introduce the *popular branch*. The introduction of this branch aims specifically to turn the political fiction of “the people” into a material popular sovereignty with teeth. To check and to balance is to manage power. Leib's popular branch is a potent balancing factor—a counter point to the other

branches, in its composition and its mechanism. It consists of the masses and could potentially render decisions on the very same issues upon which the Congress renders decisions. Democracy anyone?

Service in the popular branch would be mandatory, like jury duty, with stratified random sampling of members. Conscripted democracy? Perhaps, but so much of our other activity is conscripted (education, taxation, labor, jury duty etc.), why not deliberative political service activity as well? Perfection is never real or attainable, only in advertisements and religion.

Leib's proposal rejects the myth of political consensus, in favor of a politics of deliberative negotiation.

The gift for us all—that is to say, the contribution for all those in favor of self-governance—in the work of Leib, is in its implementative device. In this proposal, the sphere of theory informs the sphere of the real, materializing a practical answer to the question of egalitarian Polity. Closing the gap between the purported trustees of public will (e.g. Congress, the executive and judicial branches, etc.) and the actual public will—as materialized by the proposed popular branch comprised of a deliberative public body randomly selected as in jury panels—would function to bring “public policy” in line with public opinion.

Universal healthcare coverage is an example we might consider (and Leib does too) as a reflection of the disjunction between mediated public policy and actual public opinion. Analyses repeatedly show that the public is in favor of universal healthcare coverage³, yet as Leib points out, “corporations, HMOs, and insurance companies give so much money to both parties, inaction in legislatures often results despite public outcry for

reform in the arena of health policy.”⁴ If the public were able to vote on the issue of universal healthcare coverage, a healthcare plan for all citizens might actually materialize, no?

In postmodernity, one easily recognizes the increasing ability to edit and reconstruct files, networks, images and media of every conceivable kind (e.g. biomedica, or genetic data)—in effect anything, because everything is in a perpetual state of becoming-media—and one would think that the idea of editing the structure of an organization should be quite readily agreeable indeed. All else seems to be permeable to the evolution of “the edit” or “the remix”—what Wark might refer to as “the hack” (i.e. the possibility of new becomings): Wark: “To the hacker there is always a surplus of possibility expressed in what is actual, the surplus of the virtual.”⁵ Within the scene of virtual democracy and virtual representation—or more appropriately perhaps, situated as we are among *simulated* renderings of these virtual political sovereignties—why not edit the organizational simulacra of the amorphous structure we call Polity? Is this not what the system continually asks of us?

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Notes

¹ Ethan J. Leib, *Deliberative Democracy in America*, University Park, Penn State UP (2004), p4

² Roberto Mangabeira Unger, *What Should Legal Analysis Become?*, London; Verso (1996)

³ Will Lester, “Public Supports Health Care For All,” The Washington Post, October 19, 2003

⁴ Ethan J. Leib, *Deliberative Democracy in America*, University Park, Penn State UP (2004), p62

⁵ McKenzie Wark, *The Hacker Manifesto*, Cambridge; Harvard UP (2004), (074)

* Review of Ethan J. Leib, *Deliberative Democracy in America*, University Park; Penn State UP (2004)
