

contemporary associations live up to the Tocquevillean notion of the cultivation of civic spirit through associative action. On this point, the overwhelming majority of political theorists (such as Bobbio) write in a deeply pessimistic tone.

Notes

1. As an East European observer has half-seriously hypothesized, the institutional system of the 'social market economy' must have been in place for least ten years before people get used to it and before it *therefore* can begin to unfold its beneficial effects. The question, however, is what helps it survive this critical period of adjustment and accommodation? To the extent the institutions in question are not adopted for the *intrinsic values and principles embodied in them*, but just for the *outcomes expected from them*, they enjoy much less of a counterfactual validity and will hence more easily fall victim to some empirical evidence of failure. This in turn will tend to shorten the lifespan credited to them, and it may even lead to their abolition at a point before their desired side-effects have had a chance to unfold. Institutions adopted for instrumental reasons are disappointment-sensitive.
2. References to Cohen and Rogers refer to the manuscript version of their 'Secondary Associations and Democratic Governance', *Politics and Society* 20 (1992), no. 4, pp. 394-471, reproduced in this volume pp. 7-98.
3. Even that may not be true. The current East Central European efforts at constitution-making and institution-building seem to provide ample evidence that, after the total breakdown of the old regime, too *few* uncontested routines, identities and widely shared values are in place which could serve as a reference point for renovating the institutional structure.
4. This line of reasoning is also useful, in my view, to expose the illusory and utopian nature of neoliberal proposals to abolish the pathological outcomes of a 'bargaining democracy' within the framework of a 'bargaining democracy' itself.
5. It is worth noting, however, that institutional patterns that are characteristic of certain countries, such as contribution vs. tax-financed social security schemes, 'make-buy' patterns of industrial organizations, banks vs. brokerage firms as the major channels of the mediation of capital of share holders, or federalism vs. centralism, often do exist side by side within the international political economy without one of them (presumably the one less conducive to 'efficiency') succumbing to the competitive pressure generated by the other. In these cases at least, stubborn path-dependency seems to be stronger than quasi-biological mechanisms of selection.
6. As I have argued elsewhere about corporatism, it is a practice without a political theory.

A Deliberative Perspective on Neocorporatism

Jane Mansbridge

The political left in the United States is suspicious of corporatist thought because of the strong historical links between corporatism and fascism. To moderate this view, I shall argue that bringing some private negotiations among interest groups under some form of state umbrella has two beneficial results. It can make power more equal between participants in the negotiation, and it can interject into the negotiation greater consideration of the public interest.

Politics consists of persuasion as well as power. Empirically, interest groups deliberate as well as apply pressure. They deliberate externally with elites from other interest groups in an effort to create common interests and define areas of conflict, and they deliberate internally in an effort to create common interests and define conflicts among their members. Their internal deliberations are both vertical – between elites and ordinary members – and horizontal – among members within different levels of information and authority. Normatively, any political deliberation ought to draw its participants closer to understanding their interests, regardless of whether those interests conflict or coincide. The quality of deliberation, external and internal, should be one of the major criteria on which to judge a system of interest representation.

Interest groups can also act as self-serving collectors of 'rent'. In the absence of governmental institutions designed to curb 'rent-seeking' they will often use power to seek benefits for themselves at the expense of others rather than contributing to the common good by enhancing productivity or justice. Attempts to improve systems of interest representation should therefore follow the advice: 'maximize the deliberative benefits; minimize the rent-seeking costs.'

Normative Considerations

Power¹ and persuasion² both play, empirically, an important role in

politics. Normatively, both also play an important role in democracy, as legitimate coercion and legitimate changes in preferences among political actors are the most effective means of solving collective action problems.³ Democratic politics, including the politics of interest groups, must find ways through which the exercise of both power and persuasion can meet democratic norms.

What makes power and changed preferences legitimate? In brief, most democrats usually consider it legitimate, so long as individual rights are protected, to allow some people to coerce others (to threaten them with sanctions or use force against their interests) when the power that produces this coercion is divided equally . . . one person, one vote. We usually consider it legitimate to change preferences through persuasion when the new preferences are in the actor's interests (e.g. suggesting more effective means to a given end). Although it is never possible to achieve absolutely equal power on any decision and although what is in anyone's interests is always contestable, democratic institutions are usually designed to try to make power more equal than it otherwise would be and persuasion more likely to serve the interests of those persuaded.⁴

In the United States today, interest groups are designed in large part to make the votes of some count more heavily than those of others whenever possible. The resulting deviations from the ideal of one person, one vote are usually justified on three grounds: respecting freedom of association, registering intensity of preference and providing information for deliberation.

The first argument is the most powerful. The First Amendment to the Constitution guarantees freedom of assembly in a way that might seem to legitimate any resulting inequality of power. Yet an argument for pure *laissez-faire* works no better in the modern polity than in the modern economy. In the economy, monopolies and oligopolies are sometimes necessary, but their immense power must be regulated to limit intolerable distortions of the market. In today's polity, the most powerful organized interests look no more like the textbooks' citizen-initiated concerns than General Motors looks like a ma and pa store. The oligopolistic power of the biggest interests in the 'pressure group' system needs some regulation to prevent too great a distortion of the wishes of the citizens.

The second argument is that in a utilitarian calculus intensely felt preferences deserve greater weight than weakly held ones. This argument is debatable even within the utilitarian framework (in one view, everybody should 'count for one, nobody for more than one', regardless of intensity). But even if we accept the intensity argument,

the relatively small deviations from equality that would recognize legitimate differences in individual intensity could never account for the large inequalities in political power that interest groups presently produce in US politics.⁵

The third argument justifies inequality through the increased information that unequally powerful groups provide. It fails as a justification, however, if groups more equal in power could provide as good or better information. Although one could argue that concentrating resources in a few hands enables more thorough investigations, spreading resources more equally produces more diverse information. At least in experimental small groups facing questions with a correct answer, procedures that empower the minority increase the chances that a group will discover the right answer. In addition, making power more equal among participants can, especially in dyadic confrontations, result in a balance of powers that reduces the effect of sanction and force in the deliberative process, giving arguments 'on the merits' greater weight. This aim of balance between forces may help explain why many deliberative groups are constituted with equal representation from the opposing sides (e.g. management and labor), even when this equality between sides fails to reflect proportionally the number of individuals each side represents.

Neocorporatism as a Means to More Equal Power

As Joshua Cohen and Joel Rogers point out, a *laissez-faire* market in interest representation gives different interests very unequal power in the negotiations that take place both in and out of the formal governmental arena. In the United States, huge disparities in political contributions affect the relative power of the rich and poor. Moreover, groups whose interests are intense and concentrated, like the potential beneficiaries of tariff protection, have far greater power than groups whose interests are dispersed, like consumers. Because the members of groups with concentrated interests get a greater individual payoff from organization, they are more likely to pay the costs of organizing in time, effort and money. Large groups, and groups whose members' needs are not easily quantifiable and negotiable, are much harder to organize.

Neocorporatism advances democracy when it requires the contest for power among interest groups to take place in conditions that redress to some extent the imbalances of the *laissez-faire* war of all against all. 'Neocorporatism' has three attributes. Like traditional

corporatism, it values interest groups as ongoing institutional mechanisms for representing interests not easily represented in the territorial representative process. Again like traditional corporatism, it attempts to bring the *laissez-faire* system of interest representation partly under public control. Unlike traditional corporatism, however, it looks beyond traditional economic and sectoral interests for the interests that should be represented. As a system of interest representation becomes more directly involved with state law-making and law-enforcing processes, it more fully deserves the name of 'corporatist', and to the degree that it recognizes non-traditional interests, it more fully deserves the prefix 'neo'. Cohen and Rogers make a strong case for borrowing elements from European neocorporatism in order to make the power exercised by different interests in US politics more equal.

In the United States, administrative agencies in the executive branch have for a long time informally consulted groups whose interests they affect. As a result, interest groups often 'capture' the agencies that affect them. As these unofficial relations have become more formal, the agencies have been required, by their own codes and by the courts, to admit new and conflicting interests into the deliberative process. The new public requirements that come along with formal democratic recognition often specifically bring traditionally less well-represented groups into the process of consultation and take some account of the difficulties of organizing small, diffuse interests.

These developments, often incremental and judge-made, have gradually transformed administrative law in the United States. The new legal model, dubbed by some the 'model of interest representation', considers not only material but ideological interests. It requires 'participation rights' and 'adequate consideration' for the interested parties through the formal participation of interest groups in decisions by agencies in the executive branch.⁶

Such neocorporatist developments, which try to involve representatives of all affected groups in governmental decisions, do not, as some critics claim, assume 'that there is no ascertainable, transcendent "public interest", but only the distinct interests of various individuals and groups in the society.'⁷ Any particular negotiation among competing interests may or may not involve the public interest. Often, however, negotiations among private interests will involve features that affect the nation as a whole or the public at large. To privilege the public interest in such negotiations usually requires devising forms of organization that moderate the exercise of raw power. It does not require eliminating or delegitimizing all non-legislative forms of interest representation. In the US legislative arena, recent suggestions

for restricting or eliminating political action committees, limiting political advertising and providing public funding for electoral campaigns all assume that the state must involve itself in some way in associative arrangements in order to reduce some of the inequalities that otherwise dominate the political market. Similar suggestions are reasonable for interest representation in the executive branch as well.

European corporatism, however, is still tied heavily to an era when only two great interests, capital and labor, dominated the interest agenda. To expand the numbers and kinds of interests represented in the system, today's neocorporatists need new institutions and theories. Philippe Schmitter proposes the strategy of establishing a semi-public status for interest associations, financing these associations through compulsory citizen contributions (e.g. taxes), and distributing these funds by means of citizen vouchers ('voted' for, perhaps, through check-offs and write-ins on the annual income tax form). The semi-public status of these interest associations would derive from their agreeing to a charter guaranteeing democratic rights for their members, the expectation that public policy affecting the interests of their members would be made in part with and through the association, and the funding of the association in part through Schmitter's system of obligatory contributions from citizens, allocated through vouchers that allowed those citizens to distribute their allotments in any proportion to as many or as few associations as desired. The voucher system is designed to be flexible, open to new interests and responsive to the variety of citizen preferences.⁸

Although no politically imaginable reform could eliminate the great and unequal power of business interests in any capitalist polity, neocorporatist institutions begin to suggest partial solutions to the existing problem of unequal representation of interests. A neocorporatism appropriate to the United States would not duplicate that in Europe but would have to be tentative, experimental and incremental, and to blend associational intervention in the existing *laissez-faire* system of interest representation with pluralist concerns for openness, public accountability and the variety of potential interests.

Neocorporatism as a Means to Better Persuasion

Much of US political science has been written from within a primarily adversary political culture. Interest groups, consequently, have generally been conceived primarily as vehicles for pursuing greater power in a zero-sum conflict. This conception captures the primary

goal of many actual interest groups, which are deliberately organized to act as rent-seekers, using the unequal power they derive from their organization and funding to wrest from the public treasury – or, through the state's police power, from private citizens – benefits or 'rent' for their officers, staff and members.⁹ The rent-seeking account of interest group activity is a transfer model, in which whatever I get must be taken from you, rather than a productivity model, in which you and I jointly produce extra gains through innovation or other means. Yet the deliberation in which interest groups engage often produces information, generates innovation and changes preferences, creating gains that did not exist before the process began.

Negotiations among representatives of interests not easily represented on a territorial basis can result in hard but fair decisions which both sides honor. Unions and management provide one major example, but so also do many smaller negotiations, such as those between publishers and universities which resulted in the photocopying provisions of the 1978 copyright law.¹⁰ Bringing such negotiations under government auspices increases the chances that diffuse interests, such as consumer interests, will be represented and that the decision itself will reflect a larger public interest.

In 1984, Richard Freeman and James Medoff gave to their much cited book on the efficiencies of unions the title *What Unions Do*. Asking whether unions serve productive functions or act as pure rent-seekers, they concluded that unions served the important function of finding out what workers wanted. American unions, hardly models of a developed deliberative ideal, still provide a forum in which collective 'voice' can instruct employers on workers' needs more efficiently than can worker 'exit', a traditional market mechanism. Exit, or quitting the job, is usually more costly for both worker and employer than collective voice. Moreover, voice can often produce more complete information and more creative solutions than can autonomous management decision-making. When their quantitative research revealed that in the United States 'unions are associated with greater efficiency in most settings',¹¹ Freeman and Medoff attributed that result primarily to what I would call 'deliberative efficiencies'. Interest groups perform deliberative functions similar to those of unions. Yet social scientists have rarely studied those functions or provided a theory for integrating the deliberation that takes place among and within interest groups into a larger understanding of the political system.

The standard textbook answer to the question 'What productive activity do interest groups perform?' has been that they provide

information to legislators. This model does not require preference change among the interest group members. Nor do the groups involved have to be 'public interest' groups. As in the economic market, pure self-interest provides sufficient incentive for each interest to invest in collecting and disseminating information that best makes its case. Yet the model does require some public-spirited motivation among at least some of the policy-makers and public. Some group must act as the 'jury', using the information and arguments that interest groups provide to weigh the costs and benefits of a policy to the public as a whole. The model builds on the empirical fact that, at least on some issues, both citizens and their representatives can be influenced by arguments in the public interest.¹²

This simple adversary model cannot explain the actual functions of interest groups at the level of either the elites or the rank and file. At the elite level, political scientists have recently begun to look more carefully at processes of preference change, including the ways the mix of motivations among elites can begin to incorporate the public interest. In international relations, political scientists have noticed the effects on public policy of 'epistemic communities' – networks of experts in a given field whose professional self-definition is partially entwined with some conception of the public interest and whose members reinforce one another in these public goals.¹³ In the United States, Hugh Heclo has concluded that public policy issues have tended increasingly to be refined, debated and framed by members of what he calls 'issue networks'.¹⁴ For these policy elites, in his view, 'any direct material interest is often secondary to intellectual or emotional commitment', and they seek instead of power based on force or the threat of sanctions, 'influence commensurate with their understanding'.¹⁵

Some members of these elite issue networks are members of administrative agencies; some are staff to members of Congress or a congressional committee; some work for foundations; some are academics with a policy specialty. Some work for interest groups. Many influential members of the various issue networks are staff or officers of the burgeoning number of 'public interest' groups. But even within the 'private' interest groups, the staff, officers and membership can have some public-interested personal motivations. In the United States, for example, many lobbyists in state-level 'anti-Reaganomics' coalitions had jobs whose nominal goal was to increase benefits for their constituents, but almost all also had some personal commitment beyond their jobs to a larger progressive politics. Much of the activity of these groups can be explained as simple power

politics or coalition-building: we will back your bill now if you will back ours next year. But some of the effort derives from a commitment among both members and elite of the various 'private' groups to some conception of the public good. If the members of the groups were more narrowly self-interested than the elites, we could say (borrowing a term from Joseph Kalt and Mark Zupan) that the elites sometimes engaged in 'ideological shirking' using for the public interest the time and effort that they were theoretically paid to use only in the narrow private interests of the members of their groups.¹⁶

Even in a *laissez-faire* system of interest representation, the incentive systems in these issue networks reward some forms of concern with the public interest. Any one individual's reputation in the network depends on the assessment of the other members, who often do not have similar structural positions. Each individual's desire for the respect of others in the network gives those others the power to reward and punish behavior.¹⁷ Because the common language and object of study is ostensibly one or another version of the public interest, considerations of the public interest are likely to influence the participants' mutual assessments and consequently their self-image and behavior.

When the state enters relatively directly into negotiations among interest groups in the private sector, it necessarily gives power to state actors who have both their own private self-regarding interests and, often, other-regarding interests directed at increasing the authority of their own unit within the administration. Yet state structures can find ways to privilege the public interest in this situation through the construction of agendas and the selection of personnel. Some European forms of training for the civil service inculcate, among other motivations, a commitment to the public good. Arranging for negotiations between interests to take place under a state agenda and with the participation of state personnel often increases the space dedicated to considerations of the public good.

Most corporatist understandings of interest groups, however, do not require or stress preference change. Corporatist interest representation can remain in the 'conduit' or 'transmission belt' mode, in which representatives (in this case the interest group elites) simply carry into the policy arena their constituents' previously existing preferences. But in more recent deliberative models of corporatist representation, such as that of Cohen and Rogers, interest groups function to change preferences as well as to aggregate them.¹⁸

Corporatist deliberation includes 'negotiation', which stands between pure power and pure persuasion. In negotiation, the parties

involved not only maneuver for advantageous positions but try to understand what the other really wants in order, for example, to offer what may be a cheaper satisfaction of wants than the other is demanding. The quest for understanding requires asking and listening. It requires understanding the other's language and putting oneself in the other's place. It requires making suggestions that the other may not have thought of and learning both from acceptance and refusal. When negotiators engage in this quest for understanding, they can use the understanding so gained to change the other's preferences. They can help the other discover what that other really wants. They can help create new preferences that better reflect the other's needs or values. They can even help the other develop new values. Successful negotiations in the real world rarely rely on mere jockeying for advantage in the conflict. Successful negotiators often find ways of meeting the other's real needs at less cost than seemed originally required.¹⁹

Understanding neocorporatist deliberation requires understanding both external and internal interaction and both negotiation and deliberation. Traditional corporatist models focus on external negotiation, in which the elites of groups formally established to represent their members' interests negotiate with one another to reach agreements that are then adopted by the state as law. More recent researchers add internal negotiation, in which elites negotiate with the members of their interest groups to reach agreements the members can accept as binding. Few have asked how the rank and file can deliberate within interest groups to reach new understandings of their interests that make sense in the light of their experience.

When political scientists do investigate the internal deliberative function of interest groups, they usually describe the process as 'aggregating' existing preferences, in a way that downplays the potential for preference change. Even scholars who argue that interest groups are more than simply 'interest articulators' add only that such groups 'reduce the range of alternatives on the legislative agenda', 'submerge[le] disagreement' and 'mobilize support for preferred political positions',²⁰ not that they play a role in helping their members, both rank and file and elite, change their preferences. Freeman and Medoff, for example, summarize the productive internal activities of unions with the static formula: 'Unions collect information about the preferences of all workers.'²¹

Interest groups not only collect information, mobilize support and submerge disagreement (presumably against the interests of those whose views are submerged); they also distill and order individual preferences by encouraging their members to think about, talk about

and bring to the point of individual decision considerations on various sides of an issue. Unions and a few interest groups distill and order preferences collectively through internal democratic processes, as constituents choose the policies that most attract them through 'voice', voting on policies or leadership. Many groups distill and order more informally, through 'exit', as members join or send money to the organization that most appeals to them out of a range of competing organizations. Although the process of distillation and ordering does not produce fundamental preference change, it makes subsequent negotiation, and consequently legislation, more fruitful, as the interest group takes on the burden of letting the other parties in the negotiation know what its constituency in its present state of consciousness wants most.

Yet beyond distilling and ordering previously existing preferences, interest groups can serve as a forum for genuine preference change, including change so deep that it generates a change in personal identity. People who become active, especially in causes directed at some version of the public interest, sometimes find that they themselves have changed in the course of their activity. Wolfgang Streeck and Philippe Schmitter, applying to interest groups the ideas of Jürgen Habermas and others, consider interest associations 'transforming agents of individual interests' and argue that existing organizational theory fails to adopt 'a political concept of interest' in which interest groups are 'much more than passive recipients of preferences put forward by their constituents and clients'.

Organized group interests are not given but emerge as a result of a multifaceted interaction between social and organizational structure. . . . This interactive relationship is only partly described as one of organizational goal formation; at the same time it is one of collective identity formation . . . [in an] institutional context within which group interests and identities are defined and continuously revised.²²

Empirical political scientists, however, including those in the volume that follow Streeck and Schmitter's introduction, have yet to investigate these postulated processes of identity change. Moreover, even Streeck and Schmitter focus on preference and identity changes among elites. They describe the internal functions of interest groups narrowly, as elites 'controlling the behavior of their members' and 'offering . . . to deliver the compliance of their members'. They conclude, indeed, that external negotiations among interest group elites must be kept 'informal and secretive in an effort to insulate them as much as possible from . . . dissidents within the associational ranks'.²³ In his voucher

proposal, Schmitter again argues that neocorporatist arrangements often increase public spirit among polity elites. But here too he concludes that 'public-regardingness will be maximized if the leadership and staff of associations can be ensured some degree of autonomy from the immediate preferences of their members.'²⁴

I would argue that elite deliberation must be supplemented with deliberation among the rank and file. Only citizens (or group members) themselves can know what outcomes they want, and better versions of this knowledge usually require deliberation. Elites can easily develop distorted understandings of the interests, including the public-regarding interests, of those they represent. The movement to incorporate the Equal Rights Amendment in the Constitution of the United States, for example, was highly decentralized. It also involved very largely public-spirited motivation. Yet even in this democratic and public-spirited movement, the elites never learned what the grassroots activists would have formulated as good public policy if both elites and activists had taken part in a more extensive process of deliberation.²⁵

When processes of accountability are functioning, a narrowly self-interested citizenry will eventually throw out its public-spirited representatives. But ordinary citizens are quite capable of committing themselves to public-spirited rather than self-interested action and are more likely to do so after deliberating with public-spirited others. Deliberative processes within interest associations can help create effective social cooperation as participants affirm or alter their social identifications, place limits on their own and others' options through agreed procedures and work out or reinforce their obligations to neighbors, colleagues, opponents and other participants in the political process.²⁶ When participants appeal to public values, deliberative forums within interest groups help create a larger public citizenship.

Conclusion

It is true that dangers to individual rights, efficiency and equity arise any time the state — with its great police power, its bureaucratic sluggishness and its own autonomous interests — gets involved in matters formerly reserved for private action. Sometimes, however, these costs are offset by benefits in equity and productivity. Cohen and Rogers conclude that, in Europe, corporatist arrangements have produced noticeable 'gains in productivity, productive equity, efficiency of state administration, and general social peace'. I have argued both logically

and with the shreds of empirical information at my disposal that, in certain circumstances, bringing private negotiations under a state umbrella should make the power of competing groups more equal in their negotiations and promote concern for the common good.

At the moment, we have no idea in what contexts which elements of existing deliberative processes, including those of European corporatism, will actually increase productivity, equity, efficiency and public spirit. No political scientist has empirically investigated the deliberative functions of the system of interest representation, including groups outside, under, and partially under a state umbrella. A fully developed model of interest group deliberation would include the ways the deliberative process within interest groups can inform and change preferences and even identities. It would describe not only how representatives of interests influence one another outside their groups and how (if at all) the rank and file and their representatives engage in mutual influence, but also how (if at all) the rank and file influence one another within their groups. The present literature on negotiators' relations with their constituencies begins to model the actual and potential reciprocal relationships.²⁷

Today, few interest associations in the United States or Europe institutionalize any formal deliberative processes among their membership, let alone deliberative processes designed to promote identification with the public good. A few public interest associations with historic links to the participatory movements of the 1960s, such as the Green Movement and the Democratic Socialists of America, continue to explore participatory formats with more or less success. A large opportunity for empirical and normative investigation lies in exploring the internal deliberation processes of both traditional and more participatory interest associations in the public and private sectors. We should judge any neocorporatist arrangements on the degree to which they facilitate all three levels of deliberation – among elites, between elites and rank and file, and among the rank and file – as well as on the degree to which they accomplish successfully the two goals of redressing the existing disadvantages of potential participants in the process and insisting that negotiations among interests include the broader good of the polity as a whole.

Acknowledgment

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1992). I am grateful to the following for comments on an earlier draft: Christopher Jencks, Mark Petracca, Ken Kollman and participants in the Conference on the Political Economy of the Good Society at Yale University and the Conference on Competing Theories of Post-Liberal Democracy at the University of Texas at Austin. I thank the Russell Sage Foundation for support while writing this work.

Notes

1. By 'power' I mean A's preference causing B to do something that B would otherwise not do through force or the threat of sanction. This definition draws from Peter Bachrach and Morton Baratz, 'Decisions and Non-Decisions: An Analytical Framework', *American Political Science Review* 57 (1963) pp. 632–42; Jack H. Nagel, *The Descriptive Analysis of Power*, New Haven, CT: Yale University Press 1975; and Steven Lukes, *Power: A Radical View*, London: Macmillan 1974.
2. By 'persuasion' I mean A causing B to do something that B would otherwise not do through reason, new information and emotional appeals, along with shorthand cues to these means embodied in one form of authority, the capacity for reasoned persuasion. See Carl J. Friedrich, 'On Authority', in *Authority*, ed. Carl J. Friedrich, New York: Liberal Arts Press, 1959. I shall use persuasion here to mean only persuasion that is in the other's interests (Lukes, *Power*). Persuasion that is not in the other's interests, sometimes called 'manipulation' (Bachrach and Baratz, 'Decisions'), plays an important role in politics but is legitimate in very few normative understandings of democracy. For this reason, any normative critique of deliberation requires an account of underlying interests, as opposed to surface preferences. See Jane J. Mansbridge, *Beyond Adversary Democracy*, Chicago: University of Chicago Press 1983; Jürgen Habermas, *Legitimation Crisis*, trans. Thomas McCarthy, Boston: Beacon 1975, and *Communication and the Evolution of Society*, trans. Thomas McCarthy, Boston: Beacon 1979.
3. Jane J. Mansbridge, 'On the Relation of Altruism and Self-Interest', in Mansbridge, ed., *Beyond Self-Interest*, Chicago: University of Chicago Press 1990.
4. See Mansbridge, *Beyond Adversary Democracy* and Jane Mansbridge, 'Using Power/Fighting Power', *Constellations* (1994), pp. 53–73, for a more extended discussion.
5. Scholars disagree on how much power interest groups exert in the United States. This controversy derives in part from the difficulty of attributing cause both generally, and specifically in politics, power being a form of cause (Nagel, *Power*). Richard L. Hall and Frank W. Wayman, 'Buying Time: Moneyed Interests and the Mobilization of Bias in Congressional Committees', *American Political Science Review* 84 (1990), pp. 797–820, summarize the literature failing to tie specific monetary contributions to specific votes but argue that 'political money alters members' patterns of legislative involvement in ways that affect legislative outcomes. See also Thomas Ferguson, *Right Turn*, New York: Hill & Wang 1989; Gary C. Jacobson, *Money in Congressional Elections*, New Haven, CT: Yale University Press 1980; and Kay L. Schlozman and John T. Tierney, *Organized Interests and American Democracy*, New York: Harper Row 1986.
6. Richard B. Stewart, 'The Reformation of American Administrative Law', *Harvard Law Review* 88 (1975), pp. 1669–813.
7. Theodore Lowi, cited in Stewart, 'Reformation', at p. 1712. Cohen and Rogers provide an excellent criticism of Lowi's position.
8. 'Corporate Democracy' (paper presented at the Conference on Politische Institutionen und Interessenvermittlung, Konstanz 1988) and 'The Irony of Modern Democracy', this volume.

9. The concept of 'rent-seeking' is often used to discredit any departure from pure *laissez-faire*. This appellation is justified, in my view, only in so far as the departure from *laissez-faire* does not have a public purpose, such as producing justice, repairing past wrongs or creating a community that reflects the larger national diversity. Because much rent-seeking behavior pretends to have a public purpose, citizens and policymakers must always ask both whether they think the purpose is a genuinely public one, that is, whether it might reasonably be thought to benefit the polity as a whole in reasonable proportion to its costs, and whether the policy in question will further that public purpose.
10. See Jane J. Mansbridge, 'Motivating Deliberation in Congress', in *Constitutionalism in America*, vol. 2, ed. Sarah Baumgartner Thurrow, New York: University Press of America 1988.
11. Richard B. Freeman and James L. Medoff, *What Unions Do*, New York: Basic Books 1984, p. 19.
12. For postwar pluralist writers arguing that there is no public interest, see Mansbridge, *Beyond Adversary Democracy* (esp. p. 340, n. 31) and Mansbridge, 'The Rise and Fall of Self-Interest in the Explanation of Political Life', in Mansbridge, ed., *Beyond Self-Interest*. For empirical evidence of citizens' and legislators' concerns for the public interest, see Mansbridge, 'Motivating Deliberation', and essays in Mansbridge, ed., *Beyond Self-Interest*.
13. Peter M. Haas, 'Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control', *International Organization* 43 (1989), pp. 377-403.
14. In 'Issue Networks and the Executive Establishment', in *The New American Political System*, ed. Anthony King, Washington, DC: American Enterprise Institute 1978, p. 103, Heclo defines an issue network as 'a shared knowledge group having to do with some aspect (or, as defined by the network, some problem) of public policy'.
15. Heclo, 'Issue Networks', pp. 102-4.
16. Joseph Kalt and Mark A. Zupan, 'Capture and Ideology in the Economic Theory of Politics', *American Economic Review* 74 (1984), pp. 279-300, apply the term 'ideological shirking' to legislators.
17. Errol Meidinger, 'Regulatory Culture: A Theoretical Outline', *Law and Policy* 9 (1987), pp. 355-86.
18. See also Claus Offe and Helmut Wessenthal, 'Two Logics of Collective Action: Theoretical Notes on Social Class and Organizational Form', in *Political Power and Social Theory*, vol. 1, ed. Maurice Zeitlin, Greenwich, CT: JAI 1980, pp. 67-115.
19. Paul J. Quirk, in 'The Cooperative Resolution of Policy Conflict', *American Political Science Review* 83 (1989), pp. 905-21, suggests that when negotiation can achieve joint gains, the forms of agreement possible are, in order of increasing difficulty, (1) compromise, where the factions make comparable, moderate concessions on each issue in dispute; (2) tradeoff, where they exchange large or even complete concessions on different issues; (3) compensation, where one faction concedes the original issue and the other makes up for it on unrelated matters; and (4) reorientation, where both factions abandon their initial positions to adopt a fundamentally new alternative. I would argue that some measure of reorientation is required in many negotiations.
20. W. Douglas Costain and Anne N. Costain, 'Interest Groups as Policy Aggregators in the Legislative Process', *Policy* 14 (1981), pp. 249-72, at pp. 251 and 257; see also pp. 255, 259, 260, and 271.
21. Freeman and Medoff, *What Unions Do*, p. 13, Table 1-1.
22. Wolfgang Streeck and Philippe Schmitter, 'Introduction', in *Private Interest Government*, ed. Streeck and Schmitter, Beverly Hills, CA: Sage 1985, pp. 16, 19.
23. Streeck and Schmitter, 'Introduction', pp. 11-13.
24. Schmitter, 'Corporate Democracy', p. 26; see also pp. 15, 27-9, 52-3 (but see suggestions at pp. 10, 18 and 45 that his scheme may also make the citizenry more public-spirited). Quirk, 'The Cooperative Resolution', also argues on the same grounds for insulating elites from the public.

25. Jane J. Mansbridge, *Why We Lost the ERA*, Chicago: University of Chicago Press 1986.
26. Schmitter, 'Corporate Democracy', pp. 10, 17-18, citing Claus Offe.
27. See James A. Wall, 'The Effects of Constituent Trust and Representative Bargaining Visibility on Intergroup Bargaining', *Organizational Behavior and Human Performance* 17 (1975), pp. 244-56; and Richard J. Klimoski and James A. Breugh, 'When Performance Doesn't Count: A Constituency Looks at its Spokesman', *Organizational Behavior and Human Performance* 20 (1977), pp. 301-11.