ETHICAL POLITICAL CONDUCT AND FIDELITY TO THE DEMOCRATIC ETHOS

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ABSTRACT: *Ethical conduct by politicians involves more than respect for the law and adherence to rules governing conflicts of interest. It displays fidelity to a democratic ethos. In this article, I provide a characterization of the democratic ethos and sketch its connection to recent work in democratic theory. Second, I describe the sort of fidelity to the democratic ethos that is a condition of ethical conduct by politicians. Third, I suggest a mechanism through which greater adherence to a suitable version of the democratic ethos might be achieved.*

My point of departure is a set of observations about the state of democratic practice that poses a challenge to democratic legitimacy, the most important of which is that citizens are disaffected from democratic politics. Many feel that elected officials inadequately represent their views and interests. Citizens generally view professional politicians with suspicion and disdain. They have grown accustomed to political scandal and many believe that corruption pervades the political arena.

Similarly, the exercise of political power seems to reflect a triumph of partisanship over a commitment to serve the public interest. Photo opportunities are staged; policy announcements are timed to maximize coverage of popular measures and minimize attention to unpopular measures. Contemporary political campaigns seem to be dominated by powerful special interests who try to orchestrate electoral outcomes by employing sophisticated techniques--spin doctors, focus groups, elaborate polling, hot-button issues etc.--designed to manipulate the electorate.

In general, strategy has displaced substance in democratic discourse. There is little reflective discussion and examination of substantive policy issues or political principles in the mass media. News coverage focuses on who can win and what strategies are likely

to be successful. There is, unfortunately, much truth to James Fishkin's characterization of democratic practice as dominated by "sleazeball tactics and shrinking sound bites."[1]

Public cynicism about politics is disturbing in its own right, but the malaise infecting democratic practice seems even worse once we recognize that the cynicism is paired with political apathy and ignorance. Participation in democratic politics is low and dropping. The public is alarmingly ill-informed about many important issues.

How might this malaise constitute a threat to democratic legitimacy? The precise nature of democratic legitimacy is, of course, a contested matter, but I assume that even a modest or minimalist conception of legitimacy has at least two basic dimensions. First, there must be fair political procedures that are suitably reflective of and responsive to the will of the people. Second, there must be reasonably broad and meaningful public engagement with these procedures. Fair democratic procedures that are not accessed by most citizens or accessed by citizens who are ill-informed and unreflective about the choices facing them cannot reliably generate outcomes that reflect the will of the people.[2]

In a democracy, the legitimate exercise of political power must somehow be authorized by the collective decisions of the governed, and this sort of authorization arguably rests on the actual involvement of citizens in the authorization process.[3] So even if we concede, for the sake of argument, that existing democratic processes satisfy the first criterion of legitimacy adequately, current levels of public cynicism, apathy, and ignorance should give us pause about whether the second criterion of legitimacy is adequately met. Meaningful public engagement with democratic processes is dangerously poor (Ackerman and Fishkin 2004).

Many factors undoubtedly contribute to the malaise of democratic practice. One might point to defects in the design of basic democratic institutions, to failures of civic education, to the dulling effects of a shallow consumerist culture, or to the failure of the mass media to provide responsible coverage of politics. In this article, however, my focus is quite narrow. I want to explore some ways in which we might understand and begin to address obstacles to meaningful engagement in democratic processes that are rooted in the conduct of politicians. For ease of exposition, I shall refer to politicians but I shall use this term to refer both to public office holders and to public office seekers, including those who do not succeed in attaining public office. My hunch is that unethical political conduct is an obstacle to meaningful engagement, but I also suspect that common construals of the scope and nature of democratic ethics are too narrow. I shall sketch the contours of a broader, and I hope, attractive conception of ethical conduct.

The general claim I make is that ethical conduct by politicians consists, at least in large part, in conduct that displays fidelity to a democratic ethos. In other words, an account of democratic ethics should be grounded in our understanding of democratic values.[4] In light of this, I shall argue that ethical conduct by politicians involves more than respect of the law and adherence to rules governing conflicts of interest. I shall also make a proposal about a strategy for improving the ethical conduct of politicians, but in order to set the stage for this I need to make some remarks about how we might identify and interpret standards for evaluating the conduct of politicians. The rest of the article is organized in the following way. First, I provide a brief characterization of the democratic ethos and sketch its connection to recent work in democratic theory. Second, I consider different interpretations of what sort of fidelity to the democratic ethos should

be considered a condition of ethical conduct by politicians. Third, I suggest a mechanism through which greater adherence to a suitable version of the democratic ethos might be achieved.

THE DEMOCRATIC ETHOS

A democratic ethos can be understood as a set of values and commitments embraced by members of a community who are committed to a flourishing, and not merely functioning, democracy. Some of the basic features of a defensible democratic ethos seem fairly straightforward. Democrats are committed, for instance, to nonviolent means of resolving political disagreements, and the procedures they adopt are predicated on an ideal of the basic political equality of citizens. In representative forms of democracy, we expect candidates to abide by the articulated rules of fair democratic procedure both in the pursuit of power and in the exercise of power that comes with elected office. We expect politicians to be responsive to the concerns of citizens and constituents but also to be sensitive to the public good. As I implicitly suggested above, democracy also has a deliberative component. Democrats value informed, reflective, open, and honest discourse about political matters in which reasoned justifications for policies and positions are presented and considered by politicians and citizens alike. Meaningful engagement with democratic institutions by the public can be hampered if political actors--e.g., citizens, the media, public servants, special interests, or politicians--behave in ways that betray these ideals.

I think the idea of a democratic ethos provides a fruitful way of thinking about contour and content of democratic ethics. The suggestion is that we consider what kind of conduct by political actors is required by fidelity to the democratic ethos. I take it as obvious, for example, that efforts by politicians to buy votes, rig voting lists, or otherwise subvert the fair functioning of basic democratic procedures are betrayals of the democratic ethos. They are, as such, unethical and they can diminish public engagement with democratic institutions. Diminished engagement can be caused both directly and indirectly. It occurs directly when political conduct blocks or reduces access of some citizens to normal opportunities for democratic participation. It occurs indirectly when awareness of unethical political conduct alienates the public from the normal democratic process.

Of course, noting that fidelity to the democratic ethos requires conduct that displays respect for democratic procedures is hardly controversial. The question is what more is required of an ethical politician. In this context, the issue I want to broach concerns what might be called the deliberative responsibilities of politicians. These are the responsibilities of politicians to conduct themselves in ways that contribute to reflective discussion and consideration of matters of importance. To what degree, if any, does fidelity to the democratic ethos impose constraints and requirements on how politicians should discharge their deliberative responsibilities? I shall briefly consider three ways of answering this question, each of which is linked to a different understanding of democratic legitimacy.

PLURALISM AND DEMOCRATIC LEGITIMACY

Many recent discussions of democratic theory treat the problem of legitimacy as centrally concerned with the task of devising an appropriate response to the pluralism characteristic of modern societies. Pluralism has different dimensions. One dimension concerns social, cultural, regional, national, ethnic, and linguistic diversity. There are, in short, salient sociological differences in societies that for various historical, economic, and logistical reasons have some claim to political recognition. A different, but to some degree related, dimension of pluralism concerns moral pluralism that gives rise to political disagreement.[5] Citizens of the same political community hold different and divergent religious, philosophical and moral views that affect their opinions on political matters. (This is roughly what Rawls refers to as the fact of reasonable pluralism.) Legitimate democratic institutions arguably should be responsive to both these dimensions of pluralism by: (a) giving suitable recognition in political structures and processes to the diverse make-up of the political community, and (b) providing a "morally justifiable way of making binding collective decisions in the face of continuing moral conflict" (Gutmann and Thompson 2000, 161.)

Simplifying matters somewhat, there are two main kinds of responses to the challenge of devising a suitable response to moral pluralism.[6] First, proceduralist accounts treat legitimacy as sufficiently secured by the existence of fair procedures for the aggregation of the interests. The exercise of political power is justified if it is sanctioned by a fair political process--e.g., majority rule--that gives equal consideration to the interests of citizens. For my purposes, what matters is that on proceduralist views democracy legitimacy is detached from any substantive requirement that democratic processes be sensitive to the character of the reasons that ground citizens' political preferences. This does not imply that proceduralist accounts necessarily reject a distinction between better and worse forms of political reasoning or justification. But such a distinction is not crucial to assessments of the smooth operation of democracy. Democracy can flourish even if political discourse is unreflective and shallow and public reasoning is demonstrably poor.

Proceduralism has its adherents, but many theorists now argue that it offers an impoverished account of legitimacy that does not take seriously enough the ideal of political equality at the heart of democracy. Recognizing the equal political standing of citizens involves more than assigning citizens equal formal weight as inputs in a fair aggregative process. Instead, political equality entails a form of mutual respect that requires contestants in political competitions to grapple publicly with the reasons for rival positions. The acceptability of an outcome determined by a fair process is partly a function of there being a genuine commitment by participants in the process to engage in reason giving and reason taking.

A second way of responding to pluralism is provided by deliberative conceptions of democracy. These accounts view democratic legitimacy as rooted in a conception of public justification that is expressly sensitive to the character of reasons that figure in democratic discourse. They do not eschew procedural mechanisms for generating authoritative collective decisions, but they insist that the institutional arrangements relied upon to generate decisions should foster reasoned discussion and reflection on public issues. For purposes of this discussion, we can distinguish stronger and weaker

versions of deliberative democracy. Robust forms of deliberative democracy of the sort associated with Cohen (1989, 2003) and Gutmann and Thompson (1995, 1996, 2000) treat the process of collective decision making as ideally regulated by a special conception of mutual justification. Legitimate exercises of political power are ones grounded in reasons that "citizens who are motivated to find fair terms of cooperation can reasonably accept" (2000, 161.) These theories revolve around the development of a substantive conception of public reason that forms the basis for achieving consensus among citizens with divergent comprehensive moral or religious views. Less ambitious conceptions of deliberative democracy place emphasis on more generic and formal features of good deliberation. Public discourse should display sensitivity to relevant empirical facts, reasoned justifications for public policy stances should be publicly available, and citizens should have opportunities to reflect carefully upon and discuss political proposals, etc. Unlike robust forms of deliberative democracy, moderate forms are not regulated by a special ideal of public reason. For example, Ackerman and Fishkin (2004) point to three features of good democratic deliberation: (a) it reflects acknowledgement of uncontroversial facts; (b) it displays normative completeness--an awareness and understanding of arguments offered in support of rival views; and, (c) it is grounded in receptiveness to entertaining the views of others seriously. A moderate conception of deliberative democracy aims at collective decision making that reflects mutual understanding and the informed reflection of the citizens with whom authority ultimately resides. Unlike the robust conception, successful deliberation in the face of moral disagreement does not require, even as an ideal, the provision and acceptance of reasons for positions that are "persuasive to all" (Cohen 1989, 23).

CHARACTERIZING DELIBERATIVE RESPONSIBILITIES

I have offered this thumbnail sketch of approaches to democratic legitimacy because I think our conception of what fidelity to the democratic ethos entails by way of deliberative responsibilities will be influenced by our conception of democratic legitimacy.

Minimalism

Proceduralism, for instance, suggests a fairly minimalist conception of democratic ethics in general, and the deliberative responsibilities of politicians in particular. On this approach, fidelity to the democratic ethos by politicians principally consists of conduct that is commensurate with maintaining the integrity of the expressly articulated rules that govern the operation of fair democratic procedures. Ethical conduct consists in respecting the law and faithfully abiding by regulations concerning conflict of interest, campaign finance, and political interference with operation of the public service. In terms of deliberative responsibilities, politicians have duties to respect the rights of citizens, to express their views publicly, and to gain access to information about government activity. Politicians should faithfully reflect, in accordance with fair procedures for doing so, the preferences of the electorate. And presumably, politicians should not misrepresent the public record--e.g., by distorting the state of public finances --or engage in other forms of deliberate deception. However, fidelity to democratic

procedures per se does not require proactive efforts to stimulate and enrich public deliberation about political matters. Thus, decisions on whether to debate political opponents, to present arguments in support of positions, to emphasize image over substance on the campaign trail, or to meet with the press regularly all fall outside the purview of a democratic ethics tied to proceduralism. Instead, such matters are considered discretionary, and are appropriately decided by appeal to strategic political considerations.

In my view, the minimalist conception of democratic ethics is as unattractive as the proceduralism from which it flows. Nonetheless, I think it is quite consistent with popular understandings of scope and content of ethical standards for the regulation of political conduct. With the odd exception of sexual indiscretions in a politician's personal life, unethical conduct by politicians is viewed mainly as conduct that involves a conflict of interest or the abuse of power that contravenes procedural rules.

Robust Deliberative Responsibilities

Proceduralist accounts of legitimacy yield too narrow a view of the deliberative responsibilities of politicians. Now let us consider how interpreting the democratic ethos through the lens of deliberative democracy affects our understanding of the deliberative responsibilities of politicians. Given the distinction between robust and moderate conceptions of deliberative democracy, there are two corresponding accounts of deliberative responsibilities.

Fidelity to a robust conception yields a very demanding, though not unattractive, account of politicians' deliberative responsibilities.[7] In conducting themselves ethically, politicians would have duties to engage in thoughtful and mutually respectful political discourse and to refrain from pursuing shallow and manipulative political strategies that derail rather than facilitate reflective deliberation. Moreover, they would have a duty to restrict the reasons they invoke in political discussion to those compatible with a special conception of public reason. There is controversy as to how the relevant conception of public reason is best understood (and different deliberative democrats favor different construals). But a general worry here is that the category of eligible reasons, insofar as it is predicated on substantive distinctions between reasons, is unfeasibly and unacceptably restrictive. It is difficult to imagine, for instance, how politicians could be reasonably expected to restrict their public political discourse to reasons persuasive to all. But something like this restriction would seem to be entailed by Cohen's model of deliberative democracy. Fidelity to a democratic ethos that included a rarefied notion of public reason would be too demanding and would set the bar for ethical conduct unreasonably high. Even the requirement that politicians refrain from appeals to sectarian or controversial religious or philosophical doctrines when offering justifications of their political platforms seems contentious and problematic. Robust deliberative democrats might reply that, properly understood, the substantive constraints entailed by an ideal of public justification are weaker and hence less restrictive than I have suggested. If this turns out to be case, then the contrast between robust and moderate forms of deliberative democracy will be less clear than I have provisionally assumed.

Rather than pursuing this issue further, I will turn to consideration of the deliberative responsibilities entailed by a moderate conception of deliberative democracy that does not impose substantive filters on acceptable forms of political discourse. Robust conceptions of deliberative democracy can be viewed as ways of supplementing and enriching moderate conceptions. So the contours of the deliberative responsibilities of a moderate conception will be relevant, I think, to a robust conception of deliberative responsibilities. In this respect, I hope the discussion of the moderate conception may be of interest even to robust deliberative democrats.

Moderate Deliberative Responsibilities

In a moderate conception of deliberative democracy there are no substantive filters on what counts as an admissible public reason. Instead, the idea is to identify various generic or broadly formal features of reasoned discourse about political matters and to assess the conduct of political actors in relation to an ideologically neutral[8] conception of public reason. In other words, we place a general ideal of mutually respectful and reasoned discourse at the heart of the democratic ethos. The precise parameters of such a conception can be made more precise in various ways, but here are at least some implications of what fidelity to a moderate deliberative ethos would have for understanding the deliberative responsibilities of politicians. First, on the positive side, there would be requirements that politicians provide clear, accurate, full, and accessible information about their political views and policy positions. Second, politicians would have a duty to present, explain, and defend their views and policy proposals in a wide range of public fora (e.g., radio and television appearances, formal debates, etc.). Third, politicians would have a duty to offer justifications for their positions and to engage the views of their rivals. In order to discharge such duties in a meaningful fashion, politicians would also have duties to refrain from conduct of a sort that has become all too familiar. Thus, politicians would have a duty to answer pertinent questions from the public, media, or opponents in a direct and non-evasive fashion. Similarly, they would have duties not to avoid questions (e.g., from the media or the public) or reasonable challenges (e.g., to debate or to respond to criticism) from rivals. There would be a duty to represent the views of political opponents fairly and accurately and to avoid distorting or misleading characterizations of rivals' positions. More generally, politicians would have a duty to eschew political tactics involving misdirection and emotional manipulation of the public.

I hope that this sort of characterization of deliberative responsibilities is attractive, at least as an ideal to which politicians might aspire. I want to suggest, however, that if we accept the idea that ethical conduct is guided by fidelity to the democratic ethos, and if we accept a moderate ideal of deliberative democracy as animating the democratic ethos (at least in part), then we should view violation of deliberative responsibilities by politicians not as a regrettable failure to live up to a laudable but optional ideal. Rather, we should view and label such conduct as unethical. This conceptualization of the scope of democratic ethics is broader than is typical and hence may seem controversial. However, if we find the underlying idea of deliberative democracy attractive, then I think we have a reason to favor a broader construal of democratic ethics. After all, it is plausible to suppose that realization of deliberative democracy depends crucially on the

actual conduct of politicians (along with their handlers and advisors). We can hope both to drive home the importance of conduct conducive to genuine deliberation and to secure some commitment to deliberative ideals by treating departures from relevant democratic values as unethical. In effect, the broader conceptualization of political ethics opens the door to moral suasion in the service of democratic ideals. Amy Gutmann notes that "when the pressure of moral suasion is justified, it can be welcomed as a way of socializing people to think about how they should live their lives and whether or not they should contribute to just causes. Public life in democracies includes practices of moral suasion. Moral suasion can change how people lead their lives. It also distributes praise and blame in ways that affect people's reputations" (2003, 139). We can adapt and develop Gutmann's observation by envisioning ways in which fidelity to a deliberative democratic ethos could assume greater importance in the public conduct of politicians than it currently does.

SECURING ADHERENCE TO MODERATE DELIBERATIVE NORMS

There are different and sometimes complementary social mechanisms through which adherence to justified social norms can be achieved. In the context of politics, civic education plays a role in developing an understanding of and commitment to the democratic ethos. We teach new citizens and children about democratic procedures and often seek to encourage certain kinds of conduct--e.g., participation in the political process, respect for the law, and tolerance. It might well be a good thing for politicians to be educated in democratic theory, but I assume here, however, that a formal program of civic education alone is not sufficient to secure adherence by politicians to deliberative norms. Instead, I want to briefly examine three other norm-reliant mechanisms for influencing conduct.

First, conduct can be directed and guided by formal norms. These are norms that are explicitly, publicly, and authoritatively articulated in the form of official regulations or laws.[9] Those who engage in conduct prohibited by such rules are subject to serious penalties ranging from imprisonment, to fines, or to dismissal. It seems appropriate for there to be formal norms prohibiting political corruption and abuse of power. Similarly, there are good reasons to formalize conflict of interest rules and to punish violators of these rules. The existence of formal norms is typically accompanied by formal processes through which charges of wrongdoing can be made official and which provide those accused of wrongdoing with an opportunity to defend themselves against allegations. I assume that it would not be feasible or appropriate for deliberative responsibilities of the sort I have outlined to be regulated via the establishment of formal norms. We cannot fine a politician who refuses to answer questions directly or to meet with the press regularly.

The link I made between deliberative responsibilities and moral suasion suggests a second way of influencing conduct; namely, by reliance on what I shall label informal norms. Informal norms are standards of conduct that are widely known and accepted but are not explicitly or authoritatively articulated. They do not have standing as official laws or rules. The sanction that accompanies violation of them is public disapproval and disapprobation. In the political realm, there are some informal norms that play a significant role in securing democratic legitimacy and the smooth functioning of

democratic processes. For example, there are informal norms of civility and cordiality that are often observed in politics. When a well-known politician dies or retires from public office after a long career, it is common for even longstanding political opponents to acknowledge the politician's public service and contributions to the community. Another example is the practice of losers of political contests conceding defeat and congratulating the winners graciously. There is no official rule requiring this kind of conduct and no formal penalty for failing to act appropriately, but I think it is reasonable to say that losers who do not acknowledge defeat appropriately betray the democratic ethos--they seem, at best, grudgingly prepared to abide by the outcome of fair democratic processes.

To some degree, the deliberative responsibilities of politicians are loosely regulated by informal norms. There is a general expectation that politicians will debate their opponents and articulate platforms, and failure to do so occasions public disapprobation to some degree. However, it is arguable that informal norms, at least given the current malaise of democratic practice, are not sufficient to secure strong adherence to deliberative norms. The competitive nature of politics puts pressure on politicians to pursue winning strategies, and if the best winning strategies are ones that diminish the quality of deliberation then it is likely that a commitment to contribute to fulsome democratic deliberation will give way to the desire to win. This will be especially true when other politicians have adopted what are thought to be successful but deliberatively dubious political strategies. Informal deliberative norms have too weak a grip on politicians to prevent the race to the bottom, and we end up with "sleazeball tactics and shrinking sound bites."

There is, however, a third (and to my knowledge, underexplored and underutilized) way of influencing conduct that lies between reliance on formal and informal norms. Conduct can be guided by what I shall call semiformal norms. These are public standards of conduct that are explicitly and authoritatively articulated, but violation of them carries no official sanction. They provide more express guidance than informal norms and they provide an explicit public affirmation of values relevant, in this context, to ethically responsible conduct by politicians. In this way, they facilitate a form of moral suasion that is arguably more direct and less open to contestation than that provided by informal norms.

Semiformal norms have some parallel with mission statements that include an articulation of the values that are officially embraced by an institution or organization. A common limitation with these mission statements is that, even when they reflect the sincere intentions of those who created them, they can function mainly as public relations devices that provide a only a veneer of ethical legitimacy. This occurs, in part, because it is common for ethical standards articulated in mission statements to be vague and platitudinous. (We've all read the standard statements of the form that 'this institution is committed to upholding the highest standards of ethical conduct.') A second problem is that there is seldom any meaningful monitoring of the degree to which the values articulated in a mission statement have been honored by the institution in general or by specific actors in the institution whose conduct is supposed to reflect fidelity to the values.

The scheme of semiformal norms I have in mind for influencing the conduct of politicians in meeting their deliberative responsibilities seeks to avoid the limitations of

mission statement style ethics in two ways. First, insofar as possible, the description of the deliberative responsibilities of politicians should be fairly specific. For instance, rather than a platitudinous statement about commitment of politicians to the core values of democracy, there would be a statement of distinct duties. The challenge would be to specify the duties in a way that would permit monitoring of the degree to which the relevant standards had been met. Of course, even with a reasonably determinate description of deliberative responsibilities, there will be room for interpretation about what constitutes appropriate conduct. However, it should be possible to devise standards that will permit identification of obvious and egregious failures to discharge moderate deliberative responsibilities. Second, adherence to the semiformal deliberative norms should be monitored by a politically neutral and independent body, with the authority to issue reports on the degree to which politicians have successfully discharged their deliberative responsibilities. I have in mind here something like a domestic version of what Thomas Pogge has called a democracy panel (2002, 156-157). This is an impartial panel composed of jurists and other experts on democratic procedures who are charged with the task of monitoring the degree to which political communities function democratically. Pogge's democracy panel is intended to assist fledgling democracies in the development and maintenance of basic democratic procedures. It does not focus on monitoring the quality of democratic deliberation. The domestic version of the democracy panel I am suggesting would be focused on deliberative responsibilities.[10] The monitoring of adherence to deliberative norms by such a panel could take two complementary forms. First, there could be a complaint-based form of monitoring-- members of the public could lodge complaints with the panel about the conduct of politicians, and the panel could undertake to investigate such complaints. Second, there could be more general oversight of the conduct of politicians with respect to the degree to which deliberative responsibilities are met. The panel might issue an annual report that provides an evaluation of the conduct of politicians and the overall caliber of democratic discourse. The point of the monitoring would not be to subject the conduct of politicians to intrusive and constant scrutiny, but rather to focus attention on the more obvious and egregious failures to discharge deliberative responsibilities. One would expect that public disapprobation would be directed at politicians (or political parties) who were identified as flouting their deliberative responsibilities. In the account of deliberative responsibilities I have offered, such conduct is appropriately labeled as unethical. Presumably, most politicians would seek to avoid being identified as acting unethically even when it would carry no official penalty. So, the creation of semiformal norms along with a suitable monitoring body might well put pressure on politicians to improve their deliberative conduct.

The foregoing is, of course, only the barest sketch of how a scheme of semiformal norms might help to facilitate a more deliberative style of politics. I am sure that various objections could be mounted to the proposal. For instance, one might wonder whether a domestic democracy panel is institutionally feasible or whether it could operate in a suitably impartial and effective manner. Similarly, there might be worries about the appropriateness of an official bureaucratic body monitoring and passing judgement on, even in a generic way, the deliberative conduct of politicians. Such objections, or others, might turn out to be decisive against the current proposal or variants of it. Nonetheless, I

think the idea of harnessing semiformal norms in the service of a moderate conception of deliberative democracy is worth further consideration.

CONCLUSION

Gutmann and Thompson claim that "the point of a deliberative conception of democracy is not to elevate one institutional form of democracy above the others, but rather to find ways of making each form more deliberative. The practical task of deliberative democrats is to consider how each political institution can be designed to facilitate deliberation" (1995, 110). In this article, I have tried to contribute to this practical task in three ways. First, I have argued that the conduct of politicians vis-à-vis deliberative ideals is an appropriate focus of democratic ethics. Second, I have outlined an account of the deliberative responsibilities of politicians that is animated by a moderate conception of deliberative democracy. These first two ideas are linked to the general idea that ethical conduct by politicians should be understood as involving fidelity to a democratic ethos. Finally, I have sketched a scheme of semiformal norms that might be harnessed to encourage politicians to discharge their deliberative responsibilities more fully and meaningfully. The analysis presented does not, of course, provide the basis of a full remedy for the malaise of democratic practice that I noted at the outset. But perhaps it is a start towards a partial remedy.

NOTES

1. Fishkin coined this phrase during a lecture to the Victoria Colloquium in Political, Social and Legal Theory at the University of Victoria on 2 April 2004. It resonated deeply with the audience.

2. Some elite and social choice theories of democracy may reject the requirement of meaningful public engagement with fair democratic procedures. However, for the purposes of this discussion, I shall assume without argument that a broadly participatory model of democracy is sound and feasible (Pateman 1970; Barber 1984). Contemporary theories of deliberative democracy also endorse this aspect of legitimacy, although they tend to set the standards of citizen reasoning quite high (see Freeman 2000 and Chambers 2003 for useful reviews of developments in deliberative theory that bear on this point). For my purposes, meaningful public engagement in democratic politics does not require all citizens to acquire technical expertise about complex policy issues or to engage in sophisticated debates in political philosophy. But citizens should be conversant with the principal issues facing them in a way that does not reflect gross ignorance of relevant facts. There is evidence that even this modest standard is not met. For example, "in the run-up to the war with Iraq and in the post-war period, a significant portion of the American public has held a number of misperceptions relevant to the rationales for going to war with Iraq" (Kull, Ramsay, and Lewis 2003, 571). In the summer of 2003, 45-52 percent of Americans falsely believed that the U.S. had discovered clear evidence of a link between Saddam Hussien and al Qaeda (572).

3. The authorization process need not involve direct involvement by citizens in decision making through a form of direct democracy. Various forms of representative democracy can provide suitable processes of authorization.

4. This may sound true by definition, but I think many popular construals of the ethical conduct of politicians treat, at least implicitly, ethical conduct as detached from democratic values. Ethical conduct is characterized in terms of generic moral virtues such as honesty, courage, and loyalty without much attention to how manifestation of these virtues bears upon the realization of democratic values. For instance, the fact that a politician has a successful marriage or deeply loves his or her

spouse is often seen as a political virtue even though there is no obvious connection between this fact and successful or virtuous discharge of the duties of public office.

5. What I have called salient sociological pluralism often issues in moral pluralism, but it need not. For instance, ethnically or linguistically different groups need not disagree on matters of political policy. There may, nonetheless, be reason to give recognition to sociological diversity even when it does not track political disagreement.

6. I only briefly sketch the contrast between proceduralist and deliberative accounts of democracy. There are various formulations of each of these views. In addition, a third view--constitutional democracy--is sometimes distinguished from either of these approaches. See Gutmann and Thompson 1995, 99-105 for a discussion of the contrast between deliberative democracy and constitutional democracy.

7. I assume that the deliberative responsibilities of deliberative conceptions of democracy include those entailed by a proceduralist conception. The key difference is that the former conceptions impose additional demands on ethical conduct.

8. Perhaps complete neutrality is impossible, since even attention to formal features of reasoned discourse may have substantive implications.

9. By authoritatively articulated, I mean roughly created by an elected body that has the legal authority to prescribe enforceable standards of conduct.

10. The domestic democracy panel might operate under the auspices of a government ethics commissioner. The chief role of the recently created ethics commissioner for the Canadian House of Commons is to administer a code of conduct concerning conflict of interest. (That the role of the ethics commissioner is understood solely in terms of conflict of interest reflects the minimalist approach to ethics that is widespread.) In principle, the role of the ethics commissioner could be expanded to include the administration of a deliberative code of conduct.

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