The London School of Economics and Political Science

Deliberation Disputed

A Critique of Deliberative Democracy

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DECLARATION

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To Gerald

ABSTRACT

This thesis critically re-examines deliberative democracy from a rational and social-choice-theoretic perspective and questions its dominance in current democratic theory. I define deliberative democracy as reasoned, inclusive, equal and other-regarding debate aimed at making decisions collectively. The thesis examines both procedural and epistemic justifications for deliberative democracy. Procedural justifications are based on the normative values that underpin the theory of deliberative democracy: reasoned debate, equality and inclusion. The epistemic justification of deliberative democracy states that it will arrive at better outcomes or the truth more often than other democratic procedures. I conclude that the justifications offered for the claim that the model of deliberative democracy is superior to other models of democracy are not solid enough to warrant the strength of the conclusions presented in the literature. The thesis also examines whether deliberation is likely to produce the positive consequences that its proponents ascribe to it by using findings from deliberative experiments, political science, psychology and other social sciences. I find that many assumptions about human nature and motivation that deliberative democrats make cannot be supported by empirical evidence. They do not sufficiently consider problems of instrumental rationality, cognitive limitations, self-interested behaviour and a lack of motivation to participate in highly resource intensive activities. Furthermore, the model of deliberative democracy is based on a very particular conception of politics. This conception is somewhat apolitical, requires a high level of popular participation and conflicts with other, more adversarial or interest-based conceptions of politics. Through these findings I challenge the dominant position of deliberative democracy in the current literature on democratic theory and argue in favour of a more comprehensive theory of democracy that puts more emphasis on other democratic mechanisms, such as representation or interest group politics.

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THESIS SUMMARY

Over the last twenty years, the model of deliberative democracy has come to dominate the literature on democratic theory. Following standard accounts, I define deliberative democracy as reasoned, other-regarding, equal and inclusive debate between citizens aimed at collective decision-making. Much of the theory's dominance stems from a reformulation of the need to give reasoned discussion a prominent role in democratic decision-making, a theme that has been present in democratic thought from Aristotle through the Federalist Papers. However, deliberative democrats support deliberation not merely as one of the more important elements of the democratic process, but argue that it is the most important one and that increasing political deliberation can transform democratic decision-making in Western liberal democracies.

It is this assumption that I challenge in this thesis. I question whether political deliberation will necessarily bring about the positive consequences that the theory predicts, such as increasing other-regarding preferences in participants. I also question the robustness of deliberative arrangements itself. Can the justifications offered for deliberative democracy really lead us to believe that it should dominate all other forms of democracy? I answer these questions from a rational and social-choice theoretic perspective. I use findings from deliberative experiments, political science, psychology and other social sciences to examine whether deliberative democracy is likely to deliver the advantages its adherents ascribe to it.

I conclude that the justifications offered for the claim that the model of deliberative democracy is superior to other models of democracy are not solid enough to warrant the strength of the conclusions presented in the literature. Furthermore, the assumptions about human nature made by deliberative democrats are often questionable. The model underestimates the importance of strong beliefs and preferences, the competitive nature of politics and the role of other forms of democratic processes, such as bargaining or representation, each of which is necessary in a well-functioning democracy. Deliberation is

certainly important, but we cannot base our entire model of democracy on it. As a result it is not clear that the theory of deliberative democracy deserves its supreme position in the literature. In order to reach these conclusions I examine the various justifications offered for deliberative democracy and the underlying assumptions made by the theory.

The first two chapters set the background to the thesis. Chapter one is a general introduction to my arguments, as well as a brief overview of the deliberative democracy literature. In chapter two I look at the preconditions or practical foundations of making democracies more deliberative. These include the kinds of characteristics individuals, societies and political institutions need to possess in order to successfully introduce more deliberative decision-making processes. The main finding that will carry over to the rest of the chapters is that deliberative democrats would need to overcome a lack of motivation both on the part of citizens and of politicians to embrace more deliberative political arrangements.

The main section of the thesis focuses on the justifications offered for the legitimacy of deliberative democracy or indeed its dominance over other models of democracy. These fall into two broad categories: procedural and outcome-based justifications. In chapters three, four and five I focus on procedural justifications. In chapter six I address the most prominent outcome-based justification of deliberative democracy: the epistemic one.

In chapter three I look at procedural justifications based on the value of reasoned, other-regarding debate. These justifications are closely intertwined with the conception of rationality used by deliberative democrats. I argue that the assumptions made by deliberative democrats about the nature of human rationality and motivations are not borne out by evidence from social science. As a result, the conception of rationality used in the literature is unable to support the values of reasoned debate and other-regarding preferences to a sufficient extent for them to provide a robust justification for deliberative democracy.

In chapter four I examine the most attractive values offered to justify deliberative democracy procedurally: inclusion and equality. These two are also at the heart of what can make deliberation democratic. Ideal deliberation should include all affected citizens

and relevant arguments and give everyone equal influence over the procedure. This is clearly not the case in current political life, and deliberative democrats do not offer us strong mechanisms to ensure that it will be the case in a more deliberative democracy. If inclusion and equality cannot be ensured, the legitimacy of deliberation cannot derive from these two values.

In chapter five I address two concerns. Firstly, I criticise characterisations of deliberative democracy that find procedural value in aiming for a consensus. Secondly, I address the critiques that deliberative democrats make against social choice theory. I show that it is possible to reconcile deliberation with other forms of preference and judgment aggregation, most notably voting. As a result the difference between deliberative and aggregative democracy models of becomes less pronounced, and the theoretical debate that pits deliberation against aggregation becomes less important.

In chapter six I consider the epistemic justifications for deliberative democracy. According to these, deliberative democracy is better than its alternatives because it is more likely to arrive at good decisions or is better able to track the truth. While deliberation undoubtedly has epistemic benefits, these cannot be generalised to all instances of democratic politics. In fact, deliberation may at times have no impact or have negative impact on the ability of a group to arrive at the correct outcome. Furthermore, any epistemic gains will be dependent on procedural values. Therefore, procedural justifications of deliberative democracy are stronger than epistemic ones. However, as we have seen in chapters three, four and five, these justifications themselves are not particularly compelling.

Chapters seven and eight serve to draw out the implications of the findings of previous chapters and offer a conclusion to the thesis. In chapter seven I aim to define the limits of deliberative democracy in light of the discussion in previous chapters. These are practical questions, which are nevertheless of great theoretical significance, asking when, where and for what topics deliberation is appropriate.

Chapter eight offers a conclusion to the entire thesis and draws together the different arguments I made earlier to provide us with a balanced evaluation of deliberative

democracy. Here I answer the question of whether deliberative democracy ought to be the most dominant model of democracy given the findings presented in this thesis. Deliberation fulfils our desire to give appropriate weight and respect to collective decisions. However, the model of deliberative democracy is based on a very particular conception of politics. This conception is somewhat apolitical, requires a high level of popular participation and conflicts with other, more adversarial or interest-based conceptions of politics. Ultimately, a more well-rounded model of democracy is needed that combines deliberation with other democratic processes and that gives greater weight to strong beliefs and interests that create conflicts which cannot be resolved by deliberation alone.

CHAPTER ONE
INTRODUCTION

The theory and practice of democracy have evolved substantially over time. Over the last hundred years democracy has been extended both in its breadth, territorially, and in its depth, through the extension of the franchise and increased transparency in politics. According to Freedom House[1], at the end of 2005 there existed 89 free and democratic states, nearly half of the 192 independent states in the world. Over the last century, democracy has also been deepened considerably in established democracies, through the introduction of universal suffrage, campaign finance reforms and measures aimed at eradicating corruption and increasing transparency.

The question is in what direction the theory and practice of democracy should now evolve in. The most prominent trend in democratic thought is for extending the scope of democratic politics by making democracy more *deliberative*. Over the last twenty years, the literature on the theory of deliberative democracy has expanded rapidly, followed by a growing number of empirical studies on deliberation.

The theory of deliberative democracy argues that the essence of democratic politics does not lie in voting and representation. Instead, its essence is the common deliberation that should underlie collective decision-making. This theory shifts the focus to the debate that needs to take place between citizens in order to make reasoned and considered decisions, whether these take place between groups of citizens, in the legislature or in the wider public sphere. The ideal-typical model that underlies much of the theory of deliberative democracy is that of a traditional town hall meeting between citizens (Fishkin 1991, Ackermann and Fishkin 2004, Fung 2004). Such political discussions are intended to make citizens take into account the perspectives and needs of others in society. They move the emphasis of democratic politics from contestation to common problem-solving.

[1] From http://www.freedomhouse.org/.

The question I endeavour to answer in this thesis is whether deliberative democracy can really be the next step in the evolution of democracy, both in theory and in practice. There are plenty of theorists who would claim that this is the case. But, as I will argue, this is by no means a foregone conclusion. There exist alternative conceptions of politics and democracy. Therefore, it is necessary to evaluate the theory of deliberative democracy to test whether it will really perform better than its rivals.

In this chapter, I will lay the foundations of the rest of my analysis. In the first section, I will look at the problems of current democratic theory and practice that deliberative democrats respond to. In the second section, I will give a more detailed definition of deliberative democracy and introduce the concepts of formal and informal democratic deliberation. In the third section, I briefly raise some of the criticisms that have been issued against the model of deliberative democracy. I will, however, deal with these in much more detail in later chapters. In the final section of this chapter, I will give an outline of the rest of the thesis.

What is Wrong with Democracy?

Deliberative democrats respond to a conception of politics as adversary contestation. They are also prompted by the view that there is something wrong with democracy as it exists now. Thus, they respond both to trends in theorizing about democracy and to current practices in real-world democracies. I will look at these two themes in this section.

Much of democratic theory and practice depicts democracy as an essentially adversary process by focusing primarily on competitive elections. Deliberative democrats often define themselves in opposition to aggregative models of democracy that see the aggregation of individual votes or preferences into a fair result as the key aspect of democratic politics. Social choice theory (Arrow 1951/1963, Riker 1982, Sen 1970) is the study of how voting rules can achieve fair results that reflect the preferences of individual

voters as accurately as possible and is thus one of the main targets of deliberative democrats.

Social-choice-theoretic results indicate that it is impossible to find a voting rule or way of counting votes that fulfils a relatively small number of democratic values at the same time. The most famous of these is Arrow's theorem (1951), but such results have been extended to aggregating judgments rather than preferences (List and Pettit 2002) and to showing that no aggregation rule is immune to manipulation (Gibbard 1973, Satterthwaite 1975). A significant part of social choice theory is concerned with relaxing various conditions in order to overcome these impossibility results.

According to Riker (1982), one of the most well-known proponents of these theories, the indeterminate and arbitrary nature of electoral outcomes means that the general will cannot exist, in so far as different electoral rules will result in different outcomes, and in view of the impossibility results there exists no unique best such rule. Elections are therefore a mechanism for removing bad officials, rather than a manifestation of the popular will.

Much of political science approaches the study of democracy from a rational-choice-theoretic perspective that is often described as an application of economic principles to the study of politics. These studies adopt the assumption from economics that individuals are utility-maximisers; they act in a way that will secure them the outcome they most wish for. Individuals choose actions which, according to their beliefs, will lead them to satisfy their preferences. Thus, if I want a cup of tea I know that the way to get this is by going to the kitchen and putting on the kettle, therefore I will choose to do so. Rational and social choice theorists are methodological individualists. They focus on individuals rather than the groups or institutions that structure their choices.

There is a very large literature in political science that produces increasingly sophisticated rational-choice-theoretic models[2]. These cover a large range of topics including electoral competition (Downs 1957, Besley and Coate 1991), redistribution (Meltzer and Richard 1981, Husted and Kenny 1997), models of bureaucracies (Niskanen

[2] An excellent and very detailed survey of this field is provided in Dennis Mueller (2005) Public Choice III.

1971, Dunleavy 1991) and legislatures (Cox and McCubbins 1993, Laver and Shepsle 1995, Tsebelis 2002).

Some deliberative democrats argue that social and rational-choice-theoretic approaches to the study of democracy and politics are too limited. They do not pay sufficient attention to the non-selfish, other-regarding aspect of politics. By focusing on given individual preferences, so the critics say, social and rational choice theorists neglect the way in which these preferences are formed. Other deliberative democrats seek to reconcile deliberative democracy with social choice theory (Dryzek and List 2003) and rational choice theory (Fung 2004).

The theory of deliberative democracy also responds to the problems that currently exist in democratic practice. These include apathetic, badly informed voters, low turnout, elections fought with sound-bite rhetoric and political exclusion. Newer democracies also experience more severe problems of corruption and a relative lack of transparency in political decision-making. But for now let us focus on well-established, stable democratic systems.

There is a large survey-based literature that shows that citizens in developed democracies know very little about politics. American citizens are more likely to know the name of the president's dog than his stance on capital punishment (Delli Carpini and Keeter 1996). The question arises how such badly informed voters can be useful participants in the democratic process and whether they can be good citizens at all. In order to make sense of politics and to make choices in elections, most citizens use heuristic cues, such as the party affiliations of candidates (Popkin 1993). As a result, it is often felt that political contests, especially in the United States, are increasingly fought with simple rhetoric and aggressive attacks on opponents. Thus, from the perspective of deliberative democrats, current politics is neither reasoned, nor based on facts and accurate information.

But even the information that citizens do receive is often biased. Most of the media present issues in strongly partisan terms, and people are most likely to choose news sources which will confirm their existing ideological views (Campbell et al. 1960). This

tendency is reinforced by the internet, which is fast becoming an important source of news and political commentary for many (Sunstein 2007). While it is possible to access traditional news sources, such as broadsheet newspapers, radio and increasingly, television online, there are also a very large number of highly partisan and biased news websites and weblogs. By accessing these, citizens will not be exposed to the points of view of others in society and will not learn enough about the interests of others to take these into consideration when they make political decisions.

Other studies have reported a decrease in civic participation. The best-known such study is Putnam's *Bowling Alone* (2000), an influential book which highlighted the fact that Americans are now less likely to be members of groups and associations such as PTAs, bowling clubs or even churches than they were in previous decades. This results in a loss of what Putnam calls *social capital*, the number of networks and relationships that people are part of in society. Instead, they participate in civic life through large, 'cheque-book' organisations and socialise with close friends and family. This means that citizens are less likely to get to know and learn about others around them and be exposed to other points of view. There is also some evidence that this may make citizens less likely to participate in politics, as they are not mobilised to do so through interaction with civic associations.

Most citizens do not participate in costly political activities, such as writing to their representatives, campaigning, attending demonstrations, signing petitions or standing for office. An increasing number of citizens do not even vote in elections. Instead, many citizens appear to be uninterested in politics. They feel that their political efficacy is low; they believe that even if they did participate, this would not make a difference. According to a study carried out by the UK's Electoral Commission (Electoral Commission and Hansard Society 2007) 32% of British citizens feel they are too busy to participate in politics, 22% are too uninterested to do so, 6% feel their participation would not achieve anything, 2% feel they would not be listened to and 17% of citizens do not even know why they do not participate. The same study found that 19% of citizens had not voted or participated in politics for the previous two or three years. These results are echoed by the results of a survey carried out in the US over fifteen years earlier (Verba et al. 1995). In

this study 39% of citizens cited time as the reason for not participating, 17% felt politics was too boring, 15% thought they would have no impact and 19% had never even thought of taking part in politics. Not only are citizens apathetic, too busy or disillusioned when it comes to politics. Both of the above studies show that there are statistically significant variations in the likelihood that someone will participate in politics depending on income, education, socio-economic status and race. Thus, those who are better educated and better off dominate politics. Education is the single highest predictor of political participation, but is itself correlated with other factors such as income or socio-economic status (Verba et al. 1995, Perrin 2006). As Schattschneider famously put it: "the flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent" (Schattschneider 1960, p.35). Thus, current democratic systems tend to include some groups more in political decision-making than others, while at the margins citizens can face political exclusion.

There appears to be much that is wrong with contemporary liberal democracies. Deliberative democracy is aimed at making all citizens more involved and better informed and politicians more open and accountable. Thus, deliberative democrats display a strong concern for improving both the theory of democracy, by strengthening its normative foundations and making it less adversarial, and the practice of democracy, by finding practical ways in which day-to-day democratic politics can be made to resemble the ideal more closely.

Defining Deliberative Democracy

This thesis is not simply about deliberation, but *political* and *democratic* deliberation. For my present purposes, I will define democratic deliberation as uncoerced, other-regarding, reasoned, inclusive and equal debate. This definition leaves open many questions about exact institutional arrangements and the practical limits of deliberative democracy. It does not tell us whether all issues should be decided through deliberation or only some, whether deliberation should take place locally, nationally or even globally and whether all

citizens need to participate in it from time to time in order for democracy to be termed deliberative. However, it encapsulates the most important normative commitments of deliberative democrats, regardless of the topic, participants, exact rules and setting of deliberation.

Deliberation is political inasmuch as it aims to solve problems to which we need to respond collectively, whether these are moral issues or issues of distributing scarce resources in society. Furthermore, deliberation is democratic if it includes all substantively affected citizens and all relevant arguments to a sufficient degree and if it does so by guaranteeing at least minimal equality between them. I will now give a brief overview of these values, but their definition will be developed in more detail in the coming chapters.

Perhaps the most important commitment of deliberative democrats is to *reciprocal, other-regarding* debate. This reciprocal quality of deliberation is grounded in the requirement to give reasons and justifications for our beliefs in the political forum. This presupposes respect for other citizens that is manifested by providing them with reasons for our beliefs and preferences and by listening to the reasons they in turn provide. The underlying assumption is that in the public, political forum citizens and politicians need to justify their stand on issues in a way that others will understand, even if they will not necessarily accept.

Deliberative democracy is also aimed at making citizens more other-regarding: more concerned about the interests of others and less selfish. This captures the intuition that in politics citizens should take the needs and interests of others into account when they form their preferences and contribute to making decisions. According to the theory, during deliberation citizens will learn about the perspectives, beliefs and interests of others to a much greater extent than they would be able to under more adversarial forms of democracy.

Offering reciprocal justifications also makes deliberative democracy more *reasoned.* Thus, the aim is to make considered collective decisions that take all relevant arguments into account and that are carefully considered rather than hasty. Deliberation also serves as

an important source of information and thereby facilitates learning. It helps citizens acquire new information and correct false beliefs.

Reason-giving also grounds the epistemic justifications of deliberative democracy. According to these, deliberative democracy is a good and desirable procedure, because it is good at tracking the truth. David Estlund (1997, 2008) endorses a form of deliberativism based on such epistemic grounds. His epistemic proceduralism states that while not perfect, democratic procedures are good at arriving at the truth or best outcome, therefore we have grounds to obey laws created through these procedures even when we believe them to be wrong. Under his definition, democracy and deliberation derive their epistemic advantage from individuals talking to each other, since "two heads are better than one" (Estlund 2008, 177).

Another epistemic defense of deliberative democracy comes from pragmatist quarters. Peircean pragmatists such as Misak (2000) and Talisse (2005) argue that the value of deliberative democracy lies in creating an ongoing debate in search of the truth that satisfies the requirements of pragmatic inquiry.

Thus, reasoned debate is valuable both from a procedural and from an outcome-based viewpoint. From the procedural point of view, it helps political decision-making processes to honour the seriousness of making decisions that affect a whole community. From the outcome-oriented point of view, requiring deliberation to be reasoned is the foundation of the epistemic justification of democracy.

What makes citizens reasonable is a controversial question. The deliberative democracy literature usually takes Rawls's concept of public reason (1993) as the standard of reasonableness in public debate. Some theorists (Fish 1999, Talisse 2005) criticise authors such as Gutmann and Thompson (1996, 2004) for holding conceptions of the reasonable that are much too narrow and will therefore exclude religious or illiberal views. Others (Young 2000) argue that reasonableness should not be a function of individuals' beliefs, but instead of their attitudes towards other deliberators. Thus, reasonable individuals are willing to engage in debate, offer public justifications for their preferences and reflect on their positions. By contrast, unreasonable citizens are unwilling to listen to

others or even consider that their own position may be wrong. I will discuss the problem of reasonableness in more detail in chapter four.

The third normative value of deliberative democracy is *inclusiveness*. Thus, while in current democratic systems some individuals and groups are excluded from politics despite formal means of equality such as providing each person with one vote, deliberative democrats seek to include all relevant members of the community in the decision-making process. Deliberative democracy should not only be inclusive of persons, but also of ideas. Thus, it is necessary for all relevant arguments to be adequately represented during deliberative debates.

The inclusive aspect of deliberative democracy is emphasised particularly by so-called difference democrats such as Iris Young (1996, 2000). Their concern for inclusion originates from the need to give a voice to all citizens during deliberation and not to marginalise any groups by making deliberation a privilege of the elites. In order to facilitate inclusion, political deliberation must not resemble a debating club, but should rather acknowledge and encourage various forms of communication between citizens (Young 2000). Thus, narratives and rhetoric must play an important role alongside logic and reasoning.

Deliberative democracy could be used as a tool to combat existing social injustices and political exclusion by giving those who are currently disadvantaged a voice and requiring the rest of society to listen. It could allow all citizens to present their perspectives, beliefs and interests to others in a forum, thereby enabling citizens and groups to find out more about each other. Deliberation could thus serve as a powerful means of increasing political inclusion and counteracting existing differences of power in society.

Concern for equality is closely related to concern for inclusion. Despite formal equality among citizens, not all have equal power in current democracies. Without countering problems of inequality, deliberative democracy may make this situation worse if the better educated and those with higher incomes dominate the debate. Not all citizens may be able to participate in deliberation alike, as they may not have the necessary skills to

present their arguments persuasively. Or they may not have the necessary resources, such as free time or money to attend meetings.

Therefore, many deliberative democrats argue for more substantive equality between citizens (Bohman 1997, Knight and Johnson 1997) as a precondition of equal deliberation. This could include making sure that all citizens have adequate capabilities to participate in democratic deliberation and to influence the political process. Thus, some deliberative democrats argue for better education and increased material equality to ensure that politics can be truly equal. However, the 'equality of what' debate does carry over into the deliberative democracy literature and there is no consensus on what we should equalise – resources, primary goods or capabilities – or how equality can be secured in a deliberative context.

The above values provide a good picture of the conception of politics that deliberative democrats promote. By using these values, they respond both to weaknesses in current practices of democracy and oppose adversarial or aggregative theories of democracy. There are other values that are sometimes used to define deliberative democracy in the literature, such as that of aiming for a consensual decision (Cohen 1997), but deliberative democracy can be sufficiently defined without these. The values I have outlined above capture the essence of deliberative democracy and all deliberative democrats endorse them, no matter what their disagreements over other questions may be. There is no such agreement over the need to aim for a consensus or the role that selfish preferences can play in deliberation.

I will now discuss two more specific ways in which deliberative democracy can be conceptualized, which I call the formal and informal models of deliberation.

Informal and Formal Models of Deliberative Democracy

Beyond the basic values I defined above there is limited agreement on the definition of deliberative democracy and on the form that such deliberative arrangements would take in

real-world politics. Therefore, it is helpful to differentiate between two main types of deliberation. The kind of deliberation that comes first to mind when deliberative democracy is mentioned is the debate that takes place in town hall meetings, legislatures and other political forums. This is *formal deliberation*. It allows participants to meet face-to-face and the discussion has predefined rules in place. Formal deliberation can be a one-off event, or it can consist of multiple meetings over time, and it has an easily identifiable set of participants.

But there is another way of conceptualising deliberative debate; as the ongoing discussion that takes place in the public sphere. I call this *informal deliberation*. Such deliberation has fewer rules and its participants are less easy to identify, as individuals may leave or join the debate at any time. Not only does it take place over longer periods of time, but informal deliberation does not require debate to take place simultaneously in one place or setting. Instead, it is fragmented among multiple groups and participants, multiple settings such as informal discussion, formal legislative debate or the media, and over various points in time.

Both of these forms of deliberation encompass the normative values I discussed above, albeit in different ways. While much of the literature discusses formal deliberation, given that it is easier to define and evaluate, deliberative democrats recognise that in order for democracy to be truly deliberative, informal deliberation needs to flourish.

Formal Deliberation

Much of the literature focuses on formal deliberative procedures. The theory describes deliberative democracy as discussion and endows deliberation with attributes that are reminiscent of face-to-face meetings. Institutional innovations are also designed with formal meetings in mind that would bring citizens together to discuss a variety of political issues (Ackermann and Fishkin 2004). Finally, empirical studies of deliberative democracy also focus on such well-defined deliberative contexts (Fung 2004).

Formal deliberative meetings allow participants to meet face-to-face. This is a qualitatively different interaction from deliberation diffused in the public sphere over long periods of time. It allows deliberators to get to know each other and as a result standards of respect and civility are often easier to enforce. At the same time, it also allows for the development of group dynamics which may not always be compatible with the normative values attributed to deliberation.

Formal deliberation is a discrete, identifiable and quantifiable event. The number of participants, the issues that are deliberated on, the number of meetings and the time period over which deliberation takes place are well-defined. It is possible to impose rules, use moderators and record the content of the discussion. Indeed, all such deliberative meetings will have a set of rules, whether they evolved informally over time or had been introduced from the outside and are enforced formally.

Because of these characteristics, it is easier to apply the normative values of the theory of deliberative democracy to formal models of deliberation. When the group of those affected by a decision is easy to define, it is easier to ensure that all relevant individuals are included. When the issue of deliberation is well-defined, it is relatively easy to make sure that all relevant points of view are represented. In a discrete group equality between members can be enforced by rules or trained moderators. It is also possible to ensure that participants justify their positions, that they listen to others and that they act with respect towards each other. Thus, a formal model of deliberation can serve as a theoretical ideal-type for the literature.

Most ideas for making democracy more deliberative propose some form of formal deliberation. The most well-known of these are the deliberative polls developed by James Fishkin. According to the Center for Deliberative Democracy, "the polling process reveals the conclusions the public would reach, if people had opportunity to become more informed and more engaged by the issues"[3]. Polls have been held in many countries over diverse issues, such as the future of electric utilities in Texas, the future of the monarchy in Australia or discrimination against the Roma in Hungary and Bulgaria. Even the Chinese

[3] http://cdd.stanford.edu/polls/index.html

Communist Party has sanctioned some deliberative experiments[4]. One of the latest polls was organised between citizens of different EU member states and was conducted with the help of translators[5].

Deliberative polls usually take place over a weekend. Before the start of the deliberative poll participants receive a pack of articles featuring balanced information for them to read through. This enables them to start deliberating with a basic understanding of the facts surrounding the issue at stake. The time is divided between small group discussions and larger expert panel sessions. The latter allow deliberators to address their questions directly to expert witnesses, stakeholders and politicians. The attitudes and preferences of deliberators are polled before and after deliberation.

A more ambitious version of deliberative polling is deliberation day (Ackermann and Fishkin 2004), which is a model of how more deliberative institutions could be introduced into national politics. In their initial proposal, Ackermann and Fishkin developed deliberation day as a means for US citizens to get together before presidential elections and to discuss who would be best suited to lead the country next. But they extended the model to cover other elections as well, such as those for Congress and Senate in the US, and most recently the referendum on the EU constitution in Ireland (Ackermann and Fishkin 2008).

Deliberation day would serve to make citizens better informed and more aware of the issues at stake through questions put to a panel of experts and politicians and through discussions among the citizens themselves. Most of the time would be spent deliberating in small groups of fifteen. The larger expert panel sessions would allow each smaller group to put their questions forward and every participant to listen to a reasoned argument from each side of the political divide. Citizens would thus be exposed to views different from their own as well as new facts. Hence, they would be able to make a reasoned decision come election day, based on the judgement they have arrived at after deliberation rather than on the shallow sound bites that characterize current political campaigning. The candidates would also have to respond to the most common questions raised during the

[4] http://cdd.stanford.edu/polls/china/
[5] http://cdd.stanford.edu/polls/eu/

day in a televised post-deliberation political debate. This would mean that politicians would have fewer incentives to rely on attack advertising and simple rhetoric and would instead have to focus on presenting their more substantive policy positions.

Other plans for introducing more deliberative institutions include the idea of formal deliberation on controversial policies among citizens that is organised along the lines of jury duty (Leib 2004), and formal deliberation among representative groups of citizens that create a report on candidates before elections (Gastil 2000) that other citizens can use to help them make an informed decision on election day. What all these possible institutional models have in common is that they aim to introduce new forms of formal deliberative meetings that uphold the normative values of the theory of deliberative democracy in a setting that is easy to control and regulate. But theorists would want to introduce these meetings not merely for their own sake, but also in the hope that they will contribute to making the wider public sphere more deliberative when it comes to politics.

The Empirical Literature

Not surprisingly, given the complexity of studying informal models of deliberation, the empirical literature on deliberative democracy focuses on formal deliberation instead. Empirical studies include quasi-experiments, such as the deliberative polls mentioned above, as well as studies of existing grass-roots deliberative institutions.

Some of the most valuable data on deliberative democracy comes from the deliberative polls organised by Fishkin and his colleagues (Luskin et al. 2002, Farrar et al. forthcoming). There are also experimental studies on deliberation that are more stylised than deliberative polls (Dickson et al. 2008), as well as a growing number of deliberative experiments carried out among college students. Steiner et al. (2004) studied deliberation in a legislative setting. There are also smaller-scale deliberative initiatives that aim to turn the theory of deliberative democracy into empirical reality. These focus on deliberation at the local level and are among the most fruitful grounds for empirical research on actual

deliberative procedures (Fung and Wright 2003, Fung 2004). One of the earliest of these was Jane Mansbridge's study of town hall and workplace democracy (Mansbridge 1983).

Probably the most frequently cited of these local-level initiatives are the participatory budget procedures introduced in Porto Alegre, Brazil (Souza 2001, Baiocchi 2003). These procedures allow residents of poor, underprivileged districts to take part in deciding how the city's budget is spent. Ordinary citizens, who are selected in a deliberative assembly by local residents to represent their district, attend a series of meetings to choose between possible spending options prepared by the city hall. This is aimed at both empowering under-privileged residents and giving an active say to all residents in determining how the city hall should be run.

Fung (2004) studied initiatives in Chicago that increased parental and community involvement in decisions on how schools should be run, and involved local residents in meeting with police representatives to set policing targets. He calls this model of deliberation *empowered participatory governance*, since these meetings aim to include and empower relatively powerless groups in making decisions on how services in their community should be run. His study is rich in data and linkages between the theory and practice of deliberation.

There are also a growing number of organisations and groups of practitioners, such as the Kettering Foundation[6] or America Speaks[7], that specialise in organising deliberative meetings on the behalf of various authorities, the best-known forms of which is the citizen jury (Smith and Wales 2000). These have been taking place since the seventies. Organisations have arranged deliberative debates on various issues from nanotechnology to pig farming, with a varying number of participants and meetings. They are, however, more oriented towards organising meetings than conducting empirical research on political deliberation.

Such studies also allow us to disaggregate how the different stages and characteristics of deliberation affect decision-making. By surveying participants before, during and after

[6] http://www.kettering.org/
[7] http://www.americaspeaks.org/

deliberation and recording discussions, we can build a picture of whether and how citizens' preferences are transformed. By taping group discussions it is also possible to gather data on group dynamics and deliberative processes and to identify the exact social processes that take place during deliberation. However, this has been relatively underutilised until now.

This growing empirical literature is of the utmost importance for the theory of deliberative democracy, as it allows theoretical ideas to be tested in practice. It serves to build a bridge between practice and theory, as initiatives are developed explicitly along deliberative lines and the results of these initiatives can then inform and improve the theoretical model. However, the theoretical literature has been slow in responding to the empirical findings. Furthermore, much of the published empirical literature is very positive when it comes to reporting results. But in order to know when and why deliberation works, we also need to know when and why it does not work. Therefore, there is a need to report more negative findings alongside the positive ones and to identify why some initiatives failed.

Informal Deliberation

In contrast to formal model of deliberation, the model of informal deliberation is much less well-developed, not least because informal deliberation is much harder to define. It consists of the ongoing political discussion in the public sphere that takes place in legislatures, in everyday talk, in the media and in civil society groups. Deliberation of this kind is disaggregated and takes so many forms that at times it is difficult to identify what still counts as deliberation and what does not. Gutmann and Thompson (1999) argue against including private conversations among citizens in a deliberative theory of democracy, as these do not and need not fulfil the conditions of reciprocity, transparency and accountability. Thus, informal deliberation is much harder to evaluate against the normative values of reason, inclusion and equality.

Yet, such a model captures the fact that in order for democracy to be truly deliberative, a culture of deliberation needs to develop. In addition, a model of deliberative democracy cannot afford to ignore the various forms of deliberation that already take place in the public sphere (Cramer Walsh 2004, Perrin 2006). Relying solely on formal deliberative meetings would remove the rich context of the public sphere from deliberative democracy. But surely, this is one of the decisive venues of politics, especially if we want to include as many individuals and groups as possible.

As well as face-to-face meetings, informal deliberation also incorporates communication where there is a greater distance between participants, such as writing a letter, making a statement or televised speech or publishing an article in a newspaper or magazine. Furthermore, many meetings are among homogeneous groups where members agree with each other on political issues rather than among heterogeneous groups where political opponents come face-to-face with each other. Such groups may be less respectful towards their opponents in their absence. Thus, standards of respect and civility will have to be more loosely interpreted and cannot be induced or enforced as easily as in the case of formal deliberation.

Informal deliberation is a continuous, diffuse process. Participants may enter and exit the public forum at any time and the set of participants is not well-defined. Rather than focusing on predetermined topics, it serves to define and shape the issues relevant for political discussion. Informal deliberation takes the form of repeated but disaggregated communication. Such communication may take place simultaneously or at a distance of long periods of time. It has no fixed end, but is rather recurring and ongoing. The public sphere may consist of multiple overlapping smaller spheres, between which communication may be intermittent. As a result, informal deliberation is difficult to regulate and it is indeed undesirable to regulate it.

In a deliberative democracy such a model of informal deliberation would form the background of all political actions, even non-deliberative ones, such as protests or bargaining. Therefore, all political actors would need to participate in it, including the government, citizens, politicians, civil society groups and the media. We face a number of

problems in ensuring adequate participation in informal deliberative settings. Some may be excluded either voluntarily or involuntarily from the deliberative process. Firstly, as we will see in chapters two and four, we cannot compel people to participate. Secondly, some underprivileged groups may have limited access to the public sphere. Deliberative democracy, of course, would aim to give voice to such groups. But under an informal framework, creating the preconditions for increased participation may be problematic, exactly because the process would be fairly informal. Furthermore, at times it might be difficult to tell whether a lack of participation is due to exclusion or voluntary withdrawal.

When it comes to informal deliberation in the public sphere, it becomes hard to define what is and what is not political deliberation. There are many different forms of potentially political actions: discussing the news with others, participating in demonstrations, signing petitions, creating art that has a political message and so forth. In order to identify which of these are deliberative and which are not, a wide requirement for reason and civility can be established. Thus, informal deliberation needs to be characterised by a minimal respect for others and some reason-giving. The former would lead to the exclusion of agitating for violence against others or intentionally causing deep offence to others. Non-deliberative political action can of course be the result of deliberation or lead to further deliberation. Thus, even if a protest may not be considered deliberative, it could lead to new issues entering the wider public political discourse.

Two-Track Deliberation

Formal and informal deliberation do not have to exist separately from each other and neither are they mutually exclusive. It is possible for an informally deliberative public sphere to coexist with formal deliberative meetings for specific issues and persons. Indeed, this is the most realistic model of deliberative democracy, as these formal meetings can contribute to the development of a more widely deliberative culture, which in return offers a background of respect, civility and reciprocity in which formal meetings can be

situated and guarantees that normative standards of the theory of deliberative democracy will be respected.

The most well-known model combining informal deliberation in the public sphere with formal deliberation in a legislative setting through the use of elections comes from Habermas (1996) and has become known as the *two-track model of deliberation*. The informal deliberative sphere serves as the background from which normative values, preferences and attitudes emerge and where they are discovered. This stage of deliberation is not aimed at decision-making and is not organised or regulated. The formal deliberative sphere, on the other hand, consists of political actors and institutions. It is here that the political impulses of society are formally justified and are converted into law through formalised decision-making procedures. These two spheres are connected through elections, a mechanism that ensures that the norms and preferences of the wider and weaker public sphere are translated into the political sphere. "This is a two-track model in which the informal public spheres are 'contexts of discovery' and the formal, public spheres are 'contexts of justification'" (Squires 2002 p.138).

Thus, the two-track model of deliberation highlights some of the deliberative aspects of existing democracies, while explicitly aiming to strengthen these. It also acknowledges the fact that while the wider, informally deliberative public sphere has a vital role in shaping perspectives and attitudes in the end formalised decision-making procedures are needed and while these should also be deliberative, they can involve elected representatives rather than all ordinary citizens.

What is Wrong with Deliberative Democracy?

Despite its popularity and prominence in democratic theory, deliberative democracy has not been immune to criticism. Some of the criticism comes from the rational-choice-theoretic camp (Pincione and Tesón 2006, Hibbing and Theiss-Morse 2002), some from a

more elitist approach to politics (Stokes 1998) and others are made on methodological grounds (Hardin 1999).

Sunstein has criticised some aspects of the theory of deliberative democracy from within the deliberativist camp. His main concerns are the cognitive mechanisms that could introduce bias into the deliberative process. The first danger, according to him, is that of *conformity*. He argues that the best way to avoid this is by ensuring that dissenters are allowed to voice their views in the deliberative forums without being discriminated against in any way (Sunstein 2003).

The second is *group polarization* (Sunstein 2003, 2007): the phenomenon that the views of group members will become more extreme as a result of deliberation. It is easy to see how this could happen. If we ask a group of pro-life activists to deliberate, the arguments they will hear are all going to favour their initial position. The further discussion and affirmation that each group member receives of his or her initial beliefs is likely to strengthen those beliefs. A parallel process would take place among a group of like-minded pro-choice activists. Thus, deliberation will not always arrive at a better outcome and may indeed contribute to the strengthening of mistaken or unacceptable beliefs. Sunstein (2002) observed evidence for the existence of this process from jury trial experiments which resulted in jurors consistently demanding higher compensation for victims after deliberation than before.

The third danger Sunstein identifies is that of *informational cascades*. These occur when individuals come to believe facts or arguments not because they have independent evidence for their correctness, but simply on the grounds that others believe them, without knowing whether these beliefs were held for the right reasons or not. If more and more individuals jump on the bandwagon, a trend can easily develop where one argument is inexorably favoured over another, regardless of whether it is correct or not.

It is important to note that these mechanisms are not always problematic or disadvantageous. If individuals all conform to a feeling of revulsion at racism or slavery, if they come to believe true arguments based on informational cascades or if they become polarised towards morally desirable beliefs, this will not be a problem. But what they

highlight is that we cannot always rely on reasoned deliberation to provide us with the best outcome and the kind of moral commitments that authors such as Gutmann and Thompson (1996, 2004) argue for.

The evidence from deliberative experiments is inconclusive. While positive findings are frequently reported, deliberation can also work counter to the expectations of theorists. Let me illustrate this with an example. According to results published on the official web site[8] of a deliberative poll held in Hungary on discrimination against the Roma, the opinion of deliberators did not change in the expected direction on all issues. Before deliberation 44% of deliberators believed that discrimination against Roma citizens at entertainment venues, such as bars or clubs, was completely unacceptable and should either be legislated against or should be countered with a publicity campaign, 13% thought that it was the right of the proprietor to bar people from entering and 43% condoned discrimination. *After* deliberation only 36% of deliberators thought that such discrimination was unacceptable, 20% believed that it is the right of proprietors and 43% believed the behaviour was acceptable or even a 'good thing'. Thus, not only did the percentage of those condoning the behaviour stay the same, but the percentage of those opposed to it actually decreased. A more charitable interpretation of the results could be that deliberators became convinced after discussion that night clubs have a right to throw out whomever they want, without state intervention. But this still does not explain why the number of those supporting discrimination did not decrease.

Pincione and Tesón (2006), two economists, offer a critique of deliberative democracy from a rational choice perspective that focuses on the theory's epistemic claims. They argue that deliberative democracy will not be good at identifying the best outcomes, because citizens are not sufficiently well-informed and are not motivated to get better informed and politicians and interest groups do not have the right incentives to seek out the truth. According to them, public discourse will favour vivid explanations based on easily accessible, emotional imagery rather than opaque ones, which are more difficult to understand. As an example, citizens are more likely to explain rising oil prices through

[8] http://www.magyaragora.hu

vivid reasons, such as blaming greedy oil companies, rather than opaque ones, such as market forces of supply and demand. Interest groups are concerned with capturing scarce resources and they can best do so by using vivid reasoning. Finally, politicians use vivid reasons to appeal to voters and to appear to be in charge even when the situation can be better explained through opaque, invisible-hand theories. While theirs is also a rational choice critique of deliberative democracy, it only addresses an outcome-based, epistemic justification rather than a procedural justification rooted in values such as reciprocity, equality and inclusion. In this thesis, I will focus on both types of justifications.

Other critiques have focused on specific aspects of the deliberative democracy literature. Talisse (2005) argues that liberal deliberative democrats exclude too many points of view, thereby placing some contentious issues outside of the deliberative forum. Schroeder (2002) criticises deliberative democrats' tendency to assume that political deliberation will be analogous to jury deliberation. Estlund (2008) criticises deliberative democrats for focusing too much on the procedural values underlying their theory. Fish (1999) argues that the definition of reasonableness used by deliberative democrats is too narrow. Hibbing and Theiss-Morse (2002) argue that citizens are simply not motivated and do not want to participate more in democratic politics and are happy to leave politics to the politicians.

None of these critics has so far provided a more comprehensive review of the core normative and positive characteristics of deliberative democracy. This is the gap I aim to fill in this thesis.

Methodology

The theory of deliberative democracy is an ideal theory. Therefore, we can ask two questions about it. Firstly, we can ask whether the ideals described by the theory of deliberative democracy are desirable or not. Secondly, we can ask how far real-life

deliberative politics would deviate from this ideal. I aim to ask both of these questions in this thesis.

The theory of deliberative democracy has a strong focus on putting the normative ideal into practice. Therefore, for the most part, my approach to evaluating the theory of deliberative democracy is a positive rather than a normative one. Throughout the thesis, I will draw on findings from the social sciences – political science, sociology and social psychology – and particularly on findings from the empirical literature on political deliberation. Such findings can help us to predict whether deliberative democracy would actually embody in practice the values that its proponents ascribe to it. While the best source of empirical information on political deliberation are the studies and quasi-experiments carried out with an explicitly deliberative focus, the number of these is still relatively small and there is a rich literature in the social sciences that can help us make sense of human behaviour and offer us clues as to how individuals are likely to behave in deliberative situations. Furthermore, as I mentioned above, studying informal, dispersed deliberative processes is very difficult and as a result no such large-scale studies exist at the moment. Therefore, it is necessary to assess the empirical potential as well as the problems of deliberative democracy on the basis of, on the one hand, smaller-scale studies about formal deliberative meetings and, on the other, larger-scale studies of some aspects of political behaviour in the public sphere, such as the impressive survey of political participation carried out by Verba et al. (Verba et al. 1995) and other findings in various fields of the social sciences.

Throughout this thesis, I will employ a rational and social-choice-theoretic approach to analysing deliberative democracy. There exists a large literature with an extensive range of applications in this tradition. Social choice theory allows us to contrast deliberative democracy more directly with aggregative democracy. Rational choice theory gives us a foundation of methodological individualism and instrumental rationality that can be used to evaluate the theory of deliberative democracy from a positive perspective. As I will argue in chapter three, instrumental rationality and rational choice theory offer simplifications of

real-life processes that allow us to examine whether deliberative democracy would actually work the way that the literature predicts.

While I analyse deliberative democracy from a rational and social-choice-theoretic perspective, I do not wish to interpret these in a narrow way. Therefore, I agree with Fung (2004) that in order to apply them to the study of deliberation, we should not adhere to strict notions of self-interested behaviour and fixed preferences. The first, I will argue in chapter three, is a misinterpretation of the way in which rational choice theory describes human behaviour. While individuals are taken to be utility-maximisers this does not preclude them from holding altruistic or other-regarding preferences. The second, fixed preference orderings, is a simplification that allows modelling more than anything else and new models are increasingly becoming more complex and better able to accommodate preference change. Thus, a rational-choice-theoretic perspective still allows us to think about how individuals form and change their preferences.

Liberal Representative Democracy

In order to be able to evaluate the theory of deliberative democracy, it is useful to find a point of contrast. Since deliberative democracy is a theory of how democracy can be improved and extended, it is possible to compare it against existing stable democratic regimes. I will call these liberal representative democracies. This comparison is also important because making democracies more deliberative is likely to be very costly and the costs need to be weighed against the benefits.

Liberal representative democracies have evolved over long periods of time. They can differ from each other in many aspects (Lijphart 1999). We can differentiate between presidential regimes, such as the US, and parliamentary ones, such as the UK. Some, such as the US or German systems, have a federal structure. Due to the different electoral systems in place, the effective number of political parties can range from as little as 2 to as many as 6.9 (Lijphart 1999). However, each of these countries is based on liberal values

and the rule of law, guarantees its citizens a range of rights, such as free speech and association, allows its citizens to participate in politics and is governed by elected representatives.

In his well-known definition Dahl (1989) identifies seven key characteristics that such democracies – which he calls 'polyarchies' – possess. Firstly, government decisions are made by elected officials; secondly, elections are free and fair; thirdly, suffrage is universal; fourthly, citizens have a right to run for office; fifthly, they have a right to freedom of expression; sixthly, their citizens have a right to access alternative sources of information; and finally, they have a right to associational autonomy (Dahl 1989, 221). While this is a thin, descriptive, rather than a thick, normative definition of democracy, it captures the main characteristics and values of liberal representative democracies.

As we have seen above, this model of democracy is by no means perfect either in theory or in practice. However, it can be used as a benchmark against which the model of deliberative democracy can be evaluated. The question in whether changing the status quo in favour of more deliberative arrangements would be an improvement and whether the benefits of doing so would justify the costs.

Plan of the Thesis

In the following chapters I will examine in detail the main characteristics and justifications of deliberative democracy. As I have mentioned above, these will include both procedural and epistemic justifications. Through this, I will be able to evaluate how solid the theoretical foundations of deliberative democracy are and whether deliberative democracy is likely to function in the way in which its adherents predict it will. I will also contrast the model of deliberative democracy with the model of liberal representative democracy in order to identify whether the first model has any significant advantages over the latter.

In chapter two I ask whether the preconditions of successful deliberation exist on the level of individuals, societies and institutions. This is an important question, since

deliberation is costly for citizens and it requires a very strong democratic political culture and an even stronger political will to see any large-scale deliberative reform through. These three aspects will emerge as underlying difficulties that can potentially hinder the practical implementation of a more deliberative democracy.

Chapter three looks at the reasoning and rationality underlying deliberative decision-making. As we have already seen, the claims that deliberation will form and transform individual preferences and beliefs and that debate is going to be reciprocal and other-regarding are central to the theory of deliberative democracy. It is these claims that I investigate in this chapter. The fundamental question is whether justifying deliberative democracy on this basis gives a sufficiently solid foundation to the theory. This is an important question to ask when it is by no means guaranteed that deliberation will indeed function in this way. Instead, there could be other, alternative mechanisms at play, such as conformity or a common framing that remains uncontested. I will also compare communicative and instrumental forms of rationality in this chapter.

In chapter four I look at two more normative characteristics of deliberative democracy that provide procedural justification for it: inclusion and equality. Here I examine the inclusion and equality of both people and arguments. These are perhaps the two most attractive virtues of deliberative democracy or indeed any model of democracy. But the question is whether deliberative democracy is in a better position to deliver them than other models of democracy. I argue that overall, inclusion offers better support for deliberative democracy than equality. However, even here, it is unclear how deliberation will deliver results that sufficiently approximate the ideal.

In chapter five I look at the way in which deliberation would result in decisions. Deliberative democracy is often defined as aiming to find a consensual decision (Cohen 1996), even if this cannot be achieved in practice. Here I examine the normative basis of this ideal. I also look at ways in which aggregative and deliberative models of democracy can be reconciled, both theoretically and practically, by combining deliberation with voting.

In chapter six I turn to the epistemic justification of deliberative democracy. This suggests that deliberative democracy is desirable, because it will arrive at better outcomes than other decision-making procedures. I call this into question to argue that procedural justification would provide a more solid theoretical foundation for deliberative democracy.

Finally, in chapter seven, I address some descriptive questions, which can help us to define the limits of successful democratic deliberation. These address what topics are suitable for deliberation and who should deliberate, how, where and how often. These questions can be answered based on the findings of the previous chapters and help us to define the scope of successful deliberation.

Having examined the different ways in which deliberative democracy is justified and the way in which these normative ideals would perform in practice, in chapter eight I give a broader evaluation of the theory of deliberative democracy and attempt to answer the question I have posed at the beginning of this chapter: is deliberative democracy the best way forward for democratic theory and practice?

Ultimately, I find the normative bases of deliberative democracy too weak and its empirical reality too different from the ideal. Deliberative democracy cannot be the panacea for the ills of democracy in the way the literature seems to suggest. While democracy should be and will necessarily have to be deliberative in part, we must not neglect the other elements of democracy, such as elections, representation, bargaining and partisan, ideological politics. All of these have a role to play in democratic politics and an undue focus on deliberation may make us believe that the others are ills rather than the signs of a healthy democratic system. 'One size fits all' is not true for all countries and all issues when it comes to democratic political decision-making. Deliberation has its place, but politics need not always be deliberative in order to be democratic. However, before I reach this final conclusion, I first need to thoroughly examine the theory of deliberative democracy.

CHAPTER TWO
THE PRECONDITIONS OF DELIBERATIVE DEMOCRACY

Deliberative democracy is often presented as the next step in the evolution of liberal democracies. Democracy is by no means a static system. There have already been major changes to liberal democracies in the past, such as the extension of the franchise or the introduction of secret ballots. But many of the deliberative reforms proposed would mean an even more substantial change to democratic systems.

Deliberative democracy is an ideal theory and even the more practical suggestions of how it could be implemented are rooted in this ideal, normative realm. While the literature discusses the merits and problems of these theories in great detail, less attention is paid to the process through which a more deliberative form of politics could be introduced and the conditions that need to be satisfied for its success. The aim of this chapter is to examine these preconditions and to assess whether current liberal democracies offer a solid basis for deliberative reforms.

Liberal democracy does not flourish equally in all countries. There is a large literature in political science examining the preconditions of democracy and the causes of democratisation. One of the first notable examples of this literature is found in Tocqueville's *Democracy in America* (1945). New waves of democratisation during the 20th century both served to increase the data available to scholars and to fuel interest in what conditions are needed for the development of stable democracies. Arguments highlight the importance of political culture (Almond and Verba 1963/1989), economic development (Lipset 1959), the role of elites (Rustow 1970) and the role of class structure (Rueschmayer et al. 1992).

Equally, it is likely that deliberative democracy would not flourish in all places and at all times. The question is whether it would be possible to introduce large-scale deliberative

reform to existing democratic countries[9]. This chapter looks at the preconditions for political, democratic deliberation. Some of these preconditions, for example a tendency for tolerance, overlap with those of deliberation in general, but there are many which are unique to political deliberation.

For the purposes of this chapter I analyse the conditions necessary for successful deliberation based on three closely interrelated categories: individuals, society and political institutions. These are by no means definitive or exhaustive and no doubt a different set of categories could also be used. The individual level relates to the abilities and motivation individuals need to possess in order to participate in deliberative discussions effectively. The societal level relates to the social capital in societies and the political culture in which citizens are embedded. Finally, the institutional level deals with the existing democratic institutions in place and the processes needed for deliberative reform.

Motivation emerges as a significant factor. And without the proper motivation in place, introducing sweeping deliberative reforms and making them work is problematic. This points to the introduction of smaller more incremental reforms that build on existing deliberative elements in liberal democracies, rather than whole-sale reform. But the motivation for this is also problematic as existing incentives place low priorities on such deliberative aspects of politics.

In what follows, I will examine the three areas identified above. I will start with the individual at the micro level and then move up first to the level of society and then to the level of formalised political institutions.

The First Level: Individuals

While theories of deliberation are not always clear about who should participate in deliberative discourse, both formal and informal models of deliberation will require an increased level of participation by ordinary citizens (Elster 1986, Gutmann and Thompson

[9] I limit my analysis to existing democratic systems. I will explain the reason for this later on in this chapter.

1996, Habermas 1996, Ackermann and Fishkin 2004). Hence, when I examine the preconditions of deliberative democracy at the level of individuals, I look at average citizens taking part in town hall meetings or informal discussions in the public sphere, rather than professional politicians participating in parliamentary debates. The question is how busy, uninterested citizens can become competent deliberators.

I will now address two areas of the preconditions for deliberation: the ability and the motivation of an average citizen to participate in deliberative procedures.

Abilities and Attitudes

Successful participation in deliberative decision-making processes requires individuals to possess certain cognitive abilities and psychological attitudes. These relate to the cognitive demands of deliberation at all stages of the debate, from understanding arguments to making well-reasoned decisions. They enable individuals to act in a manner which theorists say is normatively desirable, in particular to be open to new arguments and to be other-regarding (for example Elster 1986, Gutmann and Thompson 1996 and 2004).

Deliberation is a demanding activity. Individuals need to perform a multitude of cognitively complex tasks (Reykowski 2006). They need to be able to concentrate on potentially complicated arguments put forward during long discussions. They need to be able to interpret new facts and arguments correctly and they need to be able to evaluate them critically. Furthermore, they need to be able to form logical arguments themselves which must be justified to others and communicate these effectively. Different individuals have differing abilities to perform these tasks.

Lupia (2002) argues that much of the literature is too optimistic about our ability to reach better decisions through deliberation, as it relies on a false folk theory of learning. All of us remember examples when we held an incorrect belief, learnt relevant new facts and corrected this belief. But we will not remember many instances when we failed to correct an incorrect belief because we paid inadequate attention to or forgot relevant new

information, or because at the end of the day we decided that there was nothing wrong with the incorrect old belief. In fact we are only likely to find out about our mistakes once they have been corrected. Thus, when we informally 'test' the theory, perceived successes will far outnumber failures.

Ordinary citizens would apportion relatively little time and effort to these cognitively demanding processes as work, family, relationships and daily life already take up much of their resources. However, it should be within the reach of nearly all citizens to arrive at an adequately reasoned argument on specific, not overly technical issues after a period of deliberation. This is what the jury system in Anglo-Saxon countries relies on. These might still be incorrect beliefs (Pincione and Tesón 2006), but as individuals have spent more effort on acquiring and processing information, they are likely to be better than they would have been if no deliberation had taken place. Thus, while cognitive demands do affect the quality of deliberation we can expect from ordinary citizens and the resulting outcomes, they do not affect the possibility that they would be able to participate in some form of deliberative process.

Apart from cognitive capacities, normative theories of deliberation also require citizens to hold certain attitudes, such as openness to new ideas and experiences (Costa and McCrae 2003) and other-regardingness (Elster 1986, Mansbridge 1990). These attitudes are also some of the likely results of deliberative discussions, as citizens learn to launder their preferences (Goodin 1986) and increasingly come to respect and tolerate the views of others (Mutz 2006). However, some minimal level of tolerance and openness is necessary in order to make citizens willing to start deliberating.

While other-regarding attitudes are difficult to attain for most people, at the very least deliberative situations require participants to be tolerant towards each other. Tolerance would be called upon as participants need to give equal respect to arguments different from their own. Other-regarding attitudes may develop as a result of deliberative practices themselves, but tolerance should be sufficient to get deliberation started in the first place. Deliberative democracy would require a higher degree of political tolerance and support of civil liberties and democracy than liberal representative forms of

democracy, as citizens would need to engage with views different from their own more directly. Studies have shown that the internalisation of democratic values leads to greater tolerance (Sullivan and Transue 1999); therefore citizens of democratic countries would be better prepared for deliberation than citizens of non-democratic regimes. Perceptions of threat reduce the extent to which individuals are tolerant; therefore it is important to ensure that all deliberators feel that the process is impartial and takes their views into account.

Citizens of democratic countries already possess sufficient levels of tolerance and openness to have some kind of deliberative debate, even if this would not always approximate the ideal. The clearest evidence for this is that deliberative polls, meetings and experiments do not simply break down, but exhibit some measure of success (Luskin et al. 2002, Gastil and Levine 2005, Farrar et al. forthcoming and many more). Thus, it seems that neither cognitive capacities, nor attitudes provide problems for deliberative democracy, as long as we accept that they will not be present to an extent sufficient to produce ideal deliberation.

Motivation

However, individuals do not only need to have the ability to deliberate. They also need to have the will to do so. Deliberation requires citizens to acquire new information and to update their beliefs based on it. It also requires them to hold well reasoned positions, rather than instinctive opinions. Yet it has long been a widely shared view in political science, especially among rational choice theorists, that individuals have little incentive to learn about politics (Downs 1957, Aldrich 1993, Popkin 1993). Turnout at elections has been falling for decades, political apathy is viewed as a common problem for all developed democracies and most voters appear to be shockingly uninformed in surveys (Delli Carpini and Keeter 1996).

Downs (1957) was one of the first to describe this rational ignorance on the part of voters. Seeking out new information is costly, and it only brings limited benefits to citizens. Reading newspapers and watching the news on television is time consuming, not to mention for some people also very boring. Therefore, only those who enjoy the fact of keeping up to date or those who can expect higher benefits by using their knowledge to influence others will engage in such a costly activity.

Most citizens, however, will rely on shortcuts and heuristics to form judgments about politics. Information acquired during day to day life serves as an important source of knowledge about economic and current affairs (Grofman and Withers 1993, Popkin 1993) and party labels offer an easy indication as to candidates' positions. For most of us bills and the weekly grocery shopping are the best indicators of inflation. Politicians are often evaluated based on seemingly irrelevant characteristics; for example, their personal integrity could be judged based on their family life. Average citizens also rely on lobby groups, community leaders and whistle blowers to let them know if things are not going well and their interests are not represented in politics rather than following politics closely themselves (Popkin 1993).

The above picture, of course, applies to an aggregative political system where most citizens' engagement with politics is limited to turning up at the polling station every few years. This is a situation that deliberative democracy would like to remedy. So would the calculus of rational ignorance be different for deliberative citizens?

It is sometimes assumed that participating in deliberation will make citizens more engaged with politics (Gutmann and Thompson 1996). They will become better informed, as deliberation helps participants learn new facts (Manin 1987). Deliberative programs could also help those to get involved who have never previously had the opportunity to become engaged in politics. It is easy to see that this could especially benefit poorer and more disadvantaged segments of society. Participatory budget projects in Porto Alegre (Baiocchi 2003) and Belo Horizonte (Souza 2001) provided an opportunity for people from poorer areas and with little education to participate in deliberative forums and become representatives for their neighbourhoods. Residents in Porto Alegre reported how they

learnt to participate from those more experienced or better educated than themselves, even though at the beginning they did not know what they were expected to do (Baiocchi 2003, 53).

This view, however, makes two key assumptions. The first is that people *want to* participate in deliberation, either because they enjoy the act itself or because of the benefits they receive from this mode of decision-making. I believe that this is not the case. The second is that people *should* participate in politics, as this is a civic virtue which all citizens should engage in. The following argument will take on the first of these assumptions; the assumption that people are motivated to participate in political deliberation, while I will discuss the second assumption later on in chapter eight.

Participating in political deliberation is a form of collective action that is aimed at securing outcomes that everyone will benefit from, regardless of whether they participated themselves or not. These outcomes can be concrete policies or they can be intangible benefits like an increase in civic virtue, tolerance and respect for others.

The collective action problem (Olson 1965, Ostrom 1990) tells us that the cost of participating in activities aimed at securing a collective good will outweigh the benefits received by each individual. This leads to free-riding behaviour, as most people will rely on others to get the work done. In order for deliberation to be successful, the collective action problem needs to be overcome. This is by no means impossible. One of the most potent examples of it is the paradox of turnout. The cost of voting is relatively high compared to the benefits each individual voter will receive from having his or her preferred party elected. Yet millions of people still turn out to vote on election day. Thus, it appears that a simple cost-benefit analysis does not give us a full account of what motivates individuals to vote (Dowding 2005) and other explanatory variables need to be added to the benefit side of equation, such as habit, a sense of duty or the sense of enjoyment participation provides, despite the fact that these are difficult to quantify. The practice of deliberative democracy would need to face a similar cost-benefit analysis. Given that the cost of deliberation is generally high, and certainly much higher than the cost of casting a vote, are the benefits large enough to compensate for this?

In general, two aspects of deliberation can make or break people's interest in participating. The first is how interested the individuals are in the topic of the debate. The second is whether they perceive that their participation has made a genuine difference.

Let us first look at the question of personal interest. People are more interested in issues which affect them directly or issues on which they hold strong views[10]. Thus, local, neighbourhood issues and high profile national issues will generate more interest. The cost of deliberating over these issues will be relatively low, as participants will already be to some extent informed about the facts and arguments and this is complemented by relatively high personal benefits in participating. However, people are also likely to have strong pre-formed judgments about these issues, and therefore belief change is less likely to occur (Bartels 1993, Fishkin et al. 2007), thus making deliberation less socially and politically useful and conforming less to the normative theory of deliberation.

Citizens will be less informed about obscure, complicated issues. While they might change their opinion about these more easily, deliberators will need more time to learn the necessary facts and arguments to come to a reasoned decision. This raises the cost of deliberation in these cases significantly, while the personal benefits are lower, as these issues will be of less interest to deliberators and the outcomes may affect them less personally. Thus, deliberation would here be more socially useful, while at the same time it is personally more costly and less beneficial. This could lead to the perverse outcome that citizens will be less motivated to participate in deliberation in cases that are more socially beneficial. We can assume that other non-quantifiable benefits, such as a sense of fulfilling one's civic duty would be equal in both of these cases.

The second aspect of deliberation that affects the benefits each deliberator receives is the material difference that their participation makes. One of the reasons why the benefits of voting are so low is that the benefits of each vote must be multiplied by the probability that it will be pivotal, that is, that it will actually make a difference to the outcome. This number is infinitesimally small in a large electorate. Deliberation faces the same problem

[10] These two will often coincide.

from two perspectives: firstly, the participation of each individual will actually have to matter and, secondly, the results of deliberation have to be translated into public policy.

How much individual participation matters is much harder to assess than in the case of voting. Each vote counts equally, but not every argument is equal in a deliberative discussion. Thus, those who feel that their voice will have little impact will be less motivated to participate. And these are likely to be those who are already disadvantaged in society.

Whether the outcomes of deliberation will make an actual impact depends on the political will to make it so. I will discuss this in more detail in section three of this chapter. For the time being let it suffice to say that if participants in deliberative groups feel that their decisions and their deliberations have little impact on actual policy, they are unlikely to feel motivated to keep turning up. Material benefits would need to appear in a timely fashion in order to convince citizens that the process was working. If very little changes in individuals' day-to-day lives as a result of deliberation, then the material benefits of participating may not be enough to lure people along, unless they get other significant benefits from the process, such as personal enjoyment or a sense of fulfilling their duty.

In the cases where these benefits cannot be met, the individual cost of participating in deliberation is high. One of the greatest constraints is of course time. Time constraints can limit the range of people who participate in meetings on a regular basis. Poorer people working in multiple jobs, professionals working long hours and those with small children in general have less time and energy to participate in meetings held in the evenings and at weekends. On the other end of the scale the self-employed, stay-at-home wives and husbands, pensioners, students, those with flexible schedules, part-time workers and the unemployed have more time to participate (Souza 2001). There is evidence from the Porto Alegre project that women were less likely to participate, as holding a full-time job and carrying out household duties left them with little spare time (Baiocchi 2003). In the Brazilian participatory budget projects some of the poorest sections of the population lack motivation to participate in the process as their first concerns are for day-to-day personal

survival, rather than the infrastructure and public goods projects that the budget focuses on (Souza 2001).

The costs for each individual citizen to participate in either formal or informal deliberation will often outweigh the benefits. In the absence of other significant personal factors, such as individual interest in politics or a sense of civic duty, most citizens are unlikely to be motivated to participate in deliberation. Making deliberation compulsory and coercing people to participate in formal deliberation might be problematic since it is difficult to argue that such a costly activity constitutes a part of performing our basic duty as citizens.

Those most likely to be active in deliberative forums are those who are active in politics now. It is important to note that even in successful cases, such as the deliberative forums in Porto Alegre, the deliberators were self-selected. Many people dislike participating in public meetings or even discussing politics informally. Most people prefer to avoid confrontation when it comes to political disagreement and prefer to discuss politics with like-minded people (Mutz 2006). Furthermore, many feel shy or feel they cannot argue their case as persuasively as others do (Mansbridge 1983). These individuals are less likely to participate in formal deliberation. And self-selection can have dangerous consequences, as the unrepresented may lose out in the process. Fung (2004, 105-106) argues that self-selection and relatively low participation rates are not a problem, as citizens may have to choose between a number of forums to participate in and only get involved in one or two which they are most motivated to attend. But the problem is that if individuals can choose between a large number of groups, their efforts will be fragmented and each forum will be captured by a homogeneous special interest group.

Overall, individual motivation may significantly limit the extent to which citizens are willing to participate in deliberative projects. This should not pose a problem as long as we admit that deliberative discussions would not extend to cover all citizens. There are already a large number of individuals who are sufficiently interested in politics to play a part in the political process, whether as elected representatives at the national or local level or as civil society activists. There will always be people who are motivated enough and

capable enough to successfully participate in deliberative processes. Additional incentives, such as a cash reward for participating, could further increase their number. And as Gastil (2000) argues, those who would not be willing to participate in deliberation when presented with the opportunity to do so would probably not be able to make a significant contribution anyway. If deliberative democracy is defined in this way, rather than as a society-wide debate, then its individual level preconditions will be met. However, in this case more attention needs to be given in the literature to mechanisms that make deliberation representative and accountable.

The Second Level: Society

Moving from the individual level of preconditions for deliberative democracy to the social one offers us an opportunity to look for factors which could provide a motivating force for individual participation. At the same time we should continue to pay careful attention to the necessary aspects of social life that enable deliberation in the first place. This section examines two broad areas. Firstly, I shall look at the role that the homogeneity or heterogeneity of the population plays for the prospects of deliberative democracy. Then I will look at the role of social capital and political culture.

Commonalities and Differences

Meaningful politics requires that sufficient differences should exist between groups to make getting involved in politics worthwhile (Almond and Verba 1963/1989). If all members of a community unanimously agree about a decision without deliberation, there are no incentives for individuals to take part in politics. The fact that different individuals and groups hold different sets of values or rank the same values differently means that the outcomes of politics matter to citizens. Hibbing and Theiss-Morse (2002) argue that the reason most citizens are not interested in participating in politics is that they overestimate

the extent of consensus in society. Thus, heterogeneity of beliefs and a realisation that this heterogeneity exists play a crucial role in motivating individuals to participate in politics.

Of course not all levels of heterogeneity are beneficial. Sometimes cleavages can be so deep that different groups find it impossible to talk to each other. This situation can lead to catastrophic consequences, such as civil war or genocide. In these cases it is more feasible to start out with developing a relationship between the two communities through more group interest focussed and less deliberative means. Thus, the conditions under which a representative democracy could function should be created first. These first procedures could then be made more deliberative in the future.

So what kind of homogeneity does successful deliberation require? At the very minimum participants need to be able to communicate with each other without difficulties. This presupposes that members of a society share a common language. This condition can of course be met for most citizens of a nation state. There are some special cases where citizens in different regions speak different languages, as is the case in Switzerland or Canada. However, these countries are already successful democracies and it is unlikely that language barriers would prevent them from becoming more deliberative.

While language itself may not pose a barrier for deliberation, citizens also need to possess a shared understanding of the world around them, in terms of understanding how the political system works and understanding the key values of democratic societies, such as freedom of expression. This is necessary in order to fulfil the condition of reciprocity in deliberation, whereby participants appeal to shared reasons (Gutmann and Thompson 1996). If a significant section of a population is not committed to upholding the values of democracy, then they are unlikely to be willing to participate in deliberation. There is evidence that acceptance of such values is generally common in societies, even though the extent to which they are embraced might differ across individuals or groups (Dryzek and Braithwaite 2000). But even in well established democracies there will be some citizens who do not seek to uphold democracy or who do not subscribe to otherwise commonly shared notions of equality or justice. These groups can pose special problems for deliberative democracy.

Even when citizens of a country nominally share common values, it could be difficult to evaluate whether they interpret those values in the same way. This could result from the shorthand use of terms such as equality, which could mean both equality of opportunity and equality of outcome. Or it could be the result of different interpretations of the same term such as freedom of speech, which some might interpret as limitless, while others would exclude crudely hateful or discriminatory speech. In these cases citizens may end up talking past each other, even if deliberation does take place. Therefore, the depth of deliberation matters. Either fundamental values need to be probed and clarified or deliberation has to be very clearly limited to a few policies or issues at a time, where decisions are made about the means to achieve an end, rather than the end itself.

Dryzek and Braithwaite (2000) studied different sets of values among the Australian electorate and arrived at a four-fold division of value conflicts. Firstly, two distinct, but most likely overlapping value sets could face each other. This is the case in traditional left-right politics. Secondly, a group with a set of values might be faced with a group which held no values and was cynical about them. This could be the case when citizens become disaffected with the political and the social system. The authors argue that in these two cases meaningful deliberation is possible, either when reflection is inspired between two sets of values or when those with positive values try to bring the valueless along with them. The third and fourth cases, however, are not amenable to deliberative procedures. In the third case a group defines itself in opposition to another group's values without developing a coherent value set itself. This can lead to a dogmatic definition of their positions, which deliberation is unlikely to change, as whatever one party says, the others will say just the opposite in order to contradict them. In the fourth and final case a group's values are rejected entirely by another group. Dryzek and Braithwaite find no evidence for this case in their study. However, there is certainly some alarming evidence indicating that there are some who reject liberal values more or less completely, albeit these individuals are in a small minority. An example of such rejection of values can be witnessed in some of the slogans that protests against the infamous Danish Mohammed cartoons have produced.

These slogans, one of which was "freedom go to hell[11]", deny the right to free speech and as such oppose Western liberal values fundamentally. It is ironic that it was the values which they denounce that allowed them to publicise their renunciation in the first place.

Thus, deliberative politics in particular and democratic politics in general relies on getting the balance between homogeneity and heterogeneity right. A society needs to be heterogeneous enough to allow its members to understand each other and be able to solve problems peacefully and cooperatively. At the same time politics requires a tension between the interests of different groups, which needs to be resolved. Without this tension politics loses its meaning and can be replaced by mere bureaucracy. The danger that deliberation accentuates is that many groups in a pluralistic society talk past each other. This could lead to a general lack of understanding, which could undermine the effectiveness of deliberative discourse.

Civil Society and Political Culture

What matters in society is of course not just the distribution of views or differences and commonalities between groups. The way different individuals relate to each other is also very important. This is captured by the concepts of trust and social capital. Moreover, individuals do not just relate to each other, they also relate to political institutions. This is political culture. I will now deal with each of these ideas in turn.

Trust is a commonly used concept which describes the extent to which we feel that we can rely on other individuals. We can distinguish between two kinds of trust. The first is generalised trust, and this relates to trusting others in society in general. This is the kind of trust measured by survey questions asking people whether they perceive other people as trustworthy. By contrast, interpersonal trust is trust placed in specific individuals. Interpersonal trust is important in politics, as decision-making is a process that takes place between individuals (Leach and Sabatier 2005). For the purposes of deliberative

[11] Associated Press Images.

democracy, generalised trust might make it easier to initiate deliberative discussions, but it is going to be interpersonal trust that will allow deliberators to work together constructively.

Social capital is concerned with the networks and relationships between individuals in society. A society with rich individual networks based on goodwill, trust and reciprocity has high levels of social capital. Social capital is reflected in and can be measured through a number of different variables. These include religious attendance, the number of friends an average person has, volunteering, philanthropy, civic participation and participation in different groups whether it is a bridge club or a charity group.

Deliberation is an inter-personal affair and it can both draw on and build up social capital. It draws on social capital when it requires participants to extend existing ties between each other to the political forum. Putnam (2000) links social capital both to generalised reciprocity and generalised trust – that is, willingness to act kindly towards and to trust others, whether we have known them in the past or not. These are both factors that can contribute towards successful deliberation. It can also be argued that social capital develops a greater sense of community and through this civic duty. At the same time deliberation can also work to build social capital. Interactions between individuals develop new networks, which enable the group to develop arguments and decisions together.

Putnam (2000) distinguishes two kinds of social capital. The first is bridging social capital. These are networks and relationships that stretch between individuals in different social and economic groups. The second is bonding social capital. Bonding social capital allows likeminded individuals or those in similar socio-economic circumstances to develop stronger relationships with each other. Deliberative groups would ideally have to build and draw on bridging social capital. That is, individuals who hold different points of view and lead different kinds of lives would need to get together in order to make decisions together.

The problem with the social capital approach is that it is broad and often intangible. Measuring it can be difficult, as group participation or volunteering will inevitably be

proxies for a less tangible concept. There are three main reasons why social capital may not be as important as it is often portrayed.

Firstly, and most importantly, there is no clear evidence that social capital has a significant effect on participation in politics (Jackman and Miller 1998, Scheufele and Shah 2000). Putnam argues that higher levels of social capital will result in higher levels of political participation. But this requires a logical jump. Just because an individual enjoys playing bridge at a bridge club, salsa dancing with a local group, has many friends and attends church regularly, this does not indicate that he will also enjoy or feel a duty to participate or get involved in politics. Thus, high levels of social capital will not affect individuals' likelihood to become willing participants of deliberative groups.

Secondly, many of these groups are homogenous, that is, they bring together individuals who share common interests and are likely to view the world in a similar way. This is different from deliberative settings, where group members would come from heterogeneous backgrounds and could hold very different views from each other. Thus, the pre-existence of high levels of social capital, measured in the form of group membership, will not necessarily lead to better deliberation, as most social capital will be of the bonding rather than the bridging form.

Thirdly, many authors have argued that social capital is not an exogenous, but an endogenous variable (Jackman and Miller 1998). That is, social capital does not exist as a variable separate from the situation we examine. It is rather a product of that situation. If this is the case, deliberative democracy would have to generate its own social capital and pre-existing rates of it matter less.

Advanced industrial and post-industrial societies do display fairly high levels of social capital and trust and they are often described as important variables when it comes to the stability of representative democratic regimes. In fact, societies would be unlikely to survive without these. Very few people do not belong to groups, or have no ties to friends and family, although these ties are not always strong[12]. In general, society also requires a

[12] 20% of the UK population feel they have neither a satisfactory friendship nor relatives network (General Household Survey, 2000, Office for National Statistics).

level of trust to function. We need to place some basic trust in others to get on with daily life. These levels of trust and social capital are sufficient to allow individuals to start participating in deliberative groups. Repeated interactions will of course build further social capital and trust, but their lack will not hamper the introduction of deliberative democracy.

Another research tradition identifies democratic political culture as one of the main preconditions of democracy. Almond and Verba (1963/1989), in their study of five countries, define it as "the particular distribution of patterns of orientation towards political objects among the members of a nation" (13). Thus, political culture determines how most individuals within a society relate to the political system. This encompasses how they think about, feel about and evaluate political processes. According to Almond and Verba, democracy is best supported by a participant political culture, where citizens expect to be members of a political community who can influence policies. By contrast, parochial political cultures, where there are no specialised political actors, support traditional, such as feudal, systems and subject cultures, where citizens submit themselves to specialised political elites, best support authoritarian regimes.

The existence of a participant political culture is clearly crucial for deliberative democracy, but it is not sufficient. Almond and Verba find that while citizens in stable democracies are unlikely to participate in politics, they perceive that they would be able to participate, should they need or wish to do so. In order for democracies to become more deliberative, citizens would not only need to believe that it is possible for them to participate, they would also need to be more willing than they are at the moment to seize those opportunities. Furthermore, deliberative democracy is more likely to flourish in political cultures where there are no taboo subjects, such as the subject of the monarchy in Thailand.

Inglehart (1997) argues that citizens in developed countries are moving from a materialist to a post-materialist set of values as a result of a high degree of economic prosperity and the absence of other threats, such as wars. Thus, citizens are becoming less concerned with survival, personal security and material needs and they are becoming more

concerned with their quality of life, self-expression and sense of community. While Inglehart argues that post-materialist values lower economic productivity, he also argues that they contribute to the development of citizens who are more active and involved in civic culture and that post-materialist societies display higher levels of generalised trust.

Post-materialist values are clearly beneficial for deliberative democracy. Other-regarding attitudes, a concern for the common good and finding the best argument appear to correspond to such values. In contrast, materialist values might discourage people from participating in politics as they are busy going about their daily lives or even if they do participate they focus more narrowly on their own interests. However, most individuals are likely to have a mix of materialistic and post-materialistic values, thus it is impossible to make very strong predictions about deliberative democracy based on them.

Trust, social capital and political culture are each important variables for the development of deliberative democracy. Citizens of liberal representative democracies already display levels of trust and social capital that are sufficient for some form of deliberation to exist. But in order for deliberative democracy to flourish our political culture would have to change. This is of course perfectly in line with the aims of the deliberative project. Rather than just being aware that it is possible for us to participate, should we wish to do so, we would need to be more proactive about getting involved in politics and deliberative debates, whether these are formal or informal. This may prove to be problematic given the problems of motivation most citizens will face.

The Third Level: Political Institutions

In this final section of the chapter I will examine the political preconditions for the introduction of deliberative democracy and the way in which deliberative democracy could be introduced to such institutions. In much of the literature, deliberative democracy is assumed to supersede current aggregative arrangements or in other words liberal representative democracies.

Dahl characterizes liberal representative democracies as polyarchies (Dahl 1989). He identifies seven distinctive characteristics of such political systems: (1) government decisions are made by officials elected in (2) free and fair elections under (3) universal suffrage, (4) citizens have a right to run for office, (5) right to freedom of expression, (6) a right to access alternative sources of information and (7) a right to associational autonomy (Dahl 1989 p.221).

Of course not all countries have such systems already in place. Some countries are not yet democratic and many others have only become democracies relatively recently and are not yet consolidated democracies. Illiberal (Zakaria 1997) and delegative (O'Donnell 1994) democracies are examples of nominally democratic regimes that lack many of the features of consolidated liberal democracies. It is unlikely that these systems will be able to introduce deliberative democracy straightaway, without developing a stable democratic regime first, as many of the preconditions I looked at in the previous two sections of the chapter will be missing, such as deeply rooted democratic values and a democratic political culture.

Many recently democratized or democratizing countries face severe cleavages within society. They may be emerging from civil war and have to deal with conflict between different ethnic groups. Many countries suffer from the effects that years or decades of totalitarian regimes had on society and the political culture. It takes time for a more democratic political culture to take root and for new institutions to become stable. Thus, the first aim of such countries is to establish a stable liberal representative democracy. Once this new system has earned the trust of all of society, there would also be greater willingness to participate in deliberation and accept the outcomes of such procedures[13].

In democratic regimes the rules of the democratic decision-making process are enshrined in written or unwritten constitutions. These determine the way in which elections are carried out and policies are made. These constitutional rules provide legitimacy and stability for democratic laws and policies and are normally much more difficult to change than other laws and policies, requiring a supermajority or even repeated

[13] For an opposing argument see O'Flynn 2006 and Dryzek 2006.

supermajorities in the legislature. Thus, at the institutional level the rules of the game need to offer opportunities for deliberative reform to be introduced.

Before I go on to discuss the potential opportunities and difficulties that introducing increased deliberation faces, I need to make two crucial points.

Firstly, aggregative, that is, voting based, and deliberative democracies lie on a continuum. What I call here liberal representative democracies already embody many of these deliberative elements. Yet deliberative theorists argue that the level of deliberation in politics is not high enough. Politicians do not offer the kind of reasoned justifications that should be required of them (Gutmann and Thompson 1996). Citizens and politicians are not engaged in a process of exchanging reasons and reaching well-reasoned judgments together. Instead politics centres around powerful interest groups, lobbying, office-seeking politicians, disinterested and disenchanted citizens and so on. Yet, it is crucial to realise that while voting is the most visible form of politics that the average citizen engages in, it is by no means all there is to political life. Professional politicians, civil society, the media and even ordinary citizens debate among each other. Thus, while one could definitely argue for an improvement in the quality of debate and maybe even in its quantity, the deliberative project is by necessity about improvement and not about the creation of a completely new political reality.

Secondly, there is no consensus about the type of reforms that could best increase the quality and quantity of deliberation in democratic politics. Some of the most well-known theories envisage large-scale reform (Ackermann and Fishkin 2004). Yet most empirical studies of deliberation focus on cases where small local groups discuss a carefully defined issue (Fung and Wright 2003, Gastil and Levine 2005). While these deliberative processes share much normative ground, they would be very different from each other in practice.

Much of the literature assumes that deliberative reforms should take the form of introducing new, deliberative political institutions alongside existing ones. These reforms assume substantial institutional change, whether that involves nationwide deliberative polls (Ackermann and Fishkin 2004) or compulsory deliberative jury duty (Leib 2004).

Habermas's deliberative ideas (1996), while not clearly defined as far as practical implementation is concerned, also seem to call for far-reaching change. It is usually difficult to introduce institutional changes which are this substantial. In many countries they require constitutional reform, which needs to be approved by a super-majority. The question is whether politicians would have incentives to introduce such wide-ranging deliberative reforms.

In their detailed analysis of what deliberation day might look like, Ackermann and Fishkin (2004) describe the increased pressures US presidential candidates would face during their campaigns if the new institutions were introduced. Not only would citizens discuss the issues and candidates during the course of a special nation-wide deliberation day held before each election, but the most common questions would also be addressed by candidates in a televised debate. Presidential candidates would be evaluated based on different criteria than they are now once they had to face deliberation day. This would increase uncertainty about the outcome of elections and the established campaign machine would need to be significantly modified to deal with these changed circumstances. And it would not even be guaranteed that citizens would be interested in this new institution and would keep turning up every four years.

Deliberation day would change the electoral system by making voters more informed about candidates and by possibly changing the position of the median voter, thereby increasing candidates' uncertainty about the policies that will be attractive to the median voter who is considered to be decisive in an election. Other arrangements, such as deliberative assemblies, would add new veto players to the political landscape or could change the agenda-setting and gate-keeping powers of political actors.

Given these pressures, incumbents may not be very amenable to introducing new deliberative institutions. They have a vested interest in preserving the status quo, since this is what brought them into power and allows them to stay in power. Even in the case of lame duck politicians, their close ties to their party and political allies who still face further elections halt their hands when they consider dabbling in deliberative experiments. We must remember that deliberative institutions along the lines of deliberation day are not

minor changes and could alter the status quo drastically. Deliberation is only one option available to politicians for resolving conflict. And this alternative becomes attractive to politicians only when other alternatives are unfeasible (Leach and Sabatier 2005).

Politicians are of course not purely office-seeking. They also have process-oriented concerns (Bowler et al. 2006); that is, they care about the fairness and adequacy of the system that can bring them into power. In general, elites are more partial towards democratic values (Sullivan and Transue 1999) than the general population. Thus, they may find the idea of increased deliberation attractive in itself. But concern for the quality of democratic processes is only rewarded by the electorate to a limited extent. Thus, on the supply-side of democratic innovations politicians will have little motivation to introduce deliberative institutions.

Furthermore, there is also a lack of popular demand for these institutions. There is no immediately obvious urgent need to make democracy more deliberative. The introduction of secret ballots was a reaction to the threat of voter intimidation and bribery, acts that both politicians and citizens were rightfully concerned about, as they distorted elections unacceptably. What threat to democratic ideas does deliberative democracy respond to? Deliberation might respond to the widespread feeling that there is a democratic deficit due to voter apathy and distrust in politicians (Hibbing and Theiss-Morse 2002). These are certainly themes which are taken up regularly by politicians, civil society groups and the media. But the idea of increased deliberation between citizens does not appear to have caught on outside the academic sphere, despite relatively widely publicised deliberative experiments. Major world newspapers[14] have only referred to 'deliberative democracy' 147 times and 'deliberative poll' 204 times since the early 1990s. While general apathy and disenchantment with politics is frequently evoked, more deliberative arrangements are not mentioned as a possible solution.

One could argue that the reason for this is the relative novelty of the deliberative project. But participatory democracy, which has been popular in academia for a much longer time, has failed to catch on as well. The lack of enthusiasm reveals a lack of

[14] As identified by LexisNexis on 3rd September 2008.

motivation and incentives on the part of citizens to embrace costly, time and resource-consuming deliberative reforms. Deliberative democracy fails where participatory democracy has failed – there is a sense of disbelief that it will work, that corrupt politicians and busy citizens can make it work (Hibbing and Theiss-Morse 2002). Thus, deliberative democracy is not well-known and popular enough and the need for it is not strong enough to entice politicians to support large-scale reforms. But smaller, more incremental improvements may be more likely to succeed.

If deliberation will not be introduced from above, another possibility is to introduce it from below – through local government and civil society initiatives. Reforms could take the form of establishing small scale formal deliberative groups or encouraging informal deliberation among the wider electorate. This would circumvent the lack of political will on the national level and may motivate ordinary citizens to participate more directly.

Most documented deliberative or quasi-deliberative projects are such grass-roots initiatives. Fung (2004) gives the example of initiatives in the Chicago police and state school systems which give residents and parents greater input into how those services are run. Fung's study finds that such citizen involvement had a significant positive impact. I have already mentioned the participatory budget projects in Brazil. This project was first introduced in Porto Alegre after the left-wing PT party won the city's municipal elections. This process allows residents to set their own priorities for the city's annual budget through a series of meetings. The general population only participates in the first meeting, where participants for further, ongoing deliberative groups are selected. The scheme was adopted by other cities as well, with varying success. But these projects are affected by the problem of individual motivation to participate in politics.

Moreover, even if citizens have the will to get together and deliberate, their decisions still need to be implemented rather than ignored. Cohen and Rogers (2003) point out that the success of such projects is often ensured because there is a political will to carry out the kinds of policies favoured by the deliberative groups, and this will would have existed even without any kind of deliberative procedure. Thus, these projects were successful because their decisions coincided with those preferred by individuals, groups

and institutions that were part of the existing power structure. This can be seen in Porto Alegre where the results of participatory budget coincided with the PT party's aims, such as increasing taxes.

Secondly, Cohen and Rogers argue that another indicator of success is that these projects focus on a relatively small and well-defined area of public policy. Citizens are not required to set their own agenda and have to decide within budgetary constraints which are imposed on them from outside. They also need to learn about a relatively limited area of policy-making. This simplifies their task considerably and does not pose excessive cognitive demands.

The current state of empirical research into deliberation does not yet tell us what distinguishes successful deliberative enterprises from unsuccessful ones. The reason for this is that only successful cases are studied in detail. It would be interesting to see more studies of deliberative projects that have *failed* in order to identify which independent variables cause success or failure.

A second possibility is to strengthen the deliberative elements of existing institutions. Consociational (Lijphart 1999) democracies encourage more consensual decision-making. Countries such as Switzerland are characterised by cleavages along ethnic lines that necessitate a democratic system that ensures that minorities are included in politics. Such democracies usually feature proportional representation and broad coalitions. Steiner et al. (2004) argue that consociational democracies are more deliberative, as arguments for policies will need to be more inclusive.

Legislatures are already deliberative institutions, although the kind of deliberation present there is often very different from the kind of deliberation advocated by political theorists. Legislatures are by their very nature adversarial arenas, where divisions about most issues exist along party lines. Steiner et al. (2003, 2004) developed a discourse quality index which is a quantitative measure of how far political discourse in legislatures approximates deliberative ideals. The index measures whether legislators were able to state their arguments without interruptions, the level and content of justifications offered,

the respect legislators showed towards other groups and other arguments and the extent to which political discourse aimed at building a consensus.

They applied this index to legislative debates in Switzerland, Germany, the UK and the US (Steiner et al. 2004). They found the largest differences with regards to the level of respect legislators displayed towards others. They hypothesised that the quality of discourse would be higher in consociational and presidential systems, where the number of veto players is large, in second chambers, when the debates were not public and when issues under discussion were not polarised. The strongest evidence was in favour of consociational systems, veto players, second chambers and non-public arenas. The difference between different kinds of systems was in any case relatively small. As the authors emphasize, these systems are not worlds apart from each other. However, they argue that subtle differences can change the culture of political debates in the longer term. But many of the institutional variables that Steiner et al. found to make a difference would face opposition for the same reasons that more sweeping deliberative reforms would. Switching to proportional representation or grand coalitions would also alter the political game significantly.

Legislatures are far from the only political institutions that could build on existing deliberative practices. In fact most democratic institutions qualify. Deliberation already plays a major part in judicial systems. Under common law jurisdictions citizens participate directly through the jury system and even in the absence of juries, judges are required to deliberate.

Executives could become more deliberative in two broad ways. Firstly, deliberation within the executive could be encouraged. This, however, is problematic as there is a lack of publicity of executive decision-making processes. Secondly, the executive could commission groups of citizens to conduct debates on its behalf, along the lines of citizen juries. Governing parties already make extensive use of focus groups, but their primary purpose is often to allow parties to stay in power. If the decisions citizen juries reach are regularly at odds with the government's own policy positions, this can endanger this project. This has been the case in Britain where New Labour has initially favoured

experimenting with citizen juries, but eventually decided to abandon them (Wakeford 2002). Unfortunately, deliberative ideas such as allowing people to comment on government policy through an online forum on the Downing Street web site are often symbolic gestures that have no effect on actual policy-making (Wright 2006).

Public services could organise stakeholder meetings in order to allow their clients to have more input into how they are run. This is especially useful for public services which are active locally, such as healthcare providers, schools or the police. Nevertheless, the importance of mechanisms that make sure that the input of citizens is then taken into account cannot be stressed enough. It would be very easy for large bureaucratic organisations to organise consultative forums in order to comply with regulations, but then to ignore the outcomes.

Many European countries have state broadcasting services, which citizens have to support through a television license. The stated purpose of such services is often to provide television and radio programs which commercial channels are less likely to produce. They are usually also obligated to provide impartial news services. These could be strengthened to provide a real deliberative platform where representatives from all groups would receive equal airtime and equal respect. Of course, not all citizens are going to watch these programs, but those who do could be exposed to different viewpoints as well as to the idea that those viewpoints should be respected equally[15]. The media could also serve to foster informal deliberative debates.

This brief list illustrates that there are already a wealth of deliberative institutions present in democratic societies. The first task of any serious deliberative democrat must be to strengthen these institutions rather than to re-design the entire political system to accommodate new ones. This would of course change the character of the deliberative democracy project. It would make it less ambitious, it would make it appear less ground-breaking, but at the same time it would also become more realistic and easier to embrace for politicians who will have to legislate and implement reforms.

[15] And there is evidence that those who do so are also more likely to be opinion leaders who engage actively in civic duties (Scheufele and Shah 2000).

The question arises why such smaller-scale reforms have not already taken place and why there is no wide-spread call for such reforms. I believe the reason is that there is a lack of incentives for their introduction both for politicians and citizens. Citizens have no interest or time to participate and would get relatively little benefit out of getting involved in political deliberation. Thus, we return to the problem of motivation. Hibbing and Theiss-Morse (2002) argue that most citizens would like democratic politics to function without intervention on their part, like a perpetuum mobile producing good policy decisions. According to their findings citizens underestimate the deep divisions that exist about policy matters and believe that politics would function very well without their help if only politicians and bureaucrats were not so inefficient, incompetent, selfish and removed from the reality of the wishes of ordinary people.

Yet liberal representative democracy appears to work more or less as intended, which means that neither politicians, nor citizens will desire to change it drastically – especially if this required increased effort on the part of citizens and increased risk for politicians. In order for deliberative democracy to be successful, the case for deliberation needs to be very strong, both with respect to the theory and the practice of democratic deliberation.

Conclusion

Most of deliberative democracy's preconditions do exist. Individuals have the right cognitive resources and attitudes to participate in some form of deliberation, even though its quality may not be ideal. There is also enough trust, social capital and homogeneity in most Western liberal societies to make deliberation possible. The preconditions that might be lacking are the individual motivation and the political will to deliberate.

On the institutional level grass roots reform is likely to be more realistic than large-scale reform. However, there are two problems with such an approach. First of all, grass roots efforts require citizens to become more active. As the assumption that citizens will

be motivated to participate is a problematic one, this may be difficult to achieve. There are already many examples of meetings that local residents could attend, such as the planning permission meetings of the local council. However, attendance at such events is low. This might be due to the fact that citizens do not feel that they will achieve anything by attending. Thus, in order for grass roots deliberation to attract interest, residents need to feel that their attendance makes a real impact and the costs of attending need to be kept low.

But even then participation in town hall meetings is likely to be infrequent or limited to few participants. Even if residents are willing to attend, only the most committed will do so on a frequent basis. Such low and irregular attendance is in turn unlikely to change the political culture significantly. And without a cultural change deliberation may not move above a grass roots level. A more promising route to increased deliberation is through existing institutions.

Thus, while the basic preconditions of deliberative democracy do exist, making democracy more deliberative will face problems of individual motivation and political will. However, these obstacles may be overcome if it can be shown that deliberative democracy has significant advantages over liberal representative democracy, by increasing democratic legitimacy or by producing better outcomes. Over the coming chapters I will therefore explore both procedural and epistemic justifications of deliberative democracy and endeavour to assess the model's overall value as compared to liberal representative democracy.

CHAPTER THREE
DELIBERATION AND RATIONALITY

The next few chapters will focus on the different arguments that have been put forward to justify deliberative democracy. Deliberative democracy can be justified on epistemic grounds[16], but it is often justified on procedural grounds instead. Accordingly, values inherent in the deliberative decision-making process itself make the resulting decisions legitimate (Coleman and Ferejohn 1986). While some of these values may already be satisfied by other decision-making arrangements, such as liberal representative democracy, we would expect deliberative democracy to exhibit them to a higher degree. Deliberative democracy can be defined in such procedural terms as decision-making through reasoned, other-regarding, un-coerced, equal and inclusive debate. This chapter focuses on the values of reasoned and other-regarding discussion, while the next chapter will focus on inclusion and equality.

According to procedural accounts of deliberative democracy, the communicative and reason-giving process that takes place during deliberation is one of the main sources of its legitimacy. The preferences, choices and their justifications by individuals that are expected to exist during such a process are crucially different from those we would expect based on the assumptions made by social choice and rational choice theory. These differences stem from basing deliberative democracy on the theory of communicative rationality and from laying down standards of reciprocity and reason-giving for deliberative debates. Thus, these procedural values depend to a large extent on the model of rationality that is used to underpin them. Therefore, in this chapter I will examine both the procedural justification that deliberative democracy derives its value from the fact that it is comprised of other-regarding, reasoned debate and the model of rationality that underlies this assumption.

[16] I focus on epistemic justifications of deliberative democracy in chapter six.

One of the most significant points made by deliberative democrats is that we should expect citizens' preferences to change in the political forum. Earlier models of democracy, especially ones that are based on rational or social choice theory, take preferences to be fixed. Each individual citizen enters the political arena with fully formed, rational preferences in place and the function of the political process is to aggregate these inputs into a collective output or policy choice. Minimalist conceptions of democracy (for example, Riker 1982) could also be accused of taking a non-cognitivist view of preferences and voting. Thus, these theories do not require votes to be the product of a reflective process aimed at identifying the best decision, no matter how we define 'best'. Preferences are viewed as rational insofar as they fulfil a set of basic conditions that ensures that individuals do not hold contradictory positions, but minimal conceptions of democracy remain silent about the origin of those preferences or the extent to which they correspond to the actual interests of individuals.

The theory of deliberative democracy, on the other hand, assumes that the political process will contribute to shaping these preferences or inputs. This can happen in two ways. Firstly, it may be reasonable to suppose that citizens do not have fully formed preferences in place. Deliberation can thus have a function of *preference formation*, as citizens are required to articulate their preferences in the public forum as well as listen to the preferences of others and increase their factual knowledge. Secondly, these processes may also lead deliberators to change the preferences they already have in place, thereby inducing *preference transformation*. Theories of deliberative democracy shift the focus to the creation and transformation of preferences through reciprocal, reasoned discussion. Thus, "the more collective decision-making processes approximate this [deliberative] model the more increases the presumption of their legitimacy and rationality" (Benhabib 1996, 69).

This chapter will examine the belief and preference forming and transforming characteristics of deliberative democracy and the claims that these will increase the legitimacy of democratic decision-making processes. There are two approaches that rely on rationality and reason to furnish deliberative decision-making processes with legitimacy. The first approach is best exemplified by Dryzek (1990, 2000, 2006), who argues that

deliberative or discursive democracy best embodies the values of communicative rationality. The best-known version of the second approach is found in the work of Gutmann and Thompson (1996, 2004), who argue that the legitimacy of deliberative democracy is based on a few of its most salient characteristics, first and foremost reciprocity.

In the first section of the chapter, I examine these two approaches and the way in which a communicative conception of rationality influences the procedural values of reasoned debate and other-regardingness. In the second section, I look at three common mechanisms of human rationality that contradict the assumptions of deliberative democrats: conformity, biased interpretations of expert evidence and framing. Finally, I assess the accuracy of these assumptions and their importance to the deliberative project.

Deliberative Reason

Communicative versus Instrumental Rationality

The theory of deliberative democracy is often taken to be founded on Habermas's discourse ethics and theory of communicative action.[17] For many authors discourse ethics provides the best framework for explaining the validity and legitimacy claims of deliberative democracy (Benhabib 1996, Dryzek 1990, 2000). Dryzek (1990, 1996, 2000, 2006) has articulated this view most coherently; therefore, I will focus here on his work.

As most deliberative democrats, Dryzek (2000) sees democracy as an open-ended project and models of democracy as blueprints for further democratization. He argues that this democratization takes place in three directions; increasing the scope of issues subject to deliberative decision-making processes, expanding the range of participants and increasing the *authenticity* of deliberative decision-making processes (Dryzek 1996).

[17] In this chapter I am concerned with the way in which the theory of communicative rationality is used in the deliberative democracy literature, where communicative action and rationality take on a broader and less precise meaning, rather than in Habermas's work itself.

Authenticity is "the degree to which democratic control is substantive rather than symbolic, informed rather than ignorant and competently engaged" (Dryzek 1996, p.5), and "[a]uthentic democracy can be said to exist to the degree that reflective preferences influence collective outcomes" (Dryzek 2002, p.2). He argues that currently the most substantial scope for democratization exists in increasing the authenticity of democratic regimes. For Dryzek, this can only be achieved through a deliberative, or as he puts it, discursive model of democracy. Discursive democracy increases legitimacy by facilitating the further democratization of politics through widening the control citizens have over politics through the participation of autonomous and competent actors (Dryzek 1996, 2000).

Dryzek then sets out to develop a theory of discursive democracy that takes account of the deliberative turn, but is founded on critical theory rather than liberalism. He sees liberalism as too closely intertwined with a capitalist mode of production and existing power structures to be able to function as the foundation of a more authentic model of democracy. And if critical theory is the most viable alternative to liberalism, then the most viable alternative to the theory of instrumental rationality dominant in political science is the theory of communicative action and rationality (Dryzek 1990).

Communicative rationality and instrumental rationality[18] are often portrayed as competing models, with the former offering a better support for the theory of deliberation than the latter. Instrumental or strategic rationality is the conception of rationality used in economics and it is also widely adopted by political scientists. This is the theory of rationality that forms the basis of rational choice theory and social choice theory as conventionally interpreted. Instrumental rationality takes the ends which individuals want to pursue as given. Rational individuals then act based on their beliefs about how to bring those ends about.

According to the thin definition of instrumental rationality used in economics, individual preferences need to satisfy three basic conditions (Varian 1999), which make

[18] Instrumental rationality is also referred to as strategic rationality. I opt for the term instrumental rationality, as it seems more neutral.

them representable by *weak orderings*. Specifically, preferences need to be *reflexive*; meaning that each alternative x is weakly preferred to itself (that is, an agent is indifferent between x and itself). Second, preferences need to be *complete*: that is, individuals have to be capable of comparing any two alternatives; formally, for any two alternatives x and y, either x is weakly preferred to y or y is weakly preferred to x (or both). Finally, preferences need to be *transitive*: if an individual weakly prefers x over y and y over z, she will also weakly prefer x over z. For rational decisions made under conditions of risky choice, von Neumann and Morgenstern (1947) added other conditions, including the principle of *substitution*, requiring that if x is weakly preferred to y, then an even chance of getting x or z is weakly preferred to an even chance of getting y or z.

Another, related set of conditions has been developed for the rationality of binary judgements (List and Pettit 2002), that is, acceptance/rejection attitudes over propositions. Firstly, individual judgement sets need to be *complete*: for each proposition, individuals need to accept either the proposition or its negation. Secondly, judgment sets need to be *(weakly) consistent*: individuals cannot simultaneously accept a proposition and its negation. Thirdly, individual judgement sets need to be *deductively closed*: that is, individuals will have to accept the judgements that follow logically from the ones they have already made.

Habermas (1984, 1996) links instrumental rationality to *strategic action*, which he portrays as a teleological model of action where actors aim to ensure the success of their goals, and in the pursuit of this success adopt an objectifying attitude towards their environment and towards other actors. In contrast, Habermas bases his theory of deliberative democracy on his discourse theory of *communicative action*. Here the focus is on communication and understanding rather than successfully achieving an end. Furthermore, "[r]eaching an understanding functions as a mechanism for coordinating actions through the participants coming to an agreement concerning the claimed *validity* of their utterances, that is, through intersubjectively recognising the *validity claims* they reciprocally raise" (Habermas 1985, 163 emphasis in original).

When a speaker makes a valid claim he or she claims that his statement is *true*, that the act implied by the statement is *right* with regards to the normative context that the claim is situated in and finally that the intentions of the speaker are *sincere*. Communicative reason makes it possible to make valid claims and to determine when a claim is valid (Habermas 1996, 5).

The theories of communicative rationality and communicative action offer an explanation of how shared norms develop and are passed on over time, which do not merely appear to serve the narrow interests of the individuals who adhere to them. Accordingly, a commitment to normative standards reached through participating in speech acts can only be adequately explained by communicative rationality (Heath 2001). Agreeing to the reasons behind a normative statement means that we accept that statement. Once this is the case, we are constrained from acting for our own benefit only, as we now have to conform to these norms. Thus, the theory of communicative rationality tells us that we overlook the explanation for social cohesion by referring to instrumental rationality alone. The closest political manifestation of this communicative process is deliberation.

Not all scholars writing on deliberative democracy reject the instrumental conception of rationality. Fung (2003) applies some of the theoretical foundations of rational choice theory in his work, while arguing against a strict rational choice view that does not allow for preference change or the existence of other-regarding preferences.

Supporters of communicative rationality often offer a definition of instrumental rationality that is easy to attack, as it is so loosely defined. Instrumental rationality is often taken to imply selfish actions in politics that are aimed at maximising one's own utility without taking into account the interests of others. However, a more precise definition of instrumental rationality that could be derived from the rational choice literature is both narrower and broader than this. The simplest definition one could give is that instrumentally rational actors choose their actions in a way that will let them achieve their preferred outcome given the beliefs they hold about the consequences of those actions. To give an example, if a student prefers to get a good grade on a course, he will choose

studying over going to the cinema to watch a movie unconnected to his studies, as this action is more likely to result in his preferred outcome. Such a definition does not tell us whether the actor's preferences are selfish or not – many people have a preference for seeing others do well – or where those preferences originate. More sophisticated models could take preference formation and change into account as well.

This definition is narrower than the 'selfish actor' definition, because it does not tell us about the normative contents of actors' preferences; their preference could be to help or to harm others or it could be neither. At the same time this makes it also broader, as it can encompass more types of action and allows for non-selfish preferences.

In fact Dryzek (2000) accepts that instrumental rationality does not equate to selfish preferences, but holds that it still cannot account for preference change. However, the fact that preferences are modelled as constant is more a reflection on the current limitations in modelling techniques rather than a limitation of the theory of instrumental rationality itself. Preferences are usually held constant in order to simplify the assumptions behind models and to reduce their complexity and newer, more complex models are also increasingly accommodating preference change. But there is nothing contradictory between an instrumental conception of rationality and preference change.

Reasoned Deliberation

The second argument for the legitimacy of deliberative democracy based on reasoned debate is also strongly procedural. Here the legitimacy of deliberative decision-making process is ensured through the normatively desirable properties of the reason-giving that characterises it. The most sustained version of this theory, which I am going to focus on here, has been put forward by Gutmann and Thompson (1996, 2004). Their work has become extremely influential in the deliberative democracy literature and many of the more recent empirical analyses build on their theory of political deliberation.

For Gutmann and Thompson deliberative democracy is a process that is morally legitimate because it arrives at provisionally justified decisions[19] that are justifiable to all citizens who are bound by them (1996, 51). They give four reasons why deliberative democracy can achieve this. Firstly, by considering options in a reciprocal, reasoned debate, deliberation makes decisions more legitimate under conditions of scarcity.

> "The hard choices that democratic governments make under these circumstances should be more acceptable even to those who receive less than they deserve if everyone's claims have been considered on their merits rather than on the basis of wealth, status or power. Even with regard to political decisions with which they disagree, citizens are likely to take a different attitude towards those that are adopted after careful consideration of the relevant conflicting moral claims and those that are adopted only after calculation of the relative strength of the competing political interests." (Gutmann and Thompson 1996, 41-42)

We must note that Gutmann and Thompson are concerned with the morality and legitimacy of democracy in its everyday process, in the ordinary interactions between citizens, civil society, the media, politicians and political institutions. They distance themselves both from pure proceduralists, whom they see as only providing moral foundations for democratic processes, and contractualists, whom they see as concerned with whether democracy arrives at moral outcomes, while both neglect the morality of actual proceedings in democratic politics. Thus, for them, even those who get less than what they deserve should accept the legitimacy of outcomes if the process through which those outcomes were produced was sufficiently moral. This morality is then derived from fair and reasoned deliberation that is first of all reciprocal.

Gutmann and Thompson offer three more arguments in favour of deliberative democracy. Deliberation encourages citizens to take a broader, more other-regarding

[19] Only provisionally justified, as they could be revised at a later date.

perspective of politics, thereby resulting in a more generous, less selfish and, once again, more moral decision-making process. It also helps citizens to "distinguish among the moral, the amoral and the immoral" (Gutmann and Thompson 1996, 43) and sort selfish claims from other-regarding ones. Finally, learning through deliberation increases the moral knowledge and understanding of citizens, thereby further reinforcing the justification of decisions. From this brief summary, we can immediately see that the procedural characteristics of deliberative reasoning are of crucial importance for Gutmann and Thompson for making the model of deliberative democracy more legitimate than other models of democracy, and that it achieves this by producing justifiable decisions through a moral process.

These procedural characteristics are supposed to be the inescapable consequences of political deliberation. While deliberative democrats who base the legitimacy of their model of democracy to a large extent on these characteristics (Gutmann and Thompson 1996, 2004, Benhabib 1996, Fung 2004, Ackermann and Fishkin 2004) acknowledge that citizens will not be transformed instantly into other-regarding altruists offering well-reasoned moral arguments, they argue that giving deliberation greater importance in politics will lead to a gradual increase in these desirable properties. As a result deliberation will change the rationality of political interaction itself. Instead of the rationality depicted in public choice models where agents with fixed preferences try to maximise their utility leading to apathetic voters, loss-making, bloated bureaucracies and strategic politicians, the rationality of deliberative democracy will centre around the reciprocal reasons and other-regarding preferences generated by a deliberative discussion.

I will now examine in more detail the four main characteristics of deliberative rationality as described by this model. Firstly, deliberation demands *reciprocity*, or the mutual exchange of public justifications for judgements and preferences. Secondly, deliberation is preference transforming, both by requiring participants to become *other-regarding* rather than basing their preferences solely on their own self-interest and by inducing *meta-agreement* or in other words agreement over the most important dimensions of the decision to be made. Finally, *rational learning* takes place during deliberation,

thereby improving the extent to which individuals' preferences correspond to their own and their community's best interests.

Reciprocity

One of the most important conditions for deliberation, endorsed across the entire literature on deliberative democracy, is that it should be characterised by reciprocity (Benhabib 1996, Gutmann and Thompson 1996, Fung 2004). Reciprocity requires participants (1) to justify their judgements and preferences in terms that are acceptable to other, reasonable individuals (2) and to be willing to listen to arguments presented by others in a similarly publicly oriented way. Thus, deliberative democracy makes use of the Rawlsian idea of public reason (Rawls 1993).

Deliberation increases the rationality and reasonableness of decisions by requiring deliberators to justify their judgements and preferences publicly. It increases its rationality, because deliberators will be more aware of what is in their own best interest and well as in the best interest of others. It increases reasonableness, as it increases the extent to which deliberative debates are based on shared norms, such as fairness. Reciprocity defines the kinds of reasons that are acceptable for such justifications. These reasons take into account that political deliberation will take place in pluralistic societies (Cohen 1996) where not all citizens share the same worldview or comprehensive doctrine. Any decision that can be justified publicly must be acceptable to all citizens, no matter what comprehensive doctrine they hold. This makes reciprocity not only a source of rationality, but also of legitimacy.

Reasons are acceptable firstly, if substantive moral reasoning appeals to premises which individuals could plausibly accept from the perspective of their particular comprehensive doctrine, even if they do not in fact do so, and secondly, if they appeal to premises which rely on empirical evidence that can be tested according to reliable methods of enquiry (Gutmann and Thompson 1996, 56).

Reciprocity is not as demanding as it may appear at first sight. It is less demanding than impartiality (Gutmann and Thompson 1996), since it only requires that reasons given should be acceptable to others, and not that they must be given from an impersonal, universalistic viewpoint. Individuals do not need to agree with an argument in order to find it acceptable. Acceptability simply means that those reasons cannot be shown to violate the fair terms of cooperation (Gutmann and Thompson 1996, 78) that all citizens should be committed to.

Furthermore, adhering to the principle of reciprocity should not disallow individuals to support or to object to policies based on the effect that they will have on individuals or communities who hold a certain comprehensive doctrine in a pluralistic society, as these effects would constitute plausible empirical evidence. For example, in a case where certain outcomes or decisions would deeply offend the religious beliefs of some individuals, these individuals could introduce this into the public debate not on the grounds that it offended their God, something which would be a contentious statement, but that it offended them as individuals and failed to offer them the necessary respect that an other-regarding, deliberative decision-making system should offer its citizens. The latter reason would be acceptable in the public forum, as the individuals affected could offer it as evidence of the effects of the decisions. This would be one piece of evidence among many, which could then be weighed in an impartial and other-regarding manner, thus those whose sentiments are easily offended would not be able to veto decisions simply on the grounds that they are offensive to them. Once again, this highlights the key role of other-regarding preferences.

Reciprocity contributes to the legitimacy of deliberative decisions for a number of reasons. Firstly, reciprocity gives the process of deliberation a normative, moral value. Secondly, citizens are more likely to accept defeat in democratic politics if they feel that their views have received a fair hearing and if they find the reasons offered for this decision acceptable. Thirdly, offering reciprocally acceptable reasons in political discussions is a source of respect. Finally, reciprocity contributes to the development of other-regarding preferences and hence contributes to preference transformation and formation.

Other-Regarding Preferences

Other-regarding preferences are central to the theory of deliberative democracy and are of key importance in its functions of preference formation and preference transformation. These are the ethical or social preferences of individuals which are activated when collective choices need to be made (Goodin and Roberts 1975). Accordingly, ideal deliberation only draws on non-selfish preferences that take account of the effects of decisions on the well-being of others.

Let us consider in more detail what it means to be other-regarding. Other-regarding preferences presuppose a capacity for *empathy*. This empathy needs to be accompanied by a *concern for the welfare of others* – not only do we need to be able to understand the feelings of others; we also need a motivation to react to those feelings[20]. These two together enable us to *act* in a non-selfish or other-regarding way. The preference orderings of other-regarding individuals take the preferences and beliefs of others as well as the effects that policies have on others into account (Fung 2004).

Humans appear to be unique in their ability for altruistic behaviour which extends beyond those related to us by blood – even to strangers or members of another species (Silk et al. 2005). Actions are altruistic in the strict sense if we help others when this does not benefit us personally and may even prove to be costly. Altruistic behaviour can provide significant psychological benefits to individuals. Experiments, using game-theoretic designs, also show that significant other-regarding behaviour exists among people (Hoffman et al. 1996, Frohlich et al. 2004).

It is important to note that other-regardingness does not mean that all arguments presented during debate have to refer to some greater good. Such a requirement would indeed be much too idealistic and it would also disable us from feeling empathy towards others as we would not find out how those others felt. Deliberators should be perfectly

[20] One could presumably imagine someone who is endowed with empathy, understands others' feelings, but then chooses to use this information to hurt those around him.

free to explain what they believe to be in their best interest, and how a decision would affect them personally. But these claims should be presented as part of an exchange of information that contributes to the function of learning through deliberation, rather than as demands or bargaining chips.

While other-regarding preferences might be present before the start of deliberation, this is not a necessary precondition for its success, as the deliberative procedure itself could trigger their formation. This is what Elster (1998) calls the "civilizing force of hypocrisy" and Goodin (1986) calls the "laundering of preferences". What is necessary is that every group member should respect, or should be forced to respect, the rule that arguments put forward have to be based on more than narrow individual self-interest, or even the interest of a small group. But as deliberation is a repeated process, and individuals have to repeat these other-regarding arguments time and time again, eventually they will genuinely adopt them in order to avoid the cognitive dissonance that thinking one way and arguing another would create (Miller 1992). Thus, non-selfish attitudes are created which once again allow groups to work towards the mutually most acceptable outcome. And even if they come to be expressed publicly, selfish or repulsive preferences will be challenged and defeated during the deliberative process (Dryzek 2000). Alternatively, Goodin (1986) suggests that we already hold both egoistic and ethical preferences, and that ethical preferences are already activated in situations where it is rational to do so, like elections or indeed deliberation.

Once again, it is important to emphasize that deliberative democrats only expect an increase in other-regarding attitudes as a result of participating in deliberative discussion, rather than a total and immediate transformation of citizens' preferences (Gutmann and Thompson 1996).

Meta-Agreement

The third aspect of deliberation that I would like to discuss here is its supposed ability to create agreement on the meta-level. Even if substantive agreement cannot be reached over specific options, deliberation should help the group to define what the relevant dimensions are that they disagree over (List 2004). Citizens often do not hold well-reasoned positions and clear preference orderings over issues, but participating in deliberation may help them to achieve this (Benhabib 1996). Quasi-experiments in deliberative polling seem to confirm the hypothesis that deliberative discussion increases preference structuration (List et al. 2007, Farrar et al. forthcoming); that is, more individuals tend to order their preferences along the same structuring dimension. The classic examples for such structuring dimension include the left-right continuum in politics and the 'guns and butter' two-dimensional space, where 'guns' stand for defence spending and 'butter' stands for economic spending.

Thus, deliberation followed by voting has a procedural advantage over voting alone, as it ensures that most voters will evaluate issues according to the same parameters. And as we will see in chapter five, even if no substantive consensus emerges during the deliberative debate, meta-agreement helps to overcome some of the adverse affects of voting that social choice theory predicts.

Meta-agreement can be the result of becoming better informed about issues during deliberation (Farrar et al 2003). As the nature of the issues becomes clearer to individuals they might change their preference ordering based on new information in order to make it more compatible with underlying issue dimensions. They might also change their mind about the relative importance of issue dimensions.

The importance of deliberation might then become that it facilitates the development of single-peaked preference orderings across a group, and as a consequence makes it more likely that a mutually acceptable or at least representative outcome is found. This is somewhat removed from the normatively more ambitious objectives discussed until now,

as it simply aims at creating the structural preconditions of agreement. However, we need to keep in mind that what deliberative democrats are after is not a simple compromise. Instead, reaching agreement on the meta-level complements all the other defining characteristics of democratic deliberation; inclusiveness, non-selfishness, correcting incorrect beliefs, and so on.

Deliberation as Education[21]

The final big advantage that deliberative democrats ascribe to deliberation is that it helps members of the group attain new information and correct incorrect factual beliefs. This contributes to the preference transforming quality of deliberation. Accordingly, "...dialogue does not serve simply to clarify positions or to induce a change of preferences. Its purpose is to deepen knowledge about a problem" (Pellizzoni 2001, 67). This benefits both those who hold factually incorrect beliefs, and those who have no clear beliefs over an issue. By sharing information with each other, members of the group ensure that beliefs that are obviously wrong will be corrected (Miller 1992).

Without discussion not all group members will be informed enough to make a reasoned judgement or to have clear preference orderings over a set of outcomes (Benhabib 1996). While deliberation will not result in all group members holding complete information, as this is impossible, it will at least result in group members having well-reasoned preferences (Manin 1987). By finding out more about an issue each of us can clear up any inconsistencies that might be present in our preference orderings. Making deliberators' information more complete about issues allows them to present better justifications for their positions and is crucial in making deliberative debates more reasoned.

[21] Some aspects of deliberative learning will be examined in a later chapter on the epistemic justification of deliberative democracy.

It is argued that deliberation serves these purposes well by enabling group members with more than average knowledge about a subject to share this information. Deliberation also helps individuals to find out more about the beliefs and preferences of others (Nino 1996). It allows participants to share narratives and points of view which are not available to other members of society. Additionally, deliberative groups might also draw on outside experts to make a more informed decision. Experiments in deliberative polling show that the extent to which participants are able to answer factual questions correctly increases significantly after deliberation (Luskin et al. 2002). They also appear to confirm that learning through deliberation leads to significant changes in individual policy positions (Luskin et al. 2002, Farrar et al. forthcoming).

Incomplete information is one of the problems that rational choice models based on instrumental rationality have to face. Hence, deliberative democracy can be seen to increase the rationality of individual decision-making by contributing to making information more complete and thus to help individuals form preferences which represent their own interests, as well as the interests of others, more accurately.

Problems of Rationality

Thus, a crucial difference between deliberative democracy and other forms of politics is that it uses a different ideal of rationality in everyday politics. For the most part it rejects a rational or social choice theoretic view of rational political behaviour in favour of a model of communicative rationality in the case of Dryzek or reciprocity and other-regarding preferences in the case of Gutmann and Thompson. While the first version of the theory seeks to replace instrumental rationality with communicative rationality, the second version of the theory does not reject instrumental rationality in its entirety, but instead argues that most instances of its use in political science are much too pessimistic and limiting.

But would real-life deliberation correspond to the picture of reasoned, preference transforming deliberation that emerges throughout the literature? This picture is different in significant ways from basic notions of instrumental rationality. The theory of deliberative democracy tells us that individual preferences in the public deliberative context must originate in a discussion characterised by reciprocal reasoning. While individuals may be aware of their own best interests, the interests of others must also shape their final preferences. This is achieved through an expectation that preferences will become other-regarding. The learning that takes place during deliberation contributes to rationality too by increasing the knowledge of deliberators and bringing them closer to identifying their preferences and the effect of policies on others correctly. Finally, meta-agreement ensures that the deliberative group's decisions are made based on the same grounds and are thus not irrational in an Arrowian sense.

I will now present three problems, which may contradict this picture of deliberative rationality: conformity, problems with interpreting expert evidence and framing. They are by no means the only problems which could threaten a more idealised view of deliberative rationality. Among others we might also encounter problems of manipulation, group polarization or problems of inequality within the group. These mechanisms work against the development of communicative understanding between deliberators and each of these is problematic with regard to at least one of the three claims above.

The First Problem: Conformity

Conformity is a rational reaction in many different situations (Sunstein 2003). Individuals sometimes follow others when they do not have enough information to make up their mind, when they want to protect their reputation, or when they do not want to upset those they care about. Despite being aware of the dangers of conformity (Elster 1986), most deliberative democrats still dismiss the probability that it will cause problems for deliberation, without justifying this assertion properly.

The power of conformity is well known in social psychology at least since Solomon Asch's (1962) famous experiments in the 1950s, where a surprisingly large number of subjects conformed to confederates of the experimenter in comparing the length of two lines even when those confederates were obviously wrong. Only 19% of critical subjects stayed entirely independent and 58% yielded more than once. Neither can deliberative experiments lead us to dismiss the hypothesis that conformity might be at work in some cases of increased agreement. During a deliberative exercise in the UK, within-group preference variance decreased in 53% of cases (Luskin et al. 2002). This might indicate that conformity has increased, as the preferences of deliberators have become more similar to each other[22].

Two of the three claims made by deliberative democrats will affect the likelihood of conformity significantly: the demand for other-regarding preferences and learning through deliberation.

Members of the deliberative body will feel a pressure to hold other-regarding preferences and expound other-regarding arguments – this, after all, is a defining characteristic of deliberation. Thus, deliberators are already conforming to a certain subset of all available arguments through accepting the civilizing force of hypocrisy. Of course deliberative democrats will hold that this kind of conformity is not problematic, as it makes the decision-making process more moral. However, as I will explain below, it could conceal more harmful forms of conformity.

It is rational for individuals to accept the opinion of others if they know little about an issue and are unsure as to what the best decision is. In this case they will use heuristic shortcuts, one of which is the opinion of other group members. The use of heuristic shortcuts is entirely rational in the face of incomplete and costly information. Deliberation decreases the likelihood of conformity due to insufficient information by providing more information to group members during discussion and from experts. While conformity due to lack of information probably cannot be entirely eradicated, deliberation could go a long

[22] It is not possible to determine the cause of these effects, as there has been no qualitative analysis of the deliberative discussions.

way in reducing its effects. This is especially the case if individuals are strongly interested in the subject they deliberate on (Baron and Byrne 2002).

Thus, deliberation decreases the likelihood of conformity due to insufficient information. But another source of conformity is concern for reputation. We might be concerned about *increasing* our reputation to further our aims or about avoiding the *disesteem* of other deliberators. I will consider both of these problems in turn.

Firstly, we may want to *increase* the esteem in which we are held among other deliberators. However, if it is obvious that our actions are motivated by a concern for esteem, this is unlikely to improve our reputation (Brennan and Pettit 2004). This is because we are esteemed for *being* virtuous, and not for acting in a way that others will think is virtuous simply in order to gain their approval. This is called hypocrisy, and if we want others to have a good opinion of us, we will very likely want to avoid being known as hypocrites. Therefore, this form of conformity is the less dangerous one for deliberation.

The second possibility is that deliberators are seeking to improve their reputation among their constituents. This is quite likely if they are elected to participate in deliberation. In this case they will have much less incentive to conform to other group members. They might have an incentive to conform to the majority opinion or consensus among their constituents, but this will not jeopardize the introduction of a wide range of arguments to deliberation as long as no group within society is without a representative[23].

Overall we can conclude that a concern for improving our reputation is unlikely to lead to conformity. But if a quest for reputation and esteem is not likely to induce conformity in deliberation, the fear of *disesteem* might still have that effect. In this case deliberators are trying to escape any negative consequences that their actions might have, rather than doing something to gain a psychological good.

The group might develop norms from which it will not allow its members to deviate without consequences. The obvious example, as I have just noted above, is adherence to other-regarding preferences. Of course it can be argued that forcing deliberators to

[23] However, as I will argue in chapter seven such representatives' conformity to constituents can conflict with the requirements of deliberative preference change.

'launder' their preferences in order to be more other-regarding is beneficial no matter whether it is the result of conformity, communicative rationality or the kind of deliberative mechanisms advocated by Gutmann and Thompson. But such conformity can extend to include more controversial norms. This is the case if deliberators demand arguments which correspond to their definition of reasonableness, defined in a way which does not give credit to religious or otherwise 'unreasonable' argumentation. In this case rationality becomes a normatively loaded concept (Bohman 2003). Thus, reciprocity, presenting only arguments that one assumes to be acceptable to others, can reduce free speech and favour conformity. It also displays a lack of trust that the deliberative process would not make choices based on arguments which are somehow immoral or repulsive (Dryzek 2000).

Conformity should make us question whether the preference changes we see during deliberation are truly reasoned. It also sits uneasily with the kind of communicative rationality advocated by deliberative democrats. It is much less problematic from the perspective of instrumental rationality. If deliberators want to arrive at a decision without the cost of acquiring the necessary information or want to fit in with the rest of their group they will find it rational to conform to those who already have well developed judgments or preferences.

The Second Problem: Interpreting Evidence

In order to become better informed and facilitate learning, deliberative groups will draw on experts to provide them with new information. In some cases the subject of deliberation is not something that experts in the traditional sense can comment on. There are cases where group members need to listen to testimony from members of subgroups of the political community in order to find out about their subjective experiences (Sanders 1997). The crucial assumptions that deliberative democrats make are that expert opinion will be presented in a balanced manner, with representatives from both sides of the debate,

and that it will contribute to the role of deliberation as education by increasing the knowledge of individuals (Goodin and Niemeyer 2003).

Presenting expert opinion during deliberation is not without its dangers. In some cases experts might have too little impact on individual reasoning or they might influence group members in ways which are not consistent with the way the expert would view her own testimony. This can happen for at least four reasons.

Firstly, just as the testimony of a minority group member is the result of her experiences, equally the way her testimony is interpreted will be the result of the listener's experiences. We cannot stay open-minded to the extent that who we are and where we come from has no bearings on what we think about an issue. To make matters worse, much of this is subconscious, as we do not always have control over our cognitive processes. Or even if it is conscious, we are so used to our own specific voice that we barely notice the changes we make by interpreting a story. And to understand will necessarily mean to interpret.

Secondly, men and women relate to experts differently, rate them according to different criteria and trust different ones over others (Davies and Burgess 2004). This finding could possibly be extended to other defining characteristics such as class or race.

Thirdly, expert opinion will not have a very large effect on the judgements of individuals if the terms and discourse used in evidence presented during deliberation is incommensurate with theirs (Davies and Burgess 2004), that is, the terms used by the experts do not correspond, and are not comparable, to the terms used by the individual.

Finally, when conflicting evidence is presented, we tend to agree with the evidence that agrees with our judgement and dismiss the evidence to the opposite (Baron and Byrne 2000). Thus, we may find it much easier to have our beliefs confirmed than to have them refuted.

Another danger is that expert evidence will have more impact on individual preferences than it should, causing deliberators to update their preferences in ways that are against their interests, ways which do not lead to the best outcome or ways in which decisions become based on incorrect beliefs. Again, this can happen for multiple reasons.

Firstly, the prevailing expert opinion, thought to be correct at the time the testimony was made, might be falsified over time. A good example of this is the number of convictions overturned by courts in Britain where mothers were believed to have murdered two or more infants who in fact died naturally. At the time these convictions were made the prevailing scientific opinion was that once one child died in cot death the chances that her siblings would reach the same fate was negligible. New scientific evidence proved that exactly the opposite is true. As time goes on new theories and new leading experts emerge, and these theories might be in complete contradiction to what we think we know now.

Secondly, not all experts are as knowledgeable as they appear to be (Cialdini 2001). Appearances might be deceptive, and judging which expert is presenting valid evidence might be difficult if we take into account that deliberators possess a limited amount of knowledge. The danger is that even if more than one side of the evidence is presented, deliberators might be swayed by a popular expert who appears to be knowledgeable and presents his evidence in a more convincing manner than his colleagues, rather than the one whose arguments are correct.

Thirdly, there might also be a bias towards popular theories (Sunstein 2003), while unpopular ones could be dismissed outright. This is one of the effects of conformity. Global warming is such a commonly accepted theory that theories that contradict it are often dismissed outright. The dominance of popular theories can be reinforced by informational and reputational cascades where everyone jumps on the bandwagon either because they think everyone else believes the theory and they do not have enough information to make their own judgment or because they want to be seen to espouse the most popular theory (Sunstein 2003). Such cascades can become very hard to break once a critical mass is reached.

Finally, choosing what evidence to present also confers power to shape discourse and frame issues. If one side dominates the choice of experts then the balance of expert opinions might come into question.

We possess limited cognitive capacity and live in an age when knowledge is highly specialized. Expert evidence presented might be formulated in a scientific jargon that is not easily accessible to outsiders. It might also be the case that in order to judge the correctness of a theory we need to possess a substantial amount of knowledge about the assumptions behind it. Thus, it is likely that we will not have the cognitive capacity to evaluate each expert testimony correctly. We might rely on simple heuristics instead, which will necessarily be prone to error (Kahnemann and Tversky 1984).

Introducing new information through experts can certainly have the educational effect that deliberative democrats hope for. It can be an excellent way of communicating facts that might be little-known but highly relevant, or perspectives and experiences which are only known to some members of the community. But it might also violate the assumption that deliberation will facilitate learning. Even adopting procedures that make the process of selecting experts fair and balanced will not be sufficient to eliminate problems of different interpretation or limited cognitive capacities. These problems will not negate all the advantages of hearing expert testimonies in deliberation, but they will affect the way a real-world group will make its decisions.

The Third Problem: Framing

Individuals often reach different judgments when the same choice is presented to them in two different formats. This phenomenon is known as framing and has been studied extensively by social psychologists and economists. Citizens will respond differently to questions about political issues based on how they are framed. While they say in opinion polls that the US should seek permission from the UN Security Council before going to war, they do not agree that the US needs the permission of Russia or China, which are both powerful permanent members of the Council (Fang 2008).

In a well-known experiment by Kahnemann and Tversky (1979, 1984) subjects preferred different courses of action as a response to the outbreak of an infectious disease,

depending on the way in which the scenario was described to them. They preferred certainty when it came to saving lives, but accepted a gamble about the number of deaths[24]. Kahnemann and Tversky explain this using prospect theory; we have value functions that are concave in the domain of gains and convex in the domain of losses. Thus, we are risk averse when it comes to gains (lives saved) and risk seeking when we consider losses (lives lost). This behaviour is not strictly instrumentally rational as it violates von Neumann and Morgenstern's (1947) principle of *substitution*, which would require that if *x* is preferred to *y* then an even chance of getting *x* or *z* is preferred to an even chance of getting *y* or *z*. It also violates the principle of *invariancy*, as information is processed differently and different decisions are reached depending on the way in which a problem is presented. These findings have been further generalized to include the attributes of single options[25] and goals[26]. Framing is at work too when a problem can be presented using two conflicting sets of concepts or values; regulating pesticides can be seen as an environmental triumph or an economic burden.

If, as assumed by its proponents, deliberative democracy is indeed subject to reciprocity and enhances other-regarding attitudes and meta-agreement, this can lead to the emergence of a common framing or paradigm which would displace private arguments (Bohman 1996). Accordingly, a new discourse that all sub-groups could use and access would create a bridge between different moral discourses that have trouble understanding each other. This theory was first developed for solving moral conflict (Pearce and Littlejohn 1997) and such a process is implied by the deliberative literature. The

[24] In the first scenario adopting the first program meant that 200 people would definitely be saved, and adopting the second program meant that there was one-third probability that all 600 people would be saved and two-thirds probability that no one was saved. In the second scenario adopting the first program meant that 400 people would die for certain, and adopting the second program meant that there was one-third probability that no one would die and two-thirds probability that everyone would die. It is easy to see that the two scenarios are identical, except for the way in which the two programs are described. However subjects tended to prefer the first program in the first scenario and the second program in the second scenario.

[25] We prefer minced meat that is labelled 75% meat to that which is labelled 25% fat (Lewin and Gaeth 1988).

[26] Women are more likely to practice breast self-examination if they are told that the rate of early detection of breast cancer is lower without it, rather than when they are told that it is higher with it. (Meyerowitz and Chaiken 1987).

emergence of meta-agreement also limits the issue frames available to deliberators to one or two issue dimensions.

The dominance of one way of framing an issue has a serious impact on the decisions of a deliberative group. Such a common framing could negate assumptions about the openness of deliberation and the use of discussion to present multiple sides of a debate, as there could be a strong pressure within the group to adopt the common framing. Framing could also be used to present issues in a way that serves our own preferred outcomes best and a way in which we can manipulate the discussion by emphasizing one aspect of the issue over others. This clearly does not conform to the expectations of deliberative democrats.

Of course, one can argue that framing is just a natural way in which we construct a shared understanding that enables us to communicate with each other and with which we can make sense of the world. Such a construct would reduce complexity, making it easier for us to understand issues which may otherwise lie beyond our cognitive capacities, and allow us to make deliberation with each other meaningful. On its own, framing is value neutral; it is neither a good thing, nor a bad thing.

Yet framing still has negative connotations in the cognitive and political psychology literatures. The reason for this lies in the original problem formulated by Kahnemann and Tversky; that in some situations it contradicts the invariancy assumption of rationality. Thus, rather than a rationality-enhancing resource that helps us in making sense of complex issues, it is a problem of imperfect rationality.

Furthermore, framing poses a number of special problems for theories of deliberative democracy. Firstly, it can exacerbate conformity. Secondly, simplifying issues to fit into dominant issue frames can cause deliberators to lose sight of much of the richness and complexity of issues, thereby making the procedure of deliberative democracy less well informed. Finally, and most crucially, claiming that arguments need to be presented in a reciprocal manner may be used to enforce a common, dominant framing over deliberative debates. Thus, preference formation and transformation during deliberation

may actually serve to limit individual preferences to a dominant discourse rather than help citizens develop preferences which correspond best to their beliefs and interests.

Deliberative Rationality Revisited

For those authors who defend deliberative democracy on procedural grounds and argue that its increased legitimacy with regard to other models of democracy depends on its ability to make decisions through reasoned and reciprocal debate, it is vital that political deliberation would actually have the characteristics that they predict. Crucially, what I am interested in, and what many of these authors are interested in, is that political deliberation should not only be reasoned and rational in itself, but it should also achieve these qualities to a higher degree than liberal representative democracies do.

However, we have reasons to think that this will not be the case. Rational behaviour and reasoning during deliberation will not necessarily conform to the norms and characteristics that deliberative democrats attribute to it. Instead it is likely to encounter the same problems that other models of democracy do as well.

There exists no convincing theoretical argument or empirical evidence that proves that deliberative democracy will be immune to the problems just discussed in the previous section. And these three are only a selection of the issues that have affected models of human behaviour and politics under conditions of imperfect information and bounded rationality and which are now equally likely to affect more deliberative ideas of rationality.

One must of course recognise that these 'shortcomings' of human rationality will not only occur in deliberative settings. The use of heuristics, misinterpretation of expert evidence or framing occur frequently in liberal representative democracies as well. What makes these deviations from the perfect rationality of all knowing individuals more dangerous for deliberation is that the theory of deliberative democracy often explicitly tries to counter the problems that they create for current democratic systems. Thus, if deliberation is subject to the same problems and if these problems may even become more

acute during deliberation, then the theory of deliberative democracy will fail to fulfil some of its most important aims.

Let us first revisit the properties of deliberation that I enumerated in the first section of this chapter. We have seen that reciprocity, other-regardingness, meta-agreement and deliberative learning are all affected by the problems discussed above.

Reciprocity could in fact be nothing more than the use of a common dominant issue frame that helps to exclude arguments which would contradict it. An increased role for other-regarding preferences during deliberation is also questionable. While citizens are likely to display concern for each other during deliberation, this does not mean that they will base their decisions on the good of others, rather than their own interests. Fung (2003) argues that rationality, in the sense that actors are aware of their own interests and the best methods for meeting those interests, could sometimes be enhanced in deliberation to the detriment of reasonableness, which he defines as the capacity of participants to restrain themselves when their self-interest violates common norms such as fairness, respect or reciprocity. Empathy and sympathy towards the needs of others does not necessarily translate into giving up what is best for us. Other-regarding behaviour is just one of the values activated during social interactions and in complex situations it will not necessarily be the most influential one.

The discussion above on the problems of interpreting new information and evidence presented during deliberation illustrates how deliberative learning cannot be taken for granted as a procedural value. The problem of framing should serve as a warning that meta-agreement can at times be dangerous, when dominant issue frames make it difficult for individuals to put forward credible arguments from a perspective that is different from that of the majority.

We can add to the problems encountered in this chapter the problem of motivation. We have already seen in the previous chapter that individual motivation to participate in deliberation may prove to be a problem. And if citizens are not motivated to attend deliberative debates, equally they may not be motivated to conform to the procedural standards set out in the literature.

Besides, if decisions are already made sometimes on other-regarding grounds, if issues are already framed to provide some sort of meta-agreement, if citizens already possess enough heuristic cues to be able to tell what is in their best interest politically and if unreasonable arguments are already largely rejected in public debate, then it is difficult to see why the theory of deliberative democracy has a real procedural advantage over liberal representative democracy. At the most, it is forcing us to turn our focus to observing aspects of politics that have received relatively little attention in the past. But even that is not entirely true, as civil society, social capital, and the attitudes and beliefs of citizens have been a subject of extensive study decades before the term deliberative democracy was coined, and participatory models of democracy have existed before representative ones. Moreover, by focusing primarily on reasoned deliberation, deliberative democrats end up neglecting other aspects of politics, particularly the ones that are concerned with power and self-interest. It is one thing to say that the deliberative element of democracy should dominate the power element, but deliberative democrats do not provide a clear theory of how this could be achieved. Yet the theory of deliberative democracy is clearly not only a normative, ideal theory but one which they would like to see implemented in practice. Evidence for this is the growing number of deliberative quasi-experiments and empirical studies of deliberative meetings.

In response, deliberative democrats could argue that while participatory processes can suffer from problems such as conformity, misinformation or indoctrination (Dryzek 1996), deliberation could be made more immune to them through appropriate rules of conduct, moderation or a balanced agenda-setting process. Yet it is not obvious how such measures could eradicate the problems I have discussed above, as some of them, such as framing or conformity can be mistaken for the desirable results of deliberation itself, such as meta-agreement.

It has to be remembered that deliberative democracy would remain political in nature. Even when deliberation would not suffer from the problems of imperfect human rationality, deliberators would have an incentive to follow their own interests rather than adhering to a more reasoned and other-centred, deliberative democracy.

Not even deliberative democrats expect all issues to be resolved purely through deliberation (Habermas 1996, Gutmann and Thompson 1996). In cases when it is impossible to deliberate, decisions could be made through bargaining instead. But bargaining is clearly viewed as a second-best, since it does not fulfil the ideals of deliberative rationality, in particular reciprocity and other-regardingness.

Yet if bargaining, a procedure which will not have the same characteristics and advantages as reasoned deliberation, needs to be substituted for deliberation much of the time, political decisions cannot be held legitimate simply on the grounds that they were only made through bargaining because a more reasoned deliberative process was not available.

But to say that deliberation simply will not occur and therefore no democratic system can gain its legitimacy from a deliberative decision-making process is much too simplistic as a critique of deliberative democracy. What needs to be shown instead is that even if individuals sincerely attempt to engage in deliberation, they would be unable to achieve the standard of rational discussion required to make deliberation legitimate.

The argument that deliberative democracy can be justified on the grounds that it is based on communicative rather than instrumental rationality also ultimately fails. When individuals are involved in a political game it would be unreasonable to expect that they will only be concerned with understanding and creating shared meaning. They will also be concerned with ensuring that they do not lose out in the political process, leading to behaviour that falls under the domain of instrumental rationality. This could be relatively harmless, like presenting one's argument in the most persuasive way. Deciding between different alternatives may have to involve bargaining. Instrumental behaviour at times could mean behaviour as extreme as the misrepresentation of views, judgments or preferences in order to manipulate other participants. These actions conform to the deliberative spirit progressively less. But as long as participants have their own judgments, preferences and interests we can expect such behaviour to occur. And even when participants aim for communicative rationality, some of deliberation might in the end be

communicatively irrational instead. This is certainly the case with the three alternative mechanisms I have presented earlier.

Thus, deliberative democrats' interpretation of communicative rationality is not a sufficient basis for a theory of democracy. And this is important, because even though proponents of communicative rationality often claim that it is a theoretical and philosophical concept rather than a social-scientific theory, they nevertheless expect it to model real-world behaviour in theories such as deliberative democracy.

Communicative rationality might not have been meant to provide a foundation for deliberative democracy on its own, without any reference to instrumental rationality. However, it is not even evident that it is the dominant form of rationality that can be applied when studying deliberative democracy. Instrumental rationality is just as good, if not better, at explaining the processes underlying deliberation. This does not mean that the theory of instrumental rationality describes deliberative processes completely or that it is an empirically accurate model of rationality. The limits of this approach are numerous and well-known. Nonetheless, it is still superior to the theory of communicative rationality when it comes to analyzing politics, especially as it is also capable of explaining normative behaviour.

However, if deliberative democracy cannot be conclusively justified either on the ground that it is based on communicatively rationality or on the ground that it is based on reasoned, reciprocal debate, then we cannot base the legitimacy of the deliberative model of democracy solely on these procedural properties and its preference forming and transforming qualities. This is especially important as many of the expectations about deliberative democracy currently in the literature are very ambitious. It is assumed that deliberation will help us tackle deep disagreements about contentious issues. Deliberation often appears as a process able to change the nature of modern politics fundamentally. Levine (2005) speculates about the possibility of global dialogue about terrorism, bringing people from different culture and even victims and terrorists together. But how exactly people who are unable to even live together will suddenly be able to find enough common

ground to participate in deliberative discussion and learn to understand each other better is ill defined.

No one is likely to object to reasoned debate among a citizenry that is better informed. The problem is not that a transformation of preferences or an increase in information or understanding is assumed, but the extent of the assumed improvement. Actual differences do not provide us with a clear basis of favouring the deliberative model of democracy over the liberal representative one. And if deliberative democrats take the introduction of more face-to-face deliberative processes for citizens as their aim, these procedural justifications are not sufficient to justify the costs of doing so, some of which were noted in the previous chapter and to which we will return over and over again. Preferences are already formed and transformed under existing democratic political processes. Making democracy more deliberative will not necessarily mean that this will happen in a more reasoned or legitimate way.

Democratic procedures cannot derive their legitimacy solely from the procedural standards of deliberation characterised by reciprocity. When these standards are not reached, the increased legitimacy of deliberative processes becomes questionable. But even if deliberation does not provide an added source of legitimacy through reasoned and reciprocal discussion, it may still do so through other procedural means, such as inclusion and equality. I will now turn to these values in the next chapter.

CHAPTER FOUR
EQUALITY AND INCLUSION

If we put a group of people into a room and asked them to talk to each other about a political issue, what we would get would not necessarily deliberation in the sense that the deliberative democracy literature uses the term. We may get bargaining instead or just simply conversations that do not have any specific political aims. Therefore, we have to specify the characteristics that set democratic deliberation apart from just any conversation.

In the introduction, I have defined deliberative democracy as a model of democratic decision-making that relies on uncoerced, reasoned, inclusive and equal discussion. In chapter three, I have analysed the idea that deliberative democracy is procedurally advantageous because it is *reasoned*. In this chapter I will examine the idea that deliberation is *uncoerced* and even more importantly, *inclusive* and *equal*. The concepts of equality and inclusion cannot be easily separated from each other; therefore, they are best studied together. These three values are necessary together to make deliberation *democratic*.

Deliberation requires individuals in a society to interact with each other as part of the political decision-making process. The nature of this interaction necessarily creates a basic tension between *inclusion* and *influence*. On the one hand we would want citizens to be included on an equal footing in this deliberative process. On the other hand, it is impossible for each citizen to have the same influence on the deliberative procedure. Inclusion is one of the most important values emphasised by the deliberative literature. Uniquely, deliberative theory needs to be concerned with the inclusion of both people and ideas.

The concept of equality is fundamental to the idea of democracy. The most basic definition of democracy is that it is a decision-making system where citizens' equality is ensured by giving each person one vote. However, this definition has to be changed

significantly for models of deliberative democracy, since deliberation consists of a much more complex set of actions than just voting.

In the first section of this chapter I will define *lack of coercion*, *inclusion* and *equality*. As ensuring that deliberation is uncoerced is relatively straightforward, I will focus on the values of inclusion and equality for the rest of the chapter. In section two, I will examine two types on inclusion: *external inclusion*, when the group is constituted, and *internal inclusion* during debate. In section three I will look at how *formal* and *substantive* equality can be ensured during discussion. I question whether each of these values is possible and desirable for deliberative democracy. Finally, I will briefly discuss the problem of manipulation during political deliberation.

Uncoerced, Inclusive and Equal Discussion

Lack of coercion is easiest to define of the three procedural values discussed in this chapter. A deliberative discussion is *uncoerced* if none of the deliberators face either implicit or explicit threats from others. Freedom from coercion also means that no one may be ostracised from deliberative politics because of their views. Coercion may lead to the suppression of certain arguments and viewpoints. As we have seen in the previous chapter, a related danger is that deliberators may not change their judgments in order to save face or to conform.

Non-coercion plays an important normative role in deliberative theory. Only if deliberators are able to present their own arguments, judgments, political opinions and preferences in deliberation will the outcome of such a process be truly deliberative. This is because deliberation relies on reason giving, information pooling and learning about each other's arguments and beliefs to achieve a transformation of preferences. If deliberators are not free to present and justify their judgments in public, this process will be hampered. If minorities are not able to speak freely and without coercion in a deliberative forum, their point of view cannot be shared with the rest of society during deliberation.

Parallel to the threat of coercion is the threat of *bribery*. Deliberators may be unduly influenced not only by sticks, but also by carrots. Deliberators should not be tempted into adopting the arguments of others for material benefit unrelated to the policies that the deliberative forum decides on. This is analogous to the idea that citizens' votes should not be bought. Coercion and bribery are morally illegitimate, as they change the incentive structures of citizens so that they are tempted to trade off short-term gains against their real interests and the interests of the community.

Lack of coercion is such a fundamental ideal of democratic politics that it is often taken for granted. However, it is important to make sure that institutional arrangements minimise coercion and bribery as much as possible. Secret ballots were introduced exactly for this reason. In deliberative democracy, such secrecy is impossible as the nature of discussion in politics ensures that individuals' publicly offered judgments will be known to all participants. Publicity plays a crucial role in deliberative democracy, as it is the basis on which deliberators are required to justify their judgments and the basis on which arguments for final decisions have to be made publicly available. However, publicity is only meaningful if it is set against a background of non-coercion.

Non-coercion is a background condition that is necessary to ensure equality and inclusion, the two main procedural values examined in this chapter. These two conditions raise new and interesting questions for deliberative democracy that more electoral forms of democracy did not have to face. The first of these is *who* and *what* should be equal and included.

When it comes to inclusion and equality, most models of democracy focus on people, rather than ideas. Ideas of equality centre on ensuring that citizens' equal moral worth is assured through allowing everyone to participate in the political process in order to advance their interests. Concerns about exclusion are concerns about denying members of minorities their rights, rather than ignoring ideas and arguments. However, this is not sufficient for deliberative models of democracy.

Deliberative theories of democracy are not only concerned with people, but also with arguments and ideas. Deliberative democracy is conceptualised as collective political

rule through discussion and the literature frequently evokes the power the best argument is supposed to have in such a discussion. Thus, when it comes to the values of equality and inclusion, we need to consider not only what it means for citizens to be equal and included during deliberation, but also what this means for ideas, facts and argument.

Keeping this in mind, we can now attempt to define inclusion and equality in the deliberative context. I will start with inclusion, since just as a lack of coercion is necessary to make inclusion and equality meaningful, so equality makes little sense if the conditions of inclusion do not exist that allow members of society to make use of it.

The procedural value of *inclusion* ensures that all those citizens who are substantively affected[27] by a decision or policy have the right and the opportunity to participate, and all relevant arguments have an opportunity to be presented in the deliberative process. One of the aims of the theory of deliberative democracy is to give minorities who are currently excluded from political decision-making processes a voice (Barber 1984, Benhabib 1996, Young 2000, Fung and Wright 2003). In order to do this, deliberative democracy would need to include both *persons* from minority groups and *viewpoints and arguments* from minorities.

Two aspects of inclusion are crucial for deliberative democracy. The first is inclusion when the deliberative group is constituted. The second is inclusion during the deliberative process itself. Iris Marion Young (2000) calls these two *external* and *internal* inclusion, respectively.

As I have mentioned in the previous chapter, John Dryzek argues that increased deliberation can contribute to the democratisation of politics by increasing its authenticity (Dryzek 1996). However, in order to lead to a deepening of democratic practice this must not be to the detriment of democratic franchise, one of the other dimensions of democratisation that Dryzek identifies. Thus, deliberation needs to be as inclusive as, or even more so than, liberal representative democracy.

[27] This is an important qualification, as we may be affected by an issue even just by reading about it in newspaper, without being affected by it in a more substantive sense.

Deliberation also needs to be characterised by *equality*. The most common conception of equality in democratic thought is the idea of "one person, one vote". Even in liberal representative democracies this leaves plenty of scope for inequality, as it only allows for equality between citizens in the act of voting for their political representatives. Needless to say, this conception of equality is completely inapplicable to deliberative democracy.

There is no consensus in the deliberative democracy literature on how equality in deliberation should be defined (Bohman 1997, Knight and Johnson 1997, Peter 2007). Unlike in electoral democracies, the theory of deliberative democracy has to face the *equality of what* question. Answers to this question include equality of influence, opportunities, capabilities or primary goods.

It helps us define equality in deliberative democracy if we differentiate between two types of it. Firstly, *formal equality* defines the minimal political rights that all citizens must possess in equal measure in order to be real participants in the political process. Secondly, *substantive equality* means that citizens have roughly equal power, abilities and opportunities to influence political decisions. In liberal representative democracies giving each citizen one vote ensures equality in the formal, minimal sense. At the same time, large substantive inequalities may continue to exist among the electorate. Most prominently, some may be able to provide candidates and parties with substantial financial support, while the vast majority of the population will not be able to do so.

The requirements of inclusion and equality together make deliberation democratic. Equality ensures that each citizen has the right, either formal or substantive, to speak and be heard by others. Inclusion ensures that citizens have the opportunity to make use of these rights in practice. "When coupled with norms of political equality, inclusion allows for maximum expression of interests, opinions, and perspectives relevant to the problems or issues for which a public seeks a solution." (Young 2000, 23)

In the rest of the chapter I will explore all types of inclusion and equality as they relate to both people and ideas in order to try to assess what kind of procedural justifications based on them could be provided for deliberative democracy. As we shall see,

not all forms of equality and inclusion are possible or desirable in all circumstances. I will start by discussing inclusion, before moving on to equality.

Inclusion

The External Inclusion of Citizens

Political exclusion can be the result of discrimination based on a variety of characteristics, such as gender, class or race. Various forms of political exclusion are common in liberal representative democracies. It can be either the consequence of the design of a political system or of poor opportunities for some groups in society to participate in politics (Phillips 1995). Examples of the first type of political exclusion include tying voting rights to literacy, requirements for advance voter registration, electoral systems designed in a way that makes the election of minority representatives difficult (Phillips 1995) or the difficulty with which immigrants can receive citizenship in some countries (Sen 2000). But even without such obstacles, the second type of political exclusion, a restriction of opportunities to participate may be present. Those in the lower socio-economic strata in society are less likely to vote as they do not see the significance of doing so (Electoral Commission and Hansard Society 2007) and when it comes to more active political participation than just voting, political exclusion can be even more widespread. Lacking free time, motivation or material preconditions can reduce a person's likelihood to be able to get involved in politics. "Such preconditions are not met, for example, in the case of the unemployed single mother on an out-of-town housing estate who cannot afford costs of political equality such as babysitting, transport and meals out." (Barry 2002, 22)

What makes political exclusion so problematic (Young 2000) is that together with individuals entire structural perspectives – such as those of minorities or women – are excluded from the political arena. This leads to an impoverishment of political life and a serious disadvantage in public representation for those whose viewpoints are not present. Making sure that all such structural perspectives are adequately included in political

decision-making can certainly be seen as one of the key aims of the deliberative democracy project.

In order to be inclusive, deliberative democracy needs to fulfil two key requirements, which correspond to the two types of political exclusion above. First of all, the process of selecting deliberators must be inclusive. Secondly, all deliberators must have the practical ability to take part in deliberation.

In order to think about inclusion it is important to identify who is entitled to participate in the deliberative process. This question is easier to answer for an informal model of democratic deliberation, where deliberation would permeate society and would encompass citizens, the media, civil society organisations, politicians and all branches of government. Here, the question is less about selecting participants than about identifying who should be present as a first step in removing obstacles to participation for different groups.

The key participants of informal deliberative democracy are citizens, politicians, the government, civil society and the media. All members of society have to have the opportunity to become members of each of these categories. This is violated if members of some groups have little or no chance of becoming politicians, setting up civil society groups or working in government organisations or for the media. Inclusive informal deliberation also requires that all citizens of a political community should have opportunities to communicate with each of these other participants in the deliberative debate. This need not imply universal participation. But as long as key stakeholders who wish to participate have an opportunity to do so, informal deliberation will satisfy the condition of external inclusion.

In informal deliberative procedures external inclusion is more about providing opportunities for citizens to participate, rather than actively selecting deliberators. In formal deliberation, on the other hand, selecting those who will participate in the deliberative proceedings is the key stage at which external inclusion is ensured. If we assume that formal deliberation takes place in elected legislatures, inclusive participant-selection becomes a question of inclusive electoral representation. A more important

problem is posed for deliberative democrats if deliberation takes place among ordinary citizens.

Many local deliberative meetings, such as town hall meetings or planning permission meetings, are self-selecting. As long as they are adequately publicised in advance, inclusion can be ensured here by making sure that all those who have an interest in attending have the opportunity to do so.

In the deliberative meetings inspired by the theoretical literature, selecting which citizens should participate in deliberation is often seen as a question of sampling. Currently more serious deliberative endeavours use some kind of random sampling method to ensure that a representative cross-section of society is present during deliberation (Fishkin et al. 2007, Gastil 2000). These sampling methods are designed explicitly to make sure that all segments of the population are offered a chance to participate; therefore they satisfy the requirement for external inclusion. Of course, it is possible that there could be a systematic bias in non-respondents in these deliberative polls, that is attendants and non-attendants are in some statistically significant way different from each other. As I will argue shortly, this is unavoidable and need not necessarily pose a serious problem for these projects. An ambitious extension of such cross-sectional representation would be the actual involvement of the entire voting-age population, as in deliberation day (Ackermann and Fishkin 2004) or in deliberative jury duty (Leib 2004).

But it is not enough to invite all relevant individuals to the deliberative debate. This would remain a meaningless gesture without actually ensuring that people would be able to attend the deliberative meeting. This poses a more serious difficulty. There are further barriers to participation that can lead to political exclusion. Not all of these can be remedied easily through institutional measures.

Firstly, citizens may not have the time or the financial resources to attend. The two are often interlinked, as in the case of those who have to work long hours or multiple jobs to make a living. However, this is not necessarily the case; many professionals also work long hours that may preclude them from attending deliberative meetings or participating in political activities. Those suffering from financial hardship may not be able to afford the

cost of childcare or transport. This can affect participation in both formal and informal deliberation. In formal deliberation, these barriers would stop some citizens from attending deliberative meetings. In informal deliberation, some citizens may not have the opportunities to participate in politics. In 2007, 32% of British citizens said that they were too busy and lacked the time to participate actively in politics (Electoral Commission and Hansard Society 2007). Results from participatory projects in Brazil show that working women were less likely to participate as they had to juggle both work and household responsibilities (Baiocchi 2003).

It is possible to lower this first barrier through institutional arrangements. Deliberative meetings would need to be held at a time and place that was accessible to all. Some schemes envisage offering cash incentives to citizens to encourage and enable them to take part in deliberation. Ackermann and Fishkin (2004) propose offering each citizen $150 for attending deliberation day. Gastil (2000) would also offer cash incentives for participants to cover costs such as travel or childcare. Both of these schemes also provide deliberators with free time to attend either in the form of a national holiday (Ackermann and Fishkin 2004) or leave from work that is analogous to that taken for jury duties (Gastil 2000). But these institutional means can only go so far and lack of time and money could continue to lead to political exclusion.

Furthermore, offering cash incentives or national holidays would be very costly. Any cash incentives to attend deliberative meetings would first have to be collected from citizens through taxation and then returned to them. This process would be administratively costly and most likely wasteful, removing more money from citizens than returning to them. It is also questionable how many people would sacrifice a new bank holiday in order to attend a political meeting. The framing effects discussed in chapter three would indicate that citizens would quickly come to see participating in deliberation as a costly activity that would lead them to lose a holiday, even if they did not have this holiday without the existence of the deliberative institution.

The second, more serious problem leading to political exclusion is that the most disadvantaged members of society often lack the political efficacy, interest and motivation

to participate in politics. And as they withdraw from political life, their views are not adequately represented, thereby marginalising them even further and making their participation in politics even less likely. They may also feel that they lack the abilities and skills needed for success. Or they may simply be unfamiliar with their rights and feel that politics is irrelevant for them. Only 37% of people in the two lowest socio-economic groups in the UK say that they are interested in politics, whereas in the two highest socio-economic groups 76% claim to have such interests (Electoral Commission and Hansard Society 2006).

Deliberative democrats could respond to this form of political exclusion by explicitly involving disadvantaged groups in society in deliberative decision-making and thereby showing them that they can make a difference. Indeed, this has been the aim of a number of recent deliberative projects, such as Fung's (2004) study of school boards and neighbourhood policing schemes, the participatory budget procedures in Porto Alegre (Baiocchi 2003) or the campaign for democratic decentralisation in Kerala (Isaac and Heller 2003). Archon Fung calls this form of deliberation empowered participatory governance (Fung 2004, Fung and Wright 2003).

How far deliberative democrats would be successful in achieving these aims is still debatable, but it is undoubtedly one of the most attractive features of the theory of deliberative democracy that it explicitly aims to include the most politically disadvantaged and disaffected groups in society. Their inclusion would increase both the legitimacy of democratic political processes and would help the worst-off in society by representing their interests more accurately and efficiently.

It is impossible to ensure that everyone will participate in deliberative democratic processes. Even when we give all relevant members of a political community the opportunity to participate, some will choose not to do so. This is true for all forms of deliberation, whether informal or formal and whether the participants are selected by organisers or self-selected. Thus, some may be excluded voluntarily from the deliberative process. Hence, inclusion has its limits; we cannot include those who do not want to participate.

The first reason for this is pragmatic. As Gastil (2000) points out, if we give everyone a fair opportunity to participate and they fail to do so, this would indicate that their commitment to the process is low; thus even if they were present, they would have been unlikely to contribute or benefit much.

The second objection to forcing citizens to participate in deliberation is that this may contradict their idea of politics or even their idea of the good life. There may be groups for whom participating in deliberation would seem to be simply wrong. For example, a group of Trotskyists may believe that change has to come through revolution, rather than through changing the system from the inside and that participating in political institutions rooted in a capitalist system is morally wrong[28]. For them, participating in the deliberative process and especially accepting its values of mutual respect and toleration towards other points of view, not to mention other-regarding behaviour towards capitalists would count as a betrayal of their entire value-system. We can say that Marxists and deliberative democrats have different conceptions of politics (Gaus 1999). Another example is the case of the Amish, who choose to withdraw both from society in general and from political participation in particular.

We can certainly tell people about the benefits of participation, but we cannot go further than this, when deliberation is not a value-neutral concept. It requires participants to interact with other groups in very specific ways, take on other-regarding attitudes and tolerate and respect other points of view. Thus, we must accept voluntary exclusion, even if we feel that this will impoverish the political process by removing some voices from it.

The External Inclusion of Arguments

But it is not enough to ensure the inclusion of people in deliberative democracy. In order for it to fulfil its function and to provide reasoned and well-balanced debate, we also have to make sure that all relevant ideas, facts, beliefs and arguments will be included in

[28] I would like to thank Philip Cook for this example.

deliberation. This is especially important if not all citizens can take part and we need to choose participants through random sampling or representation. And not only should every relevant argument be included in deliberation, but it should also be presented as competently as possible, in order to ensure that its inclusion is not purely a gesture. This is not only important for outcome-based justifications, but also for process-based ones, as there is procedural value in conducting a balanced discussion, since this implies that all members of society are included and respected.

The inclusion of all arguments is even more important for the theory deliberative democracy than the inclusion of all individuals. The reason for this is that deliberation is not about the sheer numbers and distribution of preferences in society, but rather about reasoned arguments and reciprocity. Thus, it focuses on listening to each other's arguments and transforming our preferences and making decisions based on them. If we define inclusion in this way, we can say that no individual is excluded from deliberation, as long as his or her arguments are presented as competently as possible.

Those who argue for multiculturalism (Kymlicka 1995) or a "politics of presence" (Phillips 1995) may object that deliberation conceived in this way may allow all points of view to be presented by the most dominant group in society, such as white heterosexual males in Western democracies. This goes against arguments that the best way to represent women or minorities is to include them directly in the decision-making process instead of allowing others to represent their interests, however benevolent these representatives may be. Representation is thus descriptive; each representative is a member of the social group he or she represents (Mansbridge 1999).

However, note that my definition does not only require that each argument should be put forward during deliberative debate, but also that it should be forward *as competently as possible*. It is most likely going to be the case that it is a member of the group whose arguments and interests are being represented can put these forward in the most competent way[29]. It may be that men are able to put forward arguments in favour of women quite competently, just as Wilberforce was able to put forward arguments on

[29] Exceptions exist, of course, such as children or the mentally disabled.

behalf of black African slaves that eventually led to the abolition of slavery in Britain. However, it is quite likely that black African slaves would be able to put these arguments forward even more competently as a result of shared lived experience, interests and beliefs. Thus, descriptive representation is likely to play a large role in deliberative politics as well.

This definition of democratic inclusion is in fact a useful counter against essentialism in identity politics. Not all women, blacks, Asians or Latinos have the same interests and hold the same beliefs (Phillips 1995, Young 2000). An equality of arguments is thus better than a system of quotas in representation. While I may not be certain that my interests will be accurately represented by a woman, if the arguments I believe in are put forward during deliberation at least as competently as I could have put them forward, this ensures that they will receive due consideration.

One idea for ensuring such an inclusion of arguments in practice is put forward by Dryzek and Niemeyer (2007). Their theory of discursive representation envisages a chamber of discourses where each discourse is represented by someone who has been selected especially because they are able to do so competently. In order to achieve this they propose a sampling technique that combines discourse analysis with Q-methodology. Firstly, discourse analysis enables us to put together a list of statements that are representative of the major discourses in society over an issue. Secondly, q-methodology allows us to identify those members of a randomly selected sample whose beliefs best correspond to each of these discourses. Based on the assumption that these individuals would be able to represent the discourses they believe in competently, they could then deliberate on our behalf in a chamber of discourses.

However, we can object to such a system on the grounds that deliberation should be accessible to all citizens. In the case of organising political deliberation based on random sampling or jury duty, each relevant citizen would have an equal probability of being selected. In the case of descriptive representation or the politics of presence, deliberators would be selected based on their membership of certain groups in society. But this is not

the case for the chamber of discourses, which favours citizens with strong, maybe even biased views.

One important qualification regarding the inclusion of arguments that deliberative democrats often make is that deliberation should include all *reasonable* members of society. The question then arises what makes an argument unreasonable enough to exclude it from deliberation. Thus, one could argue that the Trotskyists mentioned above may be excluded from deliberation not only because they want to voluntarily withdraw from it, but also because their political beliefs are unreasonable.

As we saw above, deliberative democracy cannot accommodate coercion and views that are hateful or threatening towards others. It cannot accommodate arguments that demand the violation of the basic rights of others or that blatantly discriminate against others based on gender, race or other characteristics. Such arguments should clearly be excluded from deliberation. All of them constitute straightforward cases of repulsive viewpoints: no one would want to see deliberative debate as an opportunity for Nazis, paedophiles and others who hold repulsive preferences to publicise and promote their beliefs.

Other viewpoints, which are less obviously morally wrong, should, however, not be excluded from deliberation. Thus, the rules of deliberation need to allow some selfish viewpoints or arguments which are not universally accepted and may be hotly contested by a majority in society. As there cannot be an authority outside and above the deliberative process that would determine whether such arguments are 'acceptable', 'reasonable', 'legitimate' or not, it would undermine the deliberative process to exclude them. An important reason for this is that the acceptability of many arguments changes over time; a hundred years ago homosexuality was not considered to be a publicly acceptable practise.

Young (2000) argues that the reasonableness of deliberative participants is less about the beliefs and preferences they hold than about their psychological attitudes, such as openness. Deliberation cannot accommodate those who are unwilling to listen to the arguments of others and adjust their own beliefs as a result. "Since reasonable people often disagree about what proposals, actions, groundings, and narratives are rational or

irrational, judging too quickly is itself often a symptom of unreasonableness" (Young 2000, 24). Such persons would not fulfil their deliberative obligations of other-regardingness and a willingness to transform beliefs and preferences. According to Young, reasonable people also enter deliberation with the intention of reaching an agreement, or in the cases when deliberation is used more as an exploratory tool, with the intention of understanding other points of view better and maybe approximating an agreement.

No deliberative democrat would argue that people with such unreasonable attitudes should be excluded. But it is not desirable to base a definition of reasonableness on attitudes and character-traits, rather than beliefs and arguments. Firstly, such traits can be subjective and difficult to measure. There are no ways in which we can define who is too stubborn to make a good deliberator. If deliberation works as deliberative democrats intended, such individuals would be punished by the process if a more other-regarding majority would dominate it instead. Secondly, people can change. Deliberative democracy is meant to encourage people to become more open, other-regarding and tolerant (Gutmann and Thompson 1996). Thus, we cannot exclude anyone in advance. Finally, and most importantly, we cannot discriminate against people based on their personal characteristics, especially as all people will be stubborn and lack other-regarding attitudes at least some of the time. Thus, most of us would have to be labelled unreasonable occasionally if not frequently, no matter how reasonable a belief or position we hold.

Internal Inclusion

Once the deliberative group is constituted, internal inclusion needs to be ensured. It is not enough to guarantee that all possible participants are present during deliberation. All deliberators should all be equally included in the debate and no reasonable deliberator should be marginalised. It is perfectly possible to imagine a situation where all of those substantively affected have been invited, yet during the actual discussion some are

marginalised while the views of others receive great attention. Once again, it is important that we pay attention both to the inclusion of people and ideas.

Even in small groups, people will take on different roles, such as the leader or the scapegoat (Levine and Moreland 1990). Studies of jury deliberations show that white males talk more and have a larger influence on the outcome of the procedure (Hastie et al. 1983). Deliberative democrats need to develop credible mechanisms for levelling the playing field in the face of such tendencies of group dynamics.

According to difference democrats, deliberative democrats conceive of deliberation in terms that lead to internal exclusion. Young (2000) argues that deliberative norms entail dispassionate speech and arguments with clear logical structures, which are characteristic of the type of speech practised and valued by educated, white, middle-class males. Women and some minorities, on the other hand, might use more rhetoric, symbolic and emotive language and hand gestures. These might work against them when it comes to taking their arguments seriously. Some less advantaged groups might also find it difficult to present their argument in a logically straightforward format where multiple propositions lead to a conclusion. Thus, the logic of their reasoning would be less easy to identify at first sight. The dominant group of white middle-class men would have an advantage having been educated to make logically well-structured arguments.

Rather than being forced to conform to such a standard of communication or be ignored, Young (1996, 2000) proposes that deliberative democrats need to introduce other forms of communication in addition to logical reasoning and presents three of these: greeting, rhetoric and narrative. Greeting is about acknowledging each other as members of the group and committing ourselves to listening to each other and is thus crucial for inclusion. It is also about building relationships between group members. Rhetoric allows deliberators to attempt to influence each other through figurative and emotive language. It allows for strength of feeling to be communicated. Narrative serves to introduce the perspectives of different members of the group on an issue and is also advocated by Sanders (1997), who calls it testimony. These three forms of communication help to increase the

internal inclusiveness of deliberative democracy, as their practice would confer respect to members of minority groups.

However, even including these types of communication will not always ensure inclusion. Therefore, more practical measures are needed that ensure that no one is left out of the debate.

One practical institutional measure that the organisers of deliberation use to foster internal inclusion is the use of trained moderators, as in Fishkin's deliberative polls. Moderators should aim to ensure internal inclusion by making sure that all members of the group have opportunities to speak and feel comfortable to do so. In order for this, moderators would need to make sure that no one is intimidated by others and the more assertive members of the group do not hijack the discussion.

In order for deliberation to function properly, one has to acknowledge the importance of small talk. At the start of a meeting participants will normally greet each other and exchange a few words. The topic of conversation is often different from the topic of the actual meeting. This small talk allows people to connect to each other. Young acknowledges that it is possible to exchange formal greetings with someone at the beginning of a meeting and then ignore that person afterwards (Young 2000, 61). Small talk does not allow us to do this so easily, since it makes our fellow deliberators more human. Thus, it could be important in formal deliberative meetings to introduce opportunities for such small talk, such as coffee breaks and lunches. These would also allow deliberators to discuss the main issue of the day more informally, without the pressure of being seen to take a stand in public.

Requirements of civility can also affect the extent to which deliberators are included and excluded. Those who do not behave or talk in a civil manner to others during deliberation may exclude others by their actions or may find themselves excluded because of them. Unreasonable beliefs or behaviour will cause problems for internal inclusion, just as they did for external inclusion.

It is only so far that requirements for civility or institutional measures can go in ensuring internal inclusion. Even if we allow narratives and emotional talk in a deliberative

debate, we cannot ensure that these will be taken seriously. Only an increase in group cohesion and trust can ensure that this is the case. While increasing inclusion is probably the most inspiring aim of deliberative democrats, they offer limited suggestion as to how such inclusion could be insured and it does not appear that deliberative democracy guarantees this value better than other models of democracy.

Equality

Formal Equality

The legitimacy of deliberative procedures relies not only on inclusion, but also on equality. The first type of equality I will examine here is formal equality; the minimal levels of equality provided for all by the rules of the decision-making procedure.

Over the course of the 20th century, citizens of liberal democracies have become equal in the formal sense. Each citizen can cast one vote in elections, regardless of income, gender or race. Each citizen has a right to free speech and assembly, the right to contact their representatives, to participate in demonstrations and to run for office. Of course, not all citizens make equal use of these rights; many people do not vote in elections, most citizens never contact their representatives and even fewer citizens run for local office, let alone participate in national politics. Furthermore, there is substantial inequality between citizens when it comes to their ability to influence politics, for example through political activism or campaign financing.

But before we discuss the weightier issue of substantive equality in politics, we need to ask what formal equality in deliberation would look like. Formal equality in informal deliberation is uncontroversial. As long as citizens have a right to free speech and free assembly, they will have the right to participate in some form of informal deliberation. The question is more pressing for formal deliberative meetings.

Ensuring both external and internal inclusion is the first step towards establishing formal equality among deliberators. By making sure that all substantively affected

individuals have an equal opportunity to participate, selecting deliberators through a procedure that allows everyone a fair chance to be selected or by selecting deliberators in a way that ensures that each relevant point of view is represented competently, we give citizens an equal chance of influencing the outcome. The same applies to making sure that no participants of deliberation are marginalised or treated without respect.

There are some aspects of deliberative procedures in which formal equality can be ensured relatively straightforwardly. If briefing materials are distributed before the deliberative debate, we can make sure that every deliberator receives these. If there is a vote at the end of the debate, formal equality can be ensured by giving each person a vote.

When it comes to actual deliberative debate, we still have some, albeit more limited options for ensuring formal equality, by designing rules of order which make sure that all have a roughly equal share in participation. The most obvious way of doing this is by introducing a maximum speaking time for each participant. In *Deliberation Day*, Ackermann and Fishkin (2004) require that each deliberator should be given five minutes of floor time in their group. They set no minimal speaking requirements; deliberators are allowed to stay silent. Those who have exhausted their five-minute time limit can only speak again if no one else wishes to do so. If we want deliberation to be slightly more informal and strict time-keeping would get in the way of doing this, moderators can also help to ensure that individuals have roughly equal amounts of speaking time available to them.

Time-constraints are likely to be a significant factor in limiting formal political equality in a deliberative democracy. As Dahl (2006, 57) notes:

> "As the number of citizens who wish to speak increases, the costs in time rise steeply. In a unit with just twenty citizens, if each citizen were allowed to speak for ten minutes, the meeting would require two hundred minutes, or more than three hours. In a unit with fifty citizens, to allow each citizen to speak for ten minutes would require a full eight hour day; in a unit of five hundred citizens, more than ten eight hour days!"

Thus, it is unlikely that in a town of a thousand citizens, everyone would have a say, let alone in a country the size of the United Kingdom. Ackermann and Fishkin (2004) get around this constraint by dividing citizens into small groups. However, by doing so, each citizen's likelihood of having an impact on the outcome of the procedure becomes minuscule, just as it is in the case of voting. Thus, citizens either have to be included in deliberation indirectly, at the most having equal *opportunity to be selected* to participate or will have to see their influence severely diminished.

Imposing formal time constraints would also ensure that arguments are to the point. Difference democrats will surely cry foul at this, as arguments to the point will likely lack in rhetoric and emotional language. Those better skilled at public speaking and concise reasoning will be able to make much better use of the time allotted to them. Thus, such measures tell us little about the substantive equality of deliberators. Some may be able to use their five minutes of speaking time much more effectively than others.

Once maximal speaking times are set, similarly it might be beneficial to set a minimum speaking time as well. If participants have agreed to participate in a deliberative discussion, it would surely be best to ensure that everyone will actually contribute to the debate. Individuals might feel that they do not have much insight to give, but one of the main values of deliberation is exactly that everyone's opinions should be listened to with equal attention. And making everyone speak also ensures that they will give the issue some thought and thus contribute to a better outcome.

How about ensuring formal equality of arguments? This could be defined as a requirement that all relevant arguments should receive some equal, minimal consideration. While this could be achieved with the help of moderators and briefing documents, assessing whether this minimal requirement was met would be a more subjective evaluation than it is in the case of assessing whether each deliberator had an equal opportunity to take part in the debate.

Despite the problem of time-constraints, formal equality appears to be possible during formal deliberative democratic meetings. Nonetheless, formal equality on its own is a relatively week procedural value that is already satisfied by current liberal democracies.

In order to justify deliberative democracy on the basis of equality, deliberative democrats need to focus on its ability to produce substantive equality.

Substantive Equality

As I have noted earlier, rules that provide formal equality will not ensure that all members of a deliberative group are substantively equal. Despite formal equality in liberal representative democracies, those who are better educated and better off are able to make more use of their rights, such as contacting their representatives or running for office. While the endorsement of the local sanitation engineer may not carry much weight, those of Hollywood celebrities can have an influence on political campaigns. At the much publicised extreme, the most powerful and wealthiest individuals and groups may be able to fund parties and politicians to an extent that they feel obliged to return their generosity through supporting them through their policies.

Research on group behaviour shows that status differences are common both in small and large groups. Those with high status are likely to behave differently both non-verbally, by standing straight and maintaining eye contact, and verbally, by speaking more often and interrupting others more often (Levine and Moreland 1990). Not only does high status alter the behaviour of those on the top, but this also translates into differences of actual power and influence. Thus, group discussions, such as formal deliberation amongst citizens, will suffer from substantive inequalities between group members. Those with a higher social status outside the deliberative group are likely to be more powerful within the deliberative group. In the absence of substantive equality, they will have more influence on the final decisions and their arguments will carry more weight.

Scholars working in the area of deliberative democracy recognise the need for substantive equality to make democratic deliberation legitimate. However, they disagree over the way in which such substantive equality should be conceptualised.

The first way of answering the 'equality of what?' question is by turning to Rawls' concept of primary goods (1972). These are the characteristics of institutions and society that are necessary in order to establish a just society and which enable each rational human being to pursue his or her conception of the good. These include the social bases of self-respect, basic rights and liberties as well as income and basic goods necessary for survival.

The second answer in the literature is to base substantive equality on Sen's capabilities approach (1992). For Sen, living consists of a variety of functionings, such as being well-nourished, being happy or having self-respect. Our "'capability set' in the functioning space reflects the person's freedom to choose from possible livings" (Sen 1992, 40). Thus, a person's well-being and freedom are linked to the range of functionings that he can effectively choose from.

Bohman (1997) has adopted Sen's capabilities approach to analyse inequality in deliberation. He argues that equality of opportunities, resources and capabilities is needed to ensure effective social freedom and through it democratic legitimacy. His analysis centres on the capacities citizens have to influence deliberations. He calls the lack of developed public capacities political poverty and argues that just like economic poverty, political poverty is also subject to a poverty trap.

Knight and Johnson (1997) argue that the kind of equality we should be looking for in a deliberative democracy is equal opportunity of influence. For this they borrow Dworkin's (1987) definition of political impact and political influence. Political impact is the change that any one individual can affect, such as the vote that each citizen holds. Political influence, on the other hand, is the extent to which each individual can make his views heard and influence others to agree with him. Knight and Johnson state that equal outcomes should never be the aim of democracy, because uncertainty of outcomes is an essential part of democratic decision-making. They also choose to equalize capabilities, rather than resources to achieve political equality. They define politically relevant capabilities as the ability to formulate authentic preferences, the ability to use cultural resources effectively and basic cognitive abilities and skills.

Thus, the literature favours equalizing capabilities over equalizing primary goods (Peter 2007). The reason for this is that the capabilities approach offers us a better perspective on how far deliberators would be able to use their resources to succeed, instead of focusing simply on the existence of those resources, as the primary goods approach does.

However, it is very likely that such substantive equality of capabilities will not exist in deliberative debates. While it is possible to eliminate the most egregious inequalities, such as lack of food, shelter or other basic necessities, equalising capabilities for the much higher level of human functioning that deliberation requires is not so easy. Part of the reason for this is that these inequalities are not only social – stemming from inequalities and injustices in society – but also natural – stemming from the natural abilities of individuals. I will now briefly look at two groups or characteristics that deliberators will possess to see why equality is difficult to achieve: abilities and resources.

Abilities are characteristics that are part of who we are, part of our personality. They include our talents, our strengths and weaknesses. Inequalities in abilities are mostly natural inequalities, as they are comprised of the talents we are born with. Ability covers a wide range of qualities such as intelligence, confidence, being good at public speaking, shyness or resourcefulness. These can be positive, such as intelligence, or negative, such as stupidity.

Many abilities, such as the ability to play the piano well or having green fingers will be entirely irrelevant for deliberation of course. But many others will have a significant impact on how likely individuals will be able to formulate an argument that stands up in deliberation and how likely that argument will impact the thinking of other group members. Shy individuals might find it hard to introduce an argument at all. Arguments presented more forcefully might have a bigger impact, regardless of their merit on their own.

Abilities are not constant and unchangeable. Individuals can work on improving their abilities over time. Making rational arguments is something that we can learn. Shy people can practice talking to strangers until they feel less uncomfortable in such situations. Some

abilities, however, cannot be improved. Someone with below-average intelligence might be able to improve his learning skills, but he will not be able to change his level of intelligence. And some individuals might not want to change. Someone who is shy might feel that becoming more confident in social situations is not worth the trouble, even if this puts them at a disadvantage when deliberating. Thus, we can never guarantee that everyone, regardless of their abilities, will be able to participate effectively in a deliberative process.

Resources are different from abilities. Abilities are innate characteristics of individuals. Resources, by contrast, are other advantageous things that individuals might possess, such as time, social status, wealth, connections or knowledge. Unlike abilities, someone else can provide resources for us. We can be given money or information in a way in which we cannot be given more bravery or intelligence[30]. Thus, resource inequalities are primarily social inequalities.

The resources that are relevant in deliberation are mostly relational goods that only become meaningful through interactions with others. Our social status is dependent on our position within society, and money and wealth are only useful if there are others who are willing to trade their goods for our cash.

Not all resources are positive ones. Negative resources will detract from the individual's position in the deliberative group. Examples of negative resources include a bad reputation or negative stereotypes attached to someone. But sometimes negative resources can become positive ones. When deliberative discussions give a voice to marginalised groups, the potency of their claims very likely depends on the fact that the group is currently disadvantaged in relation to the rest of society.

Inequalities in resources and abilities cannot be easily remedied through the kinds of changes that difference democrats propose. Introducing new modes of communication – greetings, rhetoric and narrative – is not enough to counter them. A greeting might acknowledge that the other group members exist, but it will hardly convince the greeter

[30] However, note that even though we can be given these resources, we cannot be given the ability to understand the information or spend the money wisely.

that the one he is greeting has arguments worth taking seriously. Even Young acknowledges that greeting might serve as an excuse to ignore those less influential for the rest of the meeting – after all their presence has already been recognised.

One can also make the stronger claim that substantive equality as a background condition of deliberative democracy is not only impossible, but also undesirable. In order to make deliberative democracy equal, in the sense that each group member is equally able to participate in deliberative discussions fruitfully, requires a redistribution of resources. But surely, such redistribution cannot be imposed from the outside, but has to be arrived at through democratic institutions. Thus, remedying inequalities over capabilities would remove from the political forum important decisions about social justice and the way in which society should be organised (Peter 2007).

There is likely to be reasonable disagreement in society over issues such as social justice, income distribution, education and so on. Therefore, in a democratic polity these issues need to be decided through the political system. In the case of deliberative democracy, this would mean to a large extent through deliberative debate. If we pre-suppose that a 'correct' way of organising society, distributing income and educating citizens exists, which will ensure an equality of capabilities that leads to political equality, these issues can no longer be subject to serious deliberation. However, under conditions of reasonable disagreement, this cannot legitimately be the case. Therefore, questions of social justice and redistribution need to remain the subject and possible outcome of deliberation, rather than one of its procedural values, no matter how unequal or imperfect this process may be. Citizens and representatives spend most of their time outside a deliberative setting and therefore it is not enough to demand that something is desirable in deliberation – it has to be shown that it is desirable outside of deliberation as well.

Furthermore, we need to remember that deliberation is about reasons and arguments, not just persons. Thus, there is a limit to the extent that it is necessary for deliberators to be equal. Jane Mansbridge argues that equality in deliberation does not require equal influence. For "the force of the better argument (...) should prevail, no matter from whom that argument originates or how frequently it originates from one or

more participants" (Mansbridge 1999, 225). Thus, it does not matter if some members of the group only infrequently influence the outcome, because this influence should belong to those with the better arguments. But this line of reasoning could still fall pray to substantive inequality, as it assumes that the better argument will prevail. The best arguments might belong to those group members who are not listened to, marginalised, who cannot articulate their thoughts well enough or who are bad at presenting themselves.

Finally, let us turn briefly to the idea that substantive equality should be extended to ideas and arguments as well. This clearly cannot be the case. Deliberative democracy requires that the best argument should be favoured. Even though equal respect for all is a fundamental tenet of deliberative democracy, it is hard to see how the group could or should respect everyone's arguments equally. Some arguments will necessarily be better than others, and nothing is gained from demanding that each of these should be treated equally. A minimal condition of formal equality can be posited, asserting that each relevant argument should be included and presented as competently as possible and a minimal amount of time and resources should be allocated to each relevant argument. However, it would not profit deliberative democrats to argue for more than this.

We can now summarize the above findings about equality and inclusion in deliberation. The most valuable aspect of deliberative procedures is that they strive towards both external and internal inclusion. At the same time, both of these are problematic to secure. Equality causes even more problems for deliberative democracy. We can define and enforce formal equality during deliberation, for example by providing each deliberator with an equal amount of speaking time. Yet this is only a relatively weak form of equality that is not a significant procedural value for deliberative democracy. Finally, substantive equality, is not only impossible, but also undesirable.

	People	Arguments
Formal Equality	All those affected should have equal minimal rights / opportunity to participate. Desirable.	All relevant arguments receive some equal minimal consideration. Desirable.
Substantive Equality	All those affected should be equally capable of participating competently in deliberation. Impossible and undesirable.	Equal resources / capabilities should be devoted to each argument. Undesirable.
External Inclusion	All those affected should be included in the deliberative process either directly or through representative mechanisms. Desirable but problematic.	All relevant arguments are represented. Desirable but problematic.
Internal Inclusion	No participants should be excluded or marginalised during the actual discussion. Desirable but problematic.	All relevant arguments are represented. Desirable but problematic.

Table 1: An overview of types of equality and inclusion.

Manipulation

One final issue I would like to discuss here is the problem of manipulation. An extreme case of inequality in deliberation would arise if a deliberator was able to manipulate the outcome of the deliberative process. In deliberation, just as in other political settings, some individuals will possess private information which is not available to others, yet is important for making a decision. This can give some deliberators an opportunity to control the debate. Riker (1986) calls such manipulation heresthetics, arguing that given its complexity and skill requirements it is more of an art form than crude power.

There is a large literature in political science and social choice theory on manipulating the outcomes of decision-making processes. While much of this literature deals with manipulation through voting, deliberation could become the victim of *cheap talk* replacing genuine exchange of information. Many signalling game models deal with such cheap talk scenarios (Austen-Smith 1990, Banks 1991, Austen-Smith and Feddersen 2006). Cheap talk refers to communication that has ambiguous informative value. Cheap talk models conceptualise communication as costless informative signals or pieces of evidence that pass from a sender to a receiver. The sender has private information about the true state of the world, but may not have the incentives to communicate this accurately. The receiver cannot know with certainty whether the sender's signals are correct or not and is therefore often unable to make the correct or best decision.

One objection made to simple cheap talk models is that in politics there is always more than one sender and there may even be multiple receivers. The receiver can compare the information he receives from senders and can find out if one of them is not telling the truth. This is bad news for those who try to manipulate others through falsehood, as "we tend to follow the bright-line rule that a single truth does not make someone honest, but that a single deception does make someone a liar" (Mackie 1986, 91). In deliberative politics other group members or new experts could expose the truth.

However, we do not need to assume that politicians will be outright liars. "Emphasizing favourable information and playing down unfavourable information is commonplace in political argument, even if straightforward lying is not" (Austen-Smith and Riker 1987, 901). Thus, politicians not only choose between telling the truth and telling a lie, but can instead choose how much of their true information they want to share. Thus, the distinction should be made not between a truth and a lie, but between a complete truth and a partial or biased representation of the truth.

Calvert (1985) has developed a model to show that we are more likely to listen to others who are biased in the same direction as we are. In a situation such as deliberation his model implies that as we place less value on the opinions of those who disagree with us, we

need to hear more arguments from them to convince us than we would need to hear from someone who is biased in the same way as we are.

It is important to keep in mind that even these models do not predict that individuals will never have the incentive to share all of their private information honestly with others. Indeed, what seems to keep politics from deviating from reasonably good solutions is this incentive that individuals have to tell and accept the complete truth at least some of the time. Thus, the main point is that despite some incentives to conceal information or present information in a biased way, politicians will continue to share their private information honestly.

So what does this imply for deliberation? First of all, it is difficult to see why deliberators would not have the same incentives as members of legislative committees to share their private information with others only partially. And if this is the case, then identifying the best argument becomes that much harder.

A major change to these models would occur if deliberators' preferences changed to a yet undefined common good, as opposed to their own personal policy preferences. This would have a significant impact, as in this case they will have an incentive to share all of their private information, as they would not be promoting their favoured policy any more. However, this means that deliberators will first of all need to agree on a normative goal. And it is in the area of normative ends where deep conflicts and incommensurability are found. If a common normative end cannot be defined, signalling models will hold for deliberative democracy in the same way in which they hold for representative politics.

Conclusion

While deliberative democracy may not be more susceptible to manipulation than other forms of democratic politics, basing it on the procedural values of inclusion and equality proves to be problematic.

While equality is not the main procedural value that deliberative democrats emphasize, deliberation is meant to give individual voices an equality that current liberal representative democracies do not. What I hope to have shown in this chapter is that both formal and substantive equality stand on shaky grounds in political deliberation. Substantive equality is not only likely to be impossible to achieve, but it is also undesirable as a background condition to deliberation, in that the means to achieve this equality can only be chosen through the political process and cannot be the preconditions of that process itself. Formal equality, on the other hand, is a rather weak procedural value that cannot offer a solid foundation for a strong model of democracy. At the same time it is still a desirable and it is the easiest to guarantee of the different variations of inclusion and equality that I have examined in this chapter.

Much more important is the emphasis on inclusion in the theory of deliberative democracy. Here, deliberative democrats address possible solutions to an important procedural value, which is often neglected in the practice of democratic decision-making, even if not in its theory. However, it is not clear how deliberative mechanisms can guarantee the external and internal inclusion of people and arguments better than other models of democracy. This makes inclusion theoretically desirable, but in practice a problematic value for deliberation. Furthermore, deliberative democrats are not unique in recognising the need for political inclusion and their solution to it is not necessarily the strongest available. Thus, while this focus on inclusion is admirable, it does not necessarily make deliberative democracy a better model of democracy than others.

In the next chapter, I will examine one final procedural justification of deliberative democracy: that it will aim for a consensus. I will argue that this procedural value is not fundamental to the idea of deliberative democracy and indeed it offers a relatively limited attraction for deliberation. I will also address the theoretical divide between deliberative and aggregative models of democracy.

Once I have examined all major procedural values of democratic deliberation, I will turn to an epistemic justification of deliberative democracy. This justification will not have a serious problem with inequalities in deliberation, as long as those citizens whose

arguments are better, and will lead to substantively better decisions, will be the most influential ones.

CHAPTER FIVE
DELIBERATIVE DECISIONS

The final aim of any political process must be to reach legally binding decisions. In the previous two chapters I have examined the main procedural justifications for deliberative democracy: the values of reasoned debate, other-regarding behaviour, inclusion and equality. Now I would like to turn to values related to the final stage of deliberation: reaching an actual decision. I argued in chapter one that aiming for a consensual decision is not one of the defining procedural values of deliberative democracy. Now I will show in more detail why this is the case.

The first issue I would like to address in this chapter is the relationship between aggregative and deliberative forms of democracy. Deliberative democracy developed partly as a response to aggregative conceptions of democracy, and unlike them it calls for a consensual mode of decision-making. But the demand for consensus is often not empirically viable, which calls into question its desirability. I will argue that consensus shares some crucial characteristics with compromise as both require that deliberators agree on a policy voluntarily, taking into account the beliefs and preferences of others. Hence, a compromise instead of a full consensus can still satisfy the spirit of deliberation, as long as it is a reasoned compromise that takes into account the views of others. It is needless to call for consensus where really what is meant, or what is necessary, is an agreement. These may not always be consensual, but as long as they are produced by legitimate procedures, they can be accepted even in the face of persistent opposition.

In the second half of the chapter I turn my attention to the main ways in which the demand for a consensus could be relaxed. Once the demand for consensus is relaxed it becomes possible to examine mixed forms of decision-making in deliberative democracy. These would allow deliberation to be accompanied by voting or would allow for bargaining to be introduced into the process. I conclude that, ultimately, relaxing the

demand for a strict consensus reduces the extent to which deliberative democracy differs from aggregative democracy.

Aggregative and Deliberative Models of Democracy

One strong theme in the deliberative democracy literature is that deliberation is a response to aggregative conceptions of democracy which take voting and elections to be the essence of politics. Aggregative models of democracy and social choice theory focus on the ways in which exogenous individual preferences are turned into social outputs or choices. Most of the time, of course, we would conceive of such a mechanism as voting, but this need not always be the case. Decisions might be made through lottery as well. Most commonly, the result of an aggregation rule is a social preference ordering, or in other words, the way in which citizens collectively rank available options. However, according to findings in social choice theory, results reached through such a procedure can suffer from problems of *instability*, *impossibility* and *ambiguity* (Riker 1982). Let us now look at each of these problems in turn.

The problem of cycling has first been observed by Condorcet in his famous paradox (1994). The paradox consists of the fact that pair-wise majority voting can result in a collective preference relation such as '$x > y > z > x$', where '>' stands for 'is preferred to'. In these situations there is no clear winner, as each of the options will be defeated by another in pair-wise majority voting. This makes voting results *unstable*. And instability in turn opens up opportunities for strategic voting and manipulation.

The problem of *impossibility* is at the heart of Arrow's theorem (Arrow 1951/1963), which states that there is no aggregation rule which satisfies a few seemingly innocuous conditions. These conditions are:

Universal Domain: all logically possible preference orderings are allowed in voting;

Ordering of Preferences: the aggregation rule produces a reflexive, complete and transitive preference ordering;

Weak Pareto-Principle: if all individuals prefer x to y than society also prefers x to y;

Non-Dictatorship: social preference orderings are not determined by an individual dictator; and

Independence of Irrelevant Alternatives: the social preference over x and y depends only on the individual preferences over x and y and not on preferences over other alternatives.

These conditions are regarded as necessary for achieving a fair and democratic outcome. Some of them, such as independence of irrelevant alternatives, are more technical in nature. Others, such as non-dictatorship, have an immediately obvious normative relevance to democratic legitimacy. Independence of irrelevant alternatives is also a more controversial condition, which can nevertheless be shown to be a necessary condition for the avoidance of certain forms of manipulability.

If we avoid Arrow's theorem by relaxing or dropping one or more of his original conditions, it is possible to find aggregation rules which satisfy the other conditions. The condition that could be restricted most easily is universal domain, which ensures that no preference orderings can be ruled out in advance. By assuming that most of the population will not hold counter-intuitive preference orderings, such as ranking the far right party first, the far left party second and the centrist party third, we can find a possible escape-route from the impossibility theorem. The impossibility theorem could also be avoided by abandoning non-dictatorship, but the normative value of this condition means that this route should not be pursued.

But this does not solve the problem that using different aggregation procedures with the same set of inputs does not always lead to the same output (Riker 1982). The output is instead dependent on the aggregation rule employed. This means that while the Condorcet-winner in pair-wise majority voting might be x, the Borda rule could declare y the winner using the same individual preferences as inputs. There exists no unique result and this leads to the *ambiguity* of democratic decisions. After all, when two different ways

of counting votes result in different winners, how can we be sure that the decision is the right one?

Deliberative democrats criticise aggregative models of democracy for conceptualising politics as a problem of making a fair decision based on the distribution of preferences among the electorate, rather than a process through which citizens can make a reasoned decision that takes into account the relevant facts as well as the beliefs and interests of others. For them, the political arena is not primarily the scene of preference aggregation, but of preference formation and transformation. Accordingly, they hold that rather than seeking a reasoned agreement or consensus, aggregative models use brute mechanisms to calculate what the most acceptable decision is, without taking into account that if they were exposed to new facts and different points of view, citizens may choose differently than they do on their own. In chapter three I have addressed the criticism that aggregative models of democracy that use an instrumental conception of rationality regard preferences as fixed, and I have argued that this is only a simplification for modelling purposes rather than an indication of a deeper view about the nature of politics and human beliefs and preferences. In this chapter I will address the criticism that aggregative models of democracy focus on adding up preferences in a fair and democratic way rather than on seeking a consensus.

Deliberative democracy is then meant to be a corrective for the instability, impossibility and ambiguity of aggregative democracy. Discussions, mutual understanding and consensus are meant to ensure that results are more stable and less arbitrary. The most obvious way this can be achieved is through a unanimous or near-unanimous consensus over one of the options available. Such a consensus is seen as valuable because it is a decision reached through agreement in society, and not just a decision that is the result of counting votes or of power politics.

Consensus can be defined as agreement over a unique solution that is preferred most by every member of the group. A deep consensus will extend to the reasons for a decision and not just the decision itself. In deliberation consensus is reached through rational argument and mutual understanding of each other's perspectives.

This is the view of consensus that Habermas promotes. While definitions of consensus in the deliberative democracy literature are in general under-specified, his is the most developed one (1996, 162-167). He differentiates between types of consensus depending on the issues at stake. Firstly, pragmatic discourses outline the possible options and their outcomes, subject to the information available to deliberators. They do not operate on the level of values. They simply state the different actions the group could take and their most likely effects. Only in rare cases will a consensus be formed based on pragmatic discourse, as different options will be favoured by different value systems. Deliberation will have to penetrate deeper than the simple level of options available and their likely outcomes and a consensus will need to be formed on the level of underlying values. Therefore, what is at stake is what Elster (1998) calls underlying preferences. These are preferences over different values or long-term goals rather than individual actions or policies.

Habermas divides this deeper consensus into two further categories: that of moral and ethical consensus. Moral consensus deals with issues which can be generalised for the whole of mankind and should be subject to the principle of universalization. Habermas cites "questions of social policy, of tax law, or the organisation of educational and health-care systems, where the distribution of social wealth, life opportunities, and chances for survival in general are at stake" (Habermas 1996, 165) as cases where a moral consensus is necessary. Ethical consensus is concerned with issues which are based on the interests and cultural context of a specific society, such as "ecological questions concerning the protection of the environment and animals, questions of traffic control and city planning" (Habermas 1996, 165).[31]

[31] One criticism of Habermas' definition of consensus is that the distinction between moral and ethical consensus is often unclear. Why is environmental protection an ethical issue and not a moral one, for example (Pellizzoni 2001)? Similarly, immigration control, another issue which Habermas classifies as ethical has clear implications for "survival in general", and thus has a moral dimension too. Health-policies, which he takes to be moral issues, will also have ethical dimensions that may not be applicable to all societies at all times. Therefore it would be more accurate to say that such issues have both moral and ethical dimensions and any consensus reached will have to have appropriate moral and ethical components. A sharp distinction between the two types of consensus is then unnecessary.

Should such a consensus be unavailable as different values and interests clash in deliberation, a compromise must be reached instead. Habermas, however, defines compromise in a way which attempts to regulate bargaining and neutralise bargaining power. Compromise needs to fulfil three conditions. It must be "more advantageous to all than no arrangement whatever" (Habermas 1996, 166) and exclude those who withdraw from cooperation, and it must not allow the exploitation of one party by the other. Thus, compromise can also be agreed to by everyone, albeit for different reasons. In this way the application of the discourse principle limits the extent to which bargaining power can be exercised.

The Problem with Consensus

Such a unified view of agreement presents significant problems in today's complex democratic societies (Bohman 1996, Young 2000). These societies are characterised by pluralism. There is no single over-arching ethical or moral framework that all citizens subscribe to. Rather, there exist a very high number of different reasonable worldviews, many of which feature basic assumptions that are not mutually commensurable. Barber argues that in most societies consensual democracy cannot be genuinely political as it "wills away conflict" (Barber 1984, 150). Consensus in this case is either imposed or reflects the fact that intractable conflicts are avoided in political discussions. In pluralistic societies, seeking a consensual decision can lead to a lack of solution for just about every political problem. A unique consensus is more likely to emerge in societies where members have a strong shared identity, that is citizens share values and traditions that give them a sense of commonness. Thus, deliberative democracy faces a serious challenge if it attempts to reconcile the possibility of reaching a unique consensus with pluralism.

Deliberation might actually increase dissent as it becomes clear to deliberators just how strongly they feel about an issue or how different a problem's solutions are from each other (Knight and Johnson 1994). There might be instances when deliberators will realise

that an issue which they have not given much thought to beforehand has an obvious solution. But if deliberation is to be meaningful, it will often be concerned with deeply divisive issues. It is quite conceivable that when they look at their underlying preferences, deliberators' beliefs in the rightness of their preferred options will become stronger.

But it is certainly not desirable that such divisive issues should be avoided simply in order to create an illusion of consensus (Johnson 1998). Furthermore, in politics, it is highly unlikely that these issues can be avoided at all. There are virtually no truly value-free decisions. Even the choice of pizza toppings can be subject to moral consideration if a group includes vegetarians, Muslims, Jews or Hindus.

A consensus could also mask problems of conformity or informational cascades (Sunstein 2003). Conformity can develop because of informal social pressures within the group or within wider society. Informational cascades develop when one individual chooses to update his beliefs based on the fact that someone else who appears to be knowledgeable holds a certain belief, when that belief might in fact be incorrect. This in turn can cause another individual to update his beliefs as well. A critical mass of individuals can soon develop who hold beliefs not based on their own private information but based on the assumption that if others believe something, it must be true. One of the biggest dangers of informational cascades is that individuals fail to reveal their private information, and thus members of the group will not realise that they are in effect holding a false belief.

Thus, the fact that some group members express judgments different from those of the majority without any negative consequences for their dissent is an indicator of a healthy debate without coercion and pressures to conform.

The above problems should encourage us to think about relaxing a strong demand for consensus. In order to discover how this could be done it is useful to juxtapose Habermas' concepts of consensus and compromise. In his view a compromise can be reached when a consensus is not available (Habermas 1996, 165-166). This does not relax the demand for consensus, only acknowledges that consensus will sometimes be infeasible. But in practice the two might already be fairly close to each other, especially if bargaining powers in reaching a compromise are suitably restricted.

It is certainly true that a theoretical distinction can be made between consensus and compromise. This is because the two are different in crucial and defining ways. But the extent to which consensus is superior to compromise might be narrower than it appears at first sight. This is because of the similarities in their external appearance and effects.

We can talk of a consensus when each deliberator's most preferred policy point is identical. Thus, there exists a perfectly harmonious agreement about what should be done. In the deliberative context this agreement will come about after sharing information and points of view in a discussion. It needs to be stressed that in this case every deliberator will be able to choose his or her first-best option, one which she has chosen not because other options are unavailable or strongly opposed by other deliberators, but because she believes in its correctness. In fact a strong consensus is even stronger than this, as it concerns the moral and ethical premises as well as the practical conclusion behind a choice. Needless to say, this is an incredibly strict definition of consensus that is not likely to be met in politics.

An assumption of other-regarding attitudes can play in favour of expecting a compromise instead of a consensus. Other-regardingness means respecting and taking into account the beliefs and preferences of others. This may not necessarily mean that we change our most preferred policy point in order to coincide with that of others. But we will take their preferences into account and sacrifice our own willingly in order to agree on a mutually beneficial position. Thus, other-regarding attitudes may be interpreted as an internalised form of conscientious bargaining between my interest and theirs. But if this is true, then finding a consensus becomes much less important as long as there exists a compromise compatible with the assumptions of deliberative democracy.

It could be hard to distinguish a consensus from a compromise in an actual deliberative setting. This is certainly the case if we reach an inner compromise after weighing up the preferences of others. If compromise is not the result of an open and possibly prolonged period of bargaining, it might be indistinguishable in practice from consensus, especially if we do not know about the mental processes of deliberators. After all, how do we tell if someone agreed to a proposal because he truly believed it was the

best one, or because he realised that given how strongly others felt about the issue he had nothing to lose by agreeing to it himself.

But practical considerations push us towards compromise as well. If after careful deliberation I believe that the option I consider to be second-best is still viable and I observe that given the beliefs, judgments and preferences of others it is the only *politically* viable option, then, unless I am very stubborn, I will accept this outcome despite perceiving it to be second-best. One could argue that when those framers of the US constitution who were against slavery, yet agreed to its continued existence, did just this. While they would have preferred a union without slavery, a union with slavery was still preferable to no union at all (Riker 1986).

For Habermas a compromise is something that needs to be found when the values of deliberators clash so much that establishing a consensus becomes impossible. This constitutes an internal constraint within deliberation. But how about situations in which a consensus does exist among deliberators, yet an external constraint, say a budget constraint, stops them from carrying out their optimal choice? In this case each of the deliberators would need to compromise on his or her most preferred outcome. Habermas only talks about compromise due to internal constraints. But if one is a compromise, then so is the other. Settling for a second-best solution, whether it is because of external constraints, or whether it is because of the strongly held views of others, is a common occurrence in politics. Consensus is a rarity, not the norm.

If preferences are laundered (Goodin 1986) even before the start of deliberation, this might already constitute a form of compromise. If deliberators all agreed that those preferences which are laundered are unacceptable, then there would not be a need for them to affectively censor themselves in deliberation. Eventually, of course, such conventions may turn into a genuine consensus. But, at the beginning at least, the possibility of compromise at the point of entry into deliberation is quite high. This is true even if afterwards deliberation proceeds according to the highest ideal standards and results in a purely consensual decision.

Consensus means that we collectively choose exactly what we individually want most. In a compromise the collective choice and the individual ideal do not overlap and instead of saying 'yes, this is what I really want and we are going to choose it' one needs to say 'this is what I really want, but I cannot have it; therefore I will settle for something else'. As long as no strong moral objections can be voiced – I am not agreeing to become disenfranchised or let my fellow citizens be murdered, for example – the superiority of a consensus is not clear. It may be superior for the individual, as each citizen will now receive her most preferred option, but its superiority for the group is not obvious.

Once we have realised that dissent can be beneficial, that consensus is very hard to attain and its existence is not always easy to prove, we can ask ourselves whether reaching a consensus is really so important in politics. If we agree that the spirit of deliberation consists more in reaching a decision everyone can agree to through communicating with each other, then it becomes obvious that the focus is on agreement rather than consensus. And agreement is what makes a compromise so closely related to a consensus.

In politics we face many constraints. Different points of view, moral values and personal interests need to be reconciled. At the same time if deliberation occurs in the real world rather than under ideal circumstances, there will be a host of external factors which constrain our options. It might not always be possible to spend the optimal amount both on health care and policing. It will be necessary to make many compromises and the first choice of the deliberators will not always be available. It seems therefore necessary to give up the idea of a unique consensus or aiming for a consensus and look for other ways in which decisions can be made without violating the spirit of deliberation.

Consensus Relaxed

There is a practical need to relax consensus and no normative reason against it. The first response to pluralistic cultural complexity is to confine consensual outcomes to the realm of political ideals. We can then admit that real pluralistic societies will not live up to this

ideal, while asserting that they should nevertheless aspire to it. Thus, at the same time reality is acknowledged and the theoretical ideal of consensus is salvaged. But even in this case deliberative democrats need to relax the definition of consensus to one that they can credibly aspire to in the real world.

This has been done in the literature in three broad ways. Firstly, it can be done on the level of content, by allowing for reasoned compromise or agreement on conclusions where no agreement can be found on the underlying moral or ethical premises. Here, consensus is defined less strictly in order to allow for the co-existence of different frameworks of interpretation. Secondly, consensus may be found not on the level of the individual decision, but on the level of an overarching framework within which we can think about decisions. Thirdly, it can be argued that the normative demand for consensus in deliberative democracy concerns consensus over the procedure itself, rather than the content of the decisions in generates. According to this third formulation, consensus serves to legitimate democratic decision-making. I shall now look at examples of each of these responses in turn.

Content-Based Solutions

Instead of a unique consensus some theorists introduce weaker concepts of agreement that attempt to accommodate multiple worldviews within a society. Relaxing stronger definitions of consensus is not only justified on practical grounds in the literature. Difference democrats argue that seeking a strong, unique consensus may in some situations be harmful. According to Young (2000, 43), seeking a unique consensus or a common interest can serve as a vehicle for exclusion. Less privileged members of society might be asked to make sacrifices for a common good from which they would not receive any benefits. She argues that rather than seeking to find consensual agreements based on consensual reasons, the aim of deliberation should be to find workable solutions and arrive at particular judgements for well-defined problems (Young 2000, 29).

Habermas's way of relaxing consensus by accepting a compromise has already been described earlier. While it allows for different reasons for a conclusion, this definition of compromise does not violate the spirit of deliberative democracy by regulating bargaining in order to make the procedure more equitable to all.

One of the most well-known ways of relaxing consensus is Rawls's concept of overlapping consensus (1993). He was not writing specifically in the context of deliberative democracy, but his concept has been used by others in the literature to underpin deliberation. Rawls argues that citizens can retain their comprehensive doctrines or frameworks which they use to explain the world, but as long as these doctrines are reasonable they should be able to arrive at a conception of justice in the political sphere that is acceptable to all. Thus, he argues that an overlapping consensus is a political arrangement which can be accepted by all citizens holding reasonable doctrines as they recognise that such a consensus is politically necessary. It is not a requirement, however, that citizens should start out by agreeing to an overlapping consensus. Over very long periods of time what was originally a modus vivendi, such as religious toleration, can become a constitutional consensus, that is a framework everyone is willing to live with, and eventually this will develop into an overlapping consensus once citizens recognise that it complements their comprehensive doctrine or if it does not complement it, they are willing to redefine that doctrine. This last requirement makes it stronger than just a Habermasian compromise, which does not have such a reflexive quality.

Sunstein's (1994) incompletely theorised agreement is one of the most well-defined conditions for agreement without a unique consensus. While people are often able to agree on a course of action, they may not be able to do so on the underlying reasons for it. Incompletely theorised agreements allow individuals to agree on a decision for very different reasons, without having to agree on those reasons as well. If there is agreement on a decision, then agreement on underlying reasons becomes practically unnecessary, is often infeasible to reach and can even be undesirable if it would lead to further divisions (List 2006). This places no demand on decision-makers to abandon their fundamental underlying preferences, or in other words their worldview. It allows for the formation of

unlikely coalitions as long as all members can agree on their preferred outcome. Deliberation can then be defined as a procedure which allows deliberators to try and convince each other of the best solution, while leaving their underlying preferences intact. Both of these ways of relaxing consensus require an agreement on outcomes, while allowing each decision-maker to come to this conclusion for different reasons, just as a Habermasian compromise does. The three theories thus have a lot in common.

Bohman (1996) criticises Habermas and Rawls for the use of what he calls singular reason, where reasonable or consensual policies are articulated from only one perspective. He also disputes the fact that such singular reason should lead to consensual agreement. According to Bohman, "plural agreement merely requires continued cooperation in public deliberation, even with persistent disagreements."

Thus, he introduces the concept of moral compromise. Moral compromises are frameworks that allow individuals to accommodate the values of other without necessarily having to give up their own. They develop as a result of discussion, as both sides change their framework of interpretation in a way that allows them to recognise each other's moral values. The aim is not to develop a consensus, but to allow the representation of both sides and ensure that neither will withdraw from the debate. Moral compromise should be both pluralistic and dynamic. However, introducing such a compromise is akin to introducing the kind of common framing I argued against in chapter three.

What all of the above ways of relaxing consensus have in common is agreement on the conclusion while permitting disagreement on the premises. But deliberation needs to function and arrive at decisions when not even a content-based consensus is available. Therefore, we need to look at ways in which the definition of consensus can be further relaxed.

Structure-Based Solutions

Structure-based solutions address the way in which deliberative democracy would transform citizens' preferences and indicate that citizens would find it easier to make mutually acceptable decisions after deliberation. Looking for a solution at the level of preferences allows us to potentially reconcile aggregative and deliberative models of democracy.

Meta-consensus is an agreement on the underlying dimensions of the issue under deliberation. Meta-consensus – depending on its precise variant – may induce single-peakedness, which means that each deliberator can order her preferences along a salient dimension, for example left and right, in such a way that her preferences decrease from her most preferred alternative along this dimension (List 2004).

Meta-agreement in fact corresponds to the concept of single-peakedness first defined by Duncan Black (1948). This is a characteristic of deliberation that is firmly based on an instrumental view of rationality and yet contributes to the justification of deliberative democracy by arguing that reasoned debate will lead to citizens forming new preferences and transforming old ones in a way that will help us to arrive at better decisions.

In order to understand the importance of single-peakedness, first we need to look at the social choice theoretic problem of cycling. As I mentioned earlier, voting cycles have first been discussed by Condorcet, and refer to situations in which aggregating individual preference orderings – typically by majority voting – will result in a social ordering of '$x > y > z > x$', where '>' stands for 'is strictly preferred to'. In a case like this it is not clear which one the winning alternative is. The theoretical probability that cycles will occur increases as the number of voters and the number of available alternatives increases (Gehrlein 2002).

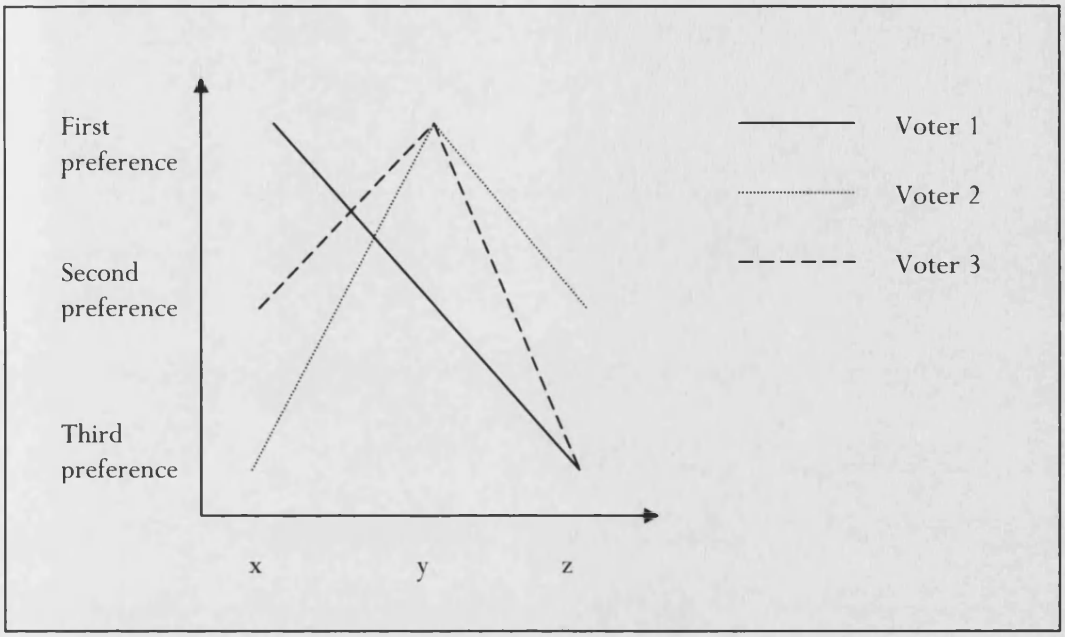

Figure 1: An overview of types of equality and inclusion.

A sufficient, but not necessary condition for avoiding cycles, identified by Duncan Black (1948), is the presence of single-peakedness. Preferences are called *single-peaked* if the options can be arranged along a structuring dimension from left to right such that each individual has a most preferred option, and her preference over all other options decreases with increasing distance from the most preferred option. Accordingly, if there are three options, – *x*, *y* and *z* – arranged in this order along a dimension, then an individual's preference ordering can take the form '$x > y > z$', but cannot take the form $x > z > y$. The name 'single-peaked preferences' derives from the fact that in a diagram all lines have one single, clearly identifiable peak (diagram 1). It is not essential to achieve perfect single-peakedness. With the increase of the proportion of single-peaked preference orderings in a group, the likelihood that cycles will appear will be reduced (Niemi 1969).

This would solve the problem of instability that Arrow's theorem implies for voting. In fact, this is a restriction of the condition of universal domain in the theorem. If preferences are structured along a few common dimensions, we would no longer be allowing all possible preference orderings, as the condition of universal domain demands.

Thus, deliberation could reduce the indeterminacy of voting outcomes to an extent where it poses negligible consequences.

If deliberation does increase the proportion of single-peaked preferences in the group, this will mean that it will achieve its objective of increasing the stability and coherence of decisions by creating the structural preconditions of agreement. However, some of the most persistent disagreements occur exactly when such a structuring dimension cannot be found. For those disagreements, meta-consensus will be of little help. And even if we locate a common issue dimension we still have not made an actual decision.

Procedure-Based Solutions

But maybe what the spirit of deliberation truly demands is not consensus over the content of decisions at all. Rather what we should be looking for is a compromise over the procedure of deliberation itself; all or nearly all citizens accepting it as the best and possibly fairest way of arriving at a collective decision. Thus, for Gutmann and Thompson (1996) deliberative democracy is a procedure which has better chances of arriving at justifiable policies in the face of moral disagreements than other procedures.

According to Benhabib (1996, 73), "agreements in societies living with value-pluralism are to be sought for not at the level of substantive beliefs but at that of procedures, processes, and practices for attaining and revising beliefs." Thus, citizens need to agree that deliberation is the best way to reach decisions while at times they might disagree with those decisions. Therefore, for Benhabib the concept of consensus is linked to legitimacy. Deliberative consensus is an agreement that legitimates deliberative democracy. This entails a consensus that every individual is entitled to self-respect and that deliberation should be based on rational argumentation which is interpreted in an other-regarding manner by listeners.

For Barber (1984) the task of politics is also legitimation. For him the political process can have three results. Firstly, it can create a decision through bargaining and

exchange. Secondly, it can reveal an already existing consensus. Thirdly, it can transform conflict through a "participatory process of ongoing, proximate self-legislation and the creation of a political community capable of transforming dependent private individuals into free citizens and partial and private interest into public goods" (Barber 1984, 151). It is this third result whereby deliberation provides political legitimacy. As for Benhabib, this is a reflexive "never-ending process of deliberation, decision and action" (Barber 1984, 151). What is crucial for a deliberative process is not ordinary consensus, but consensus over the legitimacy of this reflexive process.

What legitimates deliberative democracy for these authors is an agreement on an other-regarding, inclusive, reflexive procedure, which, as Gutmann and Thompson (1996, 43) put it, "contains the means of its own correction". While this view of consensus provides a basis of legitimacy for deliberative democracy, it does not tell us much about the outcome of deliberation. The first group of content-based solutions gives us a better idea of how deliberative democracy could be put into practice.

Such solutions also presuppose that it would indeed be possible to agree that deliberative forms of democracy produce the most legitimate outcomes. If we define deliberation in a more minimal sense, as group decision-making through discussion, this may not be too problematic. However, if we add requirements for other-regardingness and other more controversial values, it may be that no such consensus over a deliberative model of democracy will emerge.

Deliberation could also serve to establish a consensus over using other decision-making methods. Thus, a group could reach a deliberative consensus to use voting or strategic bargaining to resolve a problem. This highlights a very important point for the deliberative democracy literature. While deliberative democrats do acknowledge the need to accommodate self-interest and to use non-deliberative decision-making mechanisms, these are all situated within a deliberative framework and their appropriateness needs to be determined through deliberative means. Thus, in a model of deliberative democracy, deliberation is always the primary decision-making method, notwithstanding the use of

voting or bargaining at times. This is a rather important point that is worth bearing in mind for evaluating the model of deliberative democracy.

So far this chapter has been dealing with decision-making at an abstract, theoretical level. The remainder of the chapter will take a more practical approach. The next section will examine mixed forms of decision-making, which incorporate significant deliberative elements, but complement them with voting in order to arrive at a decision. After all, even if a consensus will exist, how can we tell that it is there? Surely at the very least we will need to ask for a show of hands.

Mixed Forms of Decision-Making

Once we have relaxed the assumptions about reaching a strong consensus through deliberation, it is possible to focus on mixed forms of decision-making that are overwhelmingly deliberative, yet incorporate aggregative elements. By now I have established that reaching a unique consensus solely through deliberation must be confined to the world of ideals and surveyed a variety of theoretical ways in which this can be achieved. It is now reasonable to suppose that some form of voting will be necessary even in deliberative democracies, even if this is done under a primarily deliberative framework. Allowing voting is the main way in which ideal deliberative processes could be relaxed. But they could also be relaxed through allowing bargaining, which is based on self-interested negotiation. I will now examine mixing deliberative democracy with both voting and bargaining.

Combining Deliberation with Voting

There are a number of recent theoretical innovations which aim to introduce formal deliberation among citizens while preserving the existing framework of elections and representation. The idea of citizen juries predates the rise of the theory of deliberative

democracy, but it has nevertheless been connected to it in recent years. Deliberative polling and deliberation day are ideas which have been developed based on deliberative theory (Luskin et al. 2002)[32]. Each of these procedures have phases in which deliberators are supplied with new information, and phases in which citizens have a chance to participate in a discussion in smaller groups. Yet they are not aimed at replacing voting and elections but are rather supplementary mechanisms. Similarly, informal models of deliberative democracy would retain elements of voting and representation while putting a much increased emphasis on deliberation in the public sphere.

Acknowledging that both deliberation and voting must be present in politics offers us a way to reconcile deliberative and aggregative models of democracy. Such a way of thinking about democratic politics allows room for the concerns of both models of politics. The deliberative part of decision-making would focus on deliberative democrats' priorities of preference change through inclusive, reasoned discussion. Voting would be addressed by the concerns of aggregative democrats for finding a fair and democratic way of aggregating preferences.

Those citizen juries and deliberative polls which have been run as quasi-experiments provide us with empirical information about the way in which deliberators change their views. They can provide crucial information about whether consensus or meta-agreement have increased, whether deliberators have become more informed, or whether there has been an increase in polarized preferences. However, as they do not directly contribute to political decision-making, we need to be aware when interpreting results that real-world deliberation is likely to be even less close to the ideal than these experiments.

The empirical results I would like to focus on here are concerned with the way deliberation aids decision-making. Therefore, I will not look at possible increases in conformity or polarized preferences, as both are concerns which I have already addressed in chapter three.

[32] Deliberative polls are organised by the Center for Deliberative Democracy at Stanford: http://cdd.stanford.edu/.

There is evidence that citizens are better informed on issues after deliberation than they were before. Farrar et al. (2003) find that after a deliberative poll the number of factual questions which deliberators could answer correctly increased from 36.8% to 59.1%. People also perceive themselves to be better informed after deliberation. After a deliberative poll in Hungary the proportion of those who considered themselves to be very well informed or moderately well informed about the situation of the Roma in Hungary increased from 74% to 85%.[33] The proportion of factual questions answered correctly increased concurrently from 28% to 42%.[34] Clearly, even after a day or two of deliberation people will still be unable to answer many of the questions correctly. But it is probably safe to say that after a longer period of deliberation, if deliberators took their duty seriously we would see a much larger improvement.

There is also evidence that deliberation increases single-peakedness. This might point to an increase in agreement about the nature of the issue in deliberation, or in other words an increase in meta-consensus. An experiment using deliberative polling in New Haven has found that single-peakedness has increased for both of the topics discussed, albeit to a different extent (Fishkin et al. 2007, Farrar et al. forthcoming). Deliberation on the first issue, which was concerned with a possible extension of the local airport, only produced a marginal increase in single-peakedness. However, preferences were already well-structured at the start of deliberation, with the proportion of individuals whose preferences were single-peaked at 77%, which eventually increased to 81%. For the second issue, sharing tax revenues from new businesses between municipalities, the proportion of single-peaked preferences increased dramatically, from 52% to 80%. The authors explain this with the fact that in the months preceding deliberation airport extension was a much more prominent issue; therefore people had more developed preferences over it and were more aware of the underlying issue dimensions. Hence, they had fewer opportunities to learn more about the issue dimensions involved and they were also less inclined to change their preferences. But as single-peakedness did increase for

[33] http://www.magyaragora.org/
[34] Ibid.

both issues, albeit to a different extent, the hypothesis that preferences will become more single-peaked during deliberation still holds based on this evidence.

Deliberation might induce a level of single-peakedness that virtually eliminates the presence of voting cycles. If this is the case, then deliberation will succeed at its aim of reducing the instability and ambiguity that stems from voting. However, as we have seen from the above example of the deliberative poll on airport extension, if an issue is salient in public discussions, in the media and in private conversation, preferences will already display a large degree of single-peakedness and thus meta-consensus is already present to a large extent. But as far as the need for some form of consensus in deliberation is concerned, we can say that while it is not feasible to assume that deliberation will result in a full consensus, an expectation of meta-consensus instead could be a viable alternative.

If through deliberation meta-consensus is increased, this means that we are relaxing the universal domain condition of Arrow's theorem. Under the universal domain condition, all logically possible preference orderings are admitted. But once preferences are single-peaked, this is no longer true. All logically possible preference orderings may still be permitted, but they would not always occur naturally anymore. Deliberation might also restrict preferences through filtering out undesirable, such as racist, preferences and maybe even by reducing the number of viable options to choose from. Thus, deliberative democracy may offer us a way out of two of the problems identified by social choice theory; instability and impossibility.

Bargaining

If we allow deliberation to be accompanied by voting, the question arises whether we should relax the conditions of deliberation further and allow bargaining as well. While in the ideal model deliberation is assumed to be superior to bargaining, those authors who do mention it admit that it is a necessary part of politics. But this is very much an issue which many authors have not paid adequate attention to. In reality, deliberation is always situated

among other political actions, such as voting, bargaining, protesting or even expression through politically inspired art.

Habermas argues that decisions will be based on a "complicated network of discourses and bargaining and not simply on moral discourses" (Habermas 1996, 452), even in a primarily deliberative democracy. In *Between Facts and Norms* (1996) he adopts the point of view that bargaining can complement deliberation when the situation permits. Bargaining can be important because it places a higher importance on private interests, something which cannot be kept out of the political arena. Bargaining also becomes necessary, even in situations when deliberation would be optimal, if one side in the debate refuses to deliberate. Thus, bargaining can be a first-best or a second-best option, depending on the context.

According to Elster (1989), bargaining is an inefficient form of decision-making. Among the contributing factors to this inefficiency, he lists the cost of bargaining, the cost of trying to improve one's bargaining position, the danger of making excessive claims that cannot be met half-way, the tendency to disbelieve information that does not support one's position and the cost of establishing credibility (Elster 1989, 94). He also argues that both social norms and self-interest play a role in bargaining.

Integrating bargaining into the framework of a deliberative compromise might eliminate most of these inefficiencies. For example, informational biases – only listening to those who support our position – are meant to be ruled out in deliberation. Bargaining power ought to be checked by other-regardingness in deliberation. Following the conditions that Habermas (1996) sets, we can define bargaining under a deliberative framework as a decision-making mechanism that has an outcome which is acceptable to everyone and better than no agreement at all, excludes those who withdraw from deliberation completely and prohibits the exploitation of one part of the group by the other.

An important reason for supporting bargaining under a deliberative framework is that while we can find a moral dimension in most political issues, it may be possible to decide some of them primarily on grounds of self-interest. Gutmann and Thompson

(1996) give trade negotiations as an example. But even in these cases the moral merits of the outcome have to be properly considered and bargaining should be guided by the principle of reciprocity (Gutmann and Thompson 1996, 72). While trade negotiations might have an obvious moral aspect, there is a range of options which are morally acceptable, but which nevertheless benefit the two parties to different levels. These morally acceptable options could be identified through deliberation. Thus, once we make sure that a trade agreement is not exploitative and does not jeopardise human rights, one cannot object to reaching a decision through bargaining.

The problem with this distinction is that it requires us to draw a line between primarily moral and all other disagreements. Gutmann and Thompson argue that disputes over redistribution and welfare should be resolved by deliberation, while trade agreements such as the NAFTA can be negotiated through bargaining. But trade agreements could easily be re-framed in terms of moral arguments. Barriers to free trade affect the life-chances of those in poorer countries significantly. Therefore, trade negotiations can be said to have a significant moral component. Of course, trade negotiations have the added complication that they are conducted between countries. But similar examples can be found in domestic politics as well, such as negotiations between employers and trade unions in corporatist countries. In these cases theorists need to evoke democratic deliberation as the framework within which it can be decided whether an issue can be legitimately resolved through bargaining.

All the above arguments see bargaining as subordinated to the supposedly morally superior, other-regarding deliberative procedure. This is not a realistic assumption. In the cases where bargaining would take place, it would exist alongside deliberation, rather than being subsumed under its more demanding standards of behaviour and attitudes.

Some would question whether it is bargaining at all if all agreed on a common goal, even if it were as vague as agreeing on a policy for health provision, but could not agree on the way in which this goal can be reached. Bargaining is usually seen as a mechanism for dividing goods, rather than choosing between decisions that will give everyone equal pay-offs. It is clear that one can bargain over different ways to divide $100. It is not so clear

that one can bargain over whether healthcare should be provided privately or publicly. Brennan and Goodin (2001) and Goodin (2003) argue that the latter scenario can still be called bargaining as each individual has different views on the pay-offs which the community receive from different decisions. One person might believe that we would all be better off if healthcare was provided privately and another person might believe that we would all be better off if it was provided publicly. In this case there is room for bargaining over our beliefs, as we both have different expectations about the pay-offs that the two different policies would generate. Thus, for each participant the expected pay-off from choosing his preferred policy will be different from the expected pay-off of choosing any other policy.

Deliberative democracies will no doubt have to deal with situations where goods can be bargained over and divided the same way as we can divide $100. Welfare policies would be an obvious example for this, but the example of trade negotiations above would also fall into this category. There will also be instances where different individuals or groups will favour different ways of proceeding to reach a certain goal. In these cases bargaining in the sense that Brennan and Goodin use the term will be possible.

However, there will be cases where the choices available are so different that it is not possible to bargain over them. Abortion is a classic example. There is a binary choice between either allowing abortion or not. There is only a possibility of bargaining once one allows for the possibility of abortion, where there is space to argue for anything between making abortion legal for the first few weeks or up to the end of pregnancy. But when two options are completely divergent bargaining is not possible. Another example is whether we should allow pictures of Mohammed to be published or not. It is unlikely that those who argue against it will settle for depicting the prophet partially or in a positive light. There will be cases where there will be disagreement over the nature of goal we should reach – in these cases bargaining may not help us even under a deliberative setting.

Not all theorists agree that bargaining is a necessary element of deliberative politics. Bohman (1996) argues that bargaining reduces deliberative democracy to a modus vivendi. Furthermore, bargaining asks the impossible in the case of deep conflicts, when it treats

deeply held beliefs as something negotiable. As he does not agree with the viability of Rawls's overlapping consensus, he does not share Rawls's optimism that over time such a modus vivendi can become something that will satisfy his democratic requirements more closely.

Out of necessity, bargaining has to remain a part of politics even in a deliberative democracy. But just like voting, it will introduce further complications for the theory of deliberative democracy. Since it cannot always be subsumed under the deliberative framework, deliberation has to co-exist with other decision-making processes, which do not follow the standards set down by deliberative theorists.

Aggregation and Deliberation Reassessed

The above discussion indicates that while a deliberative consensus, in the sense of a unanimous decision reached through deliberation, is unlikely to be feasible in general, other, mixed forms of decision-making that utilise both deliberation and voting should be our main area of focus when we consider improving the deliberative quality of democracies. This means that aggregative and deliberative forms of democracy will need to co-exist.

It is true that the problems of aggregative democracy can to a large extent be solved by public discussions. But the assumption that aggregative democracy aggregates votes in a vacuum is false. We do not currently live in an aggregative democracy in this sense. Public discussions already occur and most people hold preferences which are aligned along a relatively limited number of issue dimensions.

In large populations, such as the electorates of modern democracies, we will see a considerable restriction of the universal domain condition and a wide-spread existence of single-peaked prferences. We can always expect some outliers to be present, voters with an exotic combination of preferences, but given the sheer number of voters they are not going to have a significant impact.

However, many issues have more than one salient issue dimension. In pluralistic societies we can expect that different groups might indeed hold single-peaked preferences within the group, but focus on very different issue dimensions from other groups. Distinctive minorities will exist in all societies.

Sometimes deliberation might resolve such cases when it becomes clear to group members from new information and discussion that some issue dimensions are not as important as they have originally assumed them to be. But many of the most intractable issues in politics are ones that have already received a lot of public attention. People's preferences and judgments over these issues will be more deeply held and more difficult to change through deliberation. And in any case, deliberation will not necessarily lead people to change their views after reasoned discussion. They might continue to hold the same views while at the same time being able to justify them better (Bohman 1996).

In pluralistic societies some problems will be incommensurable, because each group will assume that different issue dimensions are salient and it is not possible to utilise these dimensions at the same time to reach an agreement. Bohman's (1996) moral compromise would be difficult to implement for this exact reason, as the dimensions that are available for us to construct a deliberative framework are incommensurable.

One option may be to rank the dimensions along which issues can be decided through voting and then find the winning alternative along the most important dimension (Miller 1992). But such a solution is only meaningful if everyone agrees which dimensions are important and there are only disagreements about which dimension is the most important. That is, no one will believe that an issue dimension which some others list as most important is in fact not relevant at all. In many conflicts ranking issue dimensions might be the hardest problem to resolve.

The primary problem is not that of aggregation, but value pluralism when we are trying to find consensual agreements. In fact, if we restricted universal domain to an extent that pluralism would be reduced to a minimum, social-choice-theoretic problems would be to a very large extent eliminated. But this is not desirable, as pluralism would be replaced by the dominance of one single value system, whether everyone accepts it or not.

Therefore, the value of deliberation will not necessarily lie in the resolution of disagreements which representative democracy cannot resolve. Both epistemic justifications of deliberative democracy and the procedural ones examined in earlier chapters offer a better basis for the deliberative model than reaching a consensus does. Deliberation could also have a strong expressive function, as those who have lost could accept decisions more easily if they felt that they had been allowed to voice their concerns adequately. While this expressive function may potentially be stronger under deliberative democracy it is already performed by many elements of representative democracies, for example by legislative committees.

It is also unclear that we need a deliberative democracy to reach the weaker forms of consensus I looked at above. Deliberation might help us in reaching them, but it is not the only way to reach them. They could also be induced by other means, such as propaganda, cultural factors or simply the availability of a free national media. Democratic systems may produce such agreements more often, but do we necessarily need *deliberative* democracy for this?

Aggregative democracy, in its limiting case without public discussion or social interaction, would frequently be subject to the emergence of cycles and ambiguous results. Deliberative democracy, on the other hand, would be subject to deadlocks and indecision if we always expected that a unanimous consensus will emerge. Thus, the two forms of decision-making are mutually dependent on each other. It should not be surprising then that liberal representative democracies by necessity already incorporate deliberative elements.

Deliberative and aggregative democracies also have more conceptual similarities than it is normally assumed. If, as I have argued earlier in this chapter, deliberation will demand that in our search for a decision we not only look at our own information, preferences and values, but also at those of our fellow deliberators, it becomes possible to reduce the conceptual distance between aggregative and deliberative democracies. If being other-regarding means that we take into account the views and preferences of others when we

make decisions, then accepting the result of democratic elections becomes similar to reaching a compromise in deliberation.

When the winner of an election is not the party we prefer, we still accept the result, as we respect the preferences and choices of other voters. Unless we judge the result of the election to be somehow immoral – such as the victory of a fascist party – we are going to accept a compromise. We will most likely find the winning party acceptable, even if not nearly as good as the party we have voted for. We do this because accepting the result is better than no agreement at all. This holds even despite the fact that results might sometimes be unstable and that different voting rules might produce different results.

Thus, the results of an election bear a significant resemblance to a Habermasian compromise – not least because the decision reached through them is one that most people can agree with, albeit for different reasons. The winners will accept it because they have won, and the losers because the decision was made using a representative and legitimate decision-making process[35]. And accepting that everyone should have a vote and that every vote should have an equal weight is tantamount to acknowledging that everyone's views need to be taken into account.

We can also have a procedural consensus about the way in which votes are counted. But this agreement should not be because of the inert forces of tradition – because we have always counted votes this way. If there does not exist a voting mechanism that is obviously better than all others, then this consensus would not even arise from the fact that this is obviously the best option. We might accept a voting procedure because it is not as bad as others. But even if there is no best method for counting votes, as Arrow's theorem suggests, we will ultimately need to decide on counting the votes one way or another.

In the end, what is needed in order to reach a decision is agreeing on a way to do so. And whichever method we choose, as long as everyone has a say and everyone's views count, we can say that we are taking others into consideration when we reach a decision. Whether we arrive at our preferences individually, maybe after some internal deliberation,

[35] Accepting a decision does not mean that we need to be happy about it. We just need to accept it as legitimate and, should the decision require any kind of action from us, comply with this requirement.

without consulting others face to face, or whether we arrive at our decisions after social deliberation, the important thing is that we make our choice through a mutually acceptable mechanism.

Deliberation therefore adds less legitimacy and validity to decisions than usually assumed. It might potentially add other values, such as being better informed or being more aware of one's underlying values. But it is not an intrinsically better mechanism for reaching decisions, as these values could be brought forward through other means as well.

It is a different issue that giving more weight to deliberative elements in democracy than we currently do might be desirable in order to increase the quality of democratic participation. The individual cost of acquiring information and deliberating on a society-wide level will of course remain high enough, so that many people will remain rationally uninformed. But the quality of public debate could certainly be improved, both in politics and the media. Better representation of points of view and less bias in the media would then lead to a better quality of debate among the general public.

But we do not need to introduce a purely deliberative democracy in order to do this. If anything, the above discussion should show that too much of a good thing can be harmful and neither aggregative nor deliberative democracy can function without incorporating elements of the other. Deliberative democracy will struggle to produce a consensus or even a compromise purely through discussion and a purely aggregative democracy will fall pray to social-choice- theoretic problems.

CHAPTER SIX
ARE TWO HEADS ALWAYS WISER THAN ONE?

In the previous three chapters I have assessed various procedural justifications for deliberative democracy and found that they are not as solid as the theoretical literature argues. In this chapter I will focus on a specific outcome-based justification of the deliberative model of democracy[36], namely that it will generate good decisions. It has been argued that small-group deliberation in general will arrive at better decisions than individuals on their own. However, this does not necessarily apply to political deliberation, which might be better justified on procedural grounds.

Under procedural justifications, decision-making processes are judged according to how well they fulfil democratic values, such as inclusiveness, right to representation or fairness. The satisfaction of those values is a property of the procedure itself, rather than an outcome that the procedure can contribute towards (Coleman and Ferejohn 1986).

But we can also judge democratic procedures with regard to the correctness of the choices they generate. Cohen (1986, 34) identifies three elements which need to be present for this epistemic interpretation of democratic decision-making[37]. Firstly, an independent standard for correct decisions has to exist; secondly, decisions need to express beliefs about this independent standard; and thirdly, beliefs about the state of the world are adjusted during decision making in response to evidence from others about the correct answer. This third point makes Cohen's definition especially relevant for deliberative democracy, as its crucial defining characteristic is exactly this process of arriving at a decision through a deliberative exchange of knowledge and ideas. An epistemic conception of democracy focuses on one value of democracy – its ability to track the truth or help us make good decisions. This value makes democratic decisions legitimate independently of

[36] Other outcome-based justifications include consequentialist and welfarist justifications of democracy.
[37] Cohen applies these three elements to an epistemic interpretation of voting, but these can be extended to a deliberative form of decision-making as well, especially as deliberative democracy is most likely to take the form of voting preceded by deliberative discussion.

the procedure used to reach them (Estlund 1997). This makes it crucially different from a procedural justification of democracy. If we want to promote deliberative democracy on epistemic grounds, we need to show that the procedure of deliberation – most likely followed by voting as I have argued in chapter five – has better epistemic properties than other possible democratic procedures.

I shall argue that epistemic justifications for deliberative democracy rely on the procedure's ability to raise the competence of citizens in recognising the best arguments. However, there is no clear explanation in the current literature when and why this will be the case. I will therefore examine the ways in which deliberation can change citizens' competence in order to assess whether an epistemic justification can offer a better grounding for the theory of deliberative democracy than a procedural one. I find that individual competence will not reliably increase as a result of participating in political deliberation, making the procedural account of deliberative democracy a more compelling alternative.

Of course, it is not necessary to support deliberative democracy exclusively based on one of these justifications – in fact most authors would find both epistemic and procedural reasons to endorse it. It may ultimately be impossible to divorce epistemic and procedural reasons for supporting deliberative democracy from each other. Inclusive procedures, procedures that give voice to each member of the community may be the procedures which are needed to maximise the potential of deliberative democracy to track the truth or to find the common good. It is indeed most likely that the two grounds of justification are mutually dependent on each other, even though it is still important to know which justification we want to stress when promoting deliberative democracy. This is reflected in recent work that attempts to combine the procedural and epistemic approaches by using procedural claims to support the epistemic justifications of democracy, such as Estlund's epistemic proceduralism (2008) or Peter's pure epistemic proceduralism (2008).

In this chapter I do not assess the epistemic and procedural justification of democracy in general. My aim is instead to examine whether *deliberative* democracy should be promoted above other forms of democracy on epistemic or procedural grounds. For the

purposes of this chapter it does not matter exactly what form deliberation will take. Most of the arguments apply equally to informal deliberation in the public sphere, deliberative polls or town hall meetings.

In section one I will recapitulate the procedural case for deliberative democracy. In section two I will address theories about truth in democratic politics. Section three will deal with how we can assess the epistemic qualities of deliberation.

Procedural Justifications for Deliberative Democracy

As we have seen in previous chapters, there is certainly no shortage of procedural justifications for deliberative democracy. Its ground-breaking nature depends less on what kind of outcomes it produces than on how those outcomes are produced, through open and inclusive discussion. Elster (1986) argues that the political forum calls for different standards of behaviour than the economic market, ones that are less self-interested and more deliberative. Cohen (1996) defines ideal deliberation in such procedural terms as free, reasoned, equal and aiming for a consensus. These are all values which should be the properties of deliberation itself, rather than of the outcome which the process will lead to. We value inclusion and equality in decision-making procedures for their own sakes and not simply because they may produce a just outcome or find the truth.

Theorists stress the values of deliberative democracy that current liberal representative democracies appear to be failing at. These systems are seen as plagued by an emphasis on what is good for me as an individual, rather than what is good for all. Electorates are apathetic, know little about politics and are disengaged from the political process, which is left to representatives. Minorities are underrepresented or ignored unless they are in marginal constituencies. Reasoned debate is displaced by bargaining and interest group politics. Deliberative democracy is offered up as a cure for these ailments.

In chapter three I have examined the procedural values of reasoned and other-regarding debate. These procedural conditions of deliberation point most clearly to

possible epistemic advantages. But one could attribute value to a reasoned debate in itself, regardless of whether or not it leads to better decisions. Offering arguments properly justified by underlying reasons improves the quality of civic life even if the outcomes remain the same. Making the reasons for individual preferences and group decisions public during deliberation also increases transparency (Gutmann and Thompson 1996) and legitimacy.

Deliberation also demands of participants that they should couch their arguments in terms that will be acceptable to others and do not solely refer to their private interests (Gutmann and Thompson 1996, 2004). Participants also have to listen to the arguments of others and take these into account when making decisions. This helps to make decisions more legitimate, as well as to display mutual respect during discussion. While private interests should be admissible in deliberation (Mansbridge, 1996) as they play an important part in solving problems in a way which is acceptable to all, they should not be the sole determinant of individuals' debate with others as they are in bargaining.

But it is not only discourse which deliberative democrats aim to transform. Once discourse is transformed, the judgments, preferences and beliefs of deliberators themselves will follow, shifting from partial to public (Barber 1984, Gutmann and Thompson 1996, 43). In a less demanding form, deliberation requires mutual respect of participants. Its transformative power would then involve moving from respectful discussion to a more deep-seated respect for the views of others.

However, as we have seen in chapter three, democratic deliberation does not necessarily guarantee these procedural values to a greater extent than other forms of democracy. Neither can we accept that a communicative concept of rationality will underpin these values sufficiently. Instead of ideal, reasoned deliberation other phenomena such as framing or conformity could occur.

The first procedural property of deliberation I examined in chapter four was inclusiveness (Young 2000) in the sense that deliberation not only gives everyone a vote, but also enables everyone to voice their views. This also carries with it the obligation to listen to others' arguments and be open-minded towards them. Inclusion needs to be

secured when the deliberative group is constituted and during deliberation itself. Inclusiveness fosters equality and fairness and makes decisions more legitimate. If everyone's voice is heard in the discussion leading to a decision, then those whose argument did not prevail will find it easier to accept their defeat. Thus, deliberation can have an expressive function.

The second procedural value examined in chapter four was equality. We can differentiate between two types of equality: formal and substantive. Formal equality is a more limited condition that ensures basic procedural fairness. Substantive equality, on the other hand, ensures that citizens not only have the same rights when it comes to deliberation or voting, but that they are also equally capable of exercising those rights.

In chapter four I have argued that while inclusion is one of the most attractive and desirable aims of the theory of deliberative democracy, it is likely to prove problematic in practice and deliberative democracy offers few guarantees that it would actually be realised. While formal equality is the most feasible of these values, it is also the least demanding one. Finally, substantive equality is both infeasible and undesirable as a background condition and value for democratic deliberation. While democratic decisions might increase substantive equality, we cannot implement the kinds of policies needed for it without having subjected those to the deliberative decision-making process.

In chapter five I looked at the procedural value that some deliberative democrats attribute to aiming for a consensus (Cohen 1996). This embodies the importance of aiming to find the common good or a decision that all can fully endorse. This value, however, adds little to a model of deliberative democracy. Consensus need not be favoured over compromise in any political decision-making process.

Thus, as we have seen in earlier chapters, these procedural accounts are not unproblematic. Other-regarding attitudes may not emerge. Inclusiveness may be negated by the effects of power and differing abilities. Aiming for consensus can become meaningless if such a consensus is never achieved. These potential pitfalls endanger the procedural justification of democracy. Yet even if a non-ideal deliberative procedure

would fall short of some of these aspirations, the values of inclusion, reasoned debate and respect for others can still be inspiring objectives for a political process.

Truth and Democratic Politics

Truth Claims in Politics

While many of these procedural aspects of deliberative democracy are valuable in themselves, numerous authors argue that they also lead to better decisions (Gutmann and Thompson 1996, Goodin 2003, Habermas 2006, Estlund 2008). In epistemic justifications it is the substance of the decision that makes deliberation and democracy valuable. If we judge deliberative democracy on its epistemic merit, we are judging it on its potential to arrive at a correct judgment which exists independently of the actual decision made by the deliberating group. Whether such an independently correct judgment exists at all in politics is a contentious issue in itself.

There are a large number of political decisions based at least partly on facts rather than moral reasons. From the existence of weapons of mass destruction in Iraq to the most efficient way to collect the rubbish, factual questions need to be answered on a regular basis in politics. Facts of the matter are not limited to natural phenomena but can also apply to social ones. It may be possible to establish, for example, whether one group in society is systematically discriminated against.

But often collective decisions will not be concerned with clear-cut facts for which there is an observable right or wrong answer and will be of a moral or ethical nature instead. Questions such as whether the death penalty is just can be argued either way and unlike in the natural or social sciences we cannot use experiments to prove a particular normative claim right or wrong. We can ask factual question about some aspects of these questions – let us say whether the death penalty reduces crime – but we cannot decide the underlying moral issues based purely on facts.

Moral realists would assert that objective moral truths exist independently of our judgments and that it is possible to discover them just as we would discover scientific truths. On the other end of the spectrum, non-cognitivists reject that moral judgments can have any truth value at all and argue instead that they are more closely related to emotions than to truth. This position denies that moral and ethical decisions in politics could be judged on epistemic grounds at all.

An intermediate position, often advanced in political philosophy, is constructivism, according to which moral and ethical truths are constructed by societies and do not exist independently of them. Rousseau's (1997) account of the general will is one of the most well-known versions of this position. According to Rousseau, the general will works towards achieving the common good, which is constructed out of the interests of individuals in society. The decision arrived at by the people might not always correspond to the common good, but the decision of the majority is the best possible indicator of it. A common good will not exist for every political issue and some may instead be decided based on personal interests.

A contructivist position has also been taken by Rawls and Habermas, the two most prominent advocates of deliberative democracy.[38] Rawls sets out his constructivist theory most clearly in *Political Liberalism* (1993). Here he is more concerned with finding a workable solution in a society where reasonable disagreement exists between groups subscribing to different comprehensive doctrines than with the existence of true moral judgments. The solution endorsed is one which all reasonable individuals would accept, no matter what comprehensive doctrine they subscribe to. At the same time this theory of political liberalism practices epistemic abstinence as far as matters of truth and falsehood are concerned and leaves these in the domain of comprehensive doctrines.

Habermas (2003) argues that normative truths cannot be established based on our observations of the objective world. Instead our points of reference are beliefs held by others, revealed through discussion. Thus, while Habermas does not claim that moral

[38] The following is a brief overview of their positions, which in no way claims to be an authoritative interpretation of the authors' work. I am fully aware that other interpretations are also possible.

judgements are true, he argues that they are *analogous* to truth instead, as their validity is established with reference to other competing or supporting claims. The construction of truth takes place through the discursive processes of communicative action (1996, 2003) where the best argument is revealed and recognised for what it is. Moral judgments can only be established through such a process and little or no role is left for individual reflection. Thus, moral truth is both constituted and discovered through the process of deliberation. What makes it independent of the society that it is produced in is the requirement for universality. Hence, a moral judgment is accurate if it can be applied to other groups as well. Those judgments for which this is not true are ethical instead of moral.

Carlos Nino (1996) also holds a constructivist position, although he goes to great lengths to distinguish it from the positions of both Rawls and Habermas. His ontological claim is that moral truth is constituted by discussion directed at attaining cooperation and avoiding conflict and his epistemological claim is that the most reliable procedure for accessing moral truths is through discussion, even though it might sometimes be possible to do so through individual reflection (Nino 1996, 112-113).

Whichever position we take on moral truth, epistemic justifications for democracy remain important. Non-cognitivists may reject the idea that there exists an independently correct judgment on moral issues and should therefore disregard the debate on how well democracy or deliberation track moral truth. Yet they still need to consider how well these procedures track factual truth.

Epistemic Proceduralism

The most powerful epistemic justifications of deliberative democracy take the form of epistemic proceduralism. These accounts acknowledge that epistemic and procedural accounts of democracy are impossible to divorce from each other entirely. According to Estlund's (1997, 2008) epistemic proceduralism, laws or decisions which we believe to be

wrong should still be obeyed because they were brought about by a procedure which, while imperfect, is still epistemically valuable. Thus, the legitimacy of decisions derives from the procedure through which they were made, where that procedure, however, has certain epistemic qualities. Procedures are legitimate if they can be accepted by all qualified or reasonable individuals in society. While there may be other decision-making procedures which would be even better at tracking the truth, such as decisions by some kinds of experts, these would not be acceptable from all qualified points of view. "[Democracy] is not an infallible procedure, and there might even be more accurate procedures. But democracy is better than random and is epistemically the best among those that are generally acceptable in the way that political legitimacy requires." (Estlund 2008, 8)

For Estlund (2008), democracy's epistemic value is derived from the fact that we will make better decisions if we deliberate together. Real-life deliberation, which Estlund calls the 'real speech situation', can be compared against an ideal model of epistemic deliberation, but it will not and should not mirror it. Estlund argues that democratic decision-making procedures that use such deliberation will not only arrive at decisions which are better than random at avoiding the worst disasters that can befall humankind, such as war, famine or genocide[39], but that it is not too much worse at doing so than non-democratic epistemic procedures would be (Estlund 2008, 168). This makes democratic decisions authoritative, meaning that they have the moral power to require obedience. As these epistemically valuable decisions also fulfil the constraints of legitimacy, democratic processes fulfil the dual role of arriving at good decisions through a procedure that is acceptable to all reasonable persons.

Peter (2008) criticises Estlund's model of epistemic proceduralism for relying on an independently available, objective standard of correctness. She wants to show that justifications based on epistemic proceduralism can be established without requiring such an independent standard. For this she uses a social epistemological approach that places the

[39] Estlund focuses on these 'primary bads' since all qualified persons would agree that they must be avoided, thereby providing a good approximation of an independent standard of correctness.

emphasis on the knowledge-producing practices that lead to a decision and defines knowledge and knowing in the context of these practices. She argues that Young's (2000) model of deliberative democracy implicitly uses such a model of social epistemology by requiring that all groups in society should be given a voice in the deliberative procedure. These different voices are a resource that leads to knowledge producing practices that take a fuller account of differing views and knowledge-bases in society. Thus, these processes can be argued to be epistemically valuable without drawing on an independent standard of correctness that they will identify.

While these models provide a good framework for arguing for the legitimacy and authority of decisions made through deliberative democracy, they do not analyse directly the epistemic dimension of deliberative processes and the way in which it changes citizen competence. While Estlund (2008, 233-234) argues explicitly that communication between citizens will improve group competence, he adds the following:

> "Obviously, I have not given any detailed account of how and when reasoning together will improve group competence. In many settings there are dynamics such as 'groupthink', and polarization effects that can undo the epistemic potential of thinking together." (Estlund 2008, 234)

Thus, there is currently a gap in these theories and this is precisely the gap that this chapter is trying to fill. For epistemic proceduralism to provide a solid basis of justifying deliberative decisions it has to be shown that democracy, and in particular deliberative democracy, will actually possess these competence-enhancing epistemic properties or, in other words, that the knowledge-producing practices found in deliberative democracy will actually live up to the requirements of epistemic proceduralism.

Truth-Tracking in Democracies

The question arises whether we could base the epistemic justification of deliberative democracy on the same grounds as that of democracy in general. When the epistemic properties of democracy are discussed, the Condorcet Jury Theorem is usually invoked (Condorcet 1785 in McLean and Hewitt 1994, Grofman, Owen and Feld 1983). This theorem offers an epistemic justification for democracy based on voting rather than deliberation and it arrives at a striking conclusion. If some basic conditions are satisfied, a group of individuals is more likely to arrive at the correct decision by majority voting than any of its members would be on his own. Group competence increases rapidly as we increase either the size of the group or the competence of its members, and as group size tends to infinity it approaches infallibility.

The theorem in its original form made three basic assumptions (Grofman, Owen and Feld 1983), which have since been relaxed. Firstly, there must be two alternatives, one of which is true while the other is false or one of which is better than the other. Secondly, individual group members all have the same level of competence p, which is greater than 0.5, meaning that they will choose correctly between options more than half the time. Finally, group members must vote independently of each other. The fact that one person has judged the proposition to be true cannot have any impact on the judgments of any of her fellow group members.

It may not necessarily be a problem that the theorem is based on finding the truth through voting rather than deliberation. We can safely assume that in most cases deliberative democracy will need to consist of discussion followed by voting. But the process of deliberation before voting can change the results of the theorem significantly. Votes are never cast by isolated individuals, uninfluenced by each other. This is even truer for deliberative democracy. The assumption that individuals will make their decisions independently of each other is impossible to fulfil when the entire decision-making process is motivated by an exchange of views and ideas. And if the independence assumption is

violated, group size is reduced to the number of truly independent voters and all others need to be disregarded. Thus, if 500 individuals vote, but they all follow the views of one of 5 parties, than the effective number of voters for the purposes of the Condorcet jury theorem is reduced to 5.

Estlund (1994) argues that deliberation does not necessarily violate the independence condition. While each individual has to submit his or her independent judgment, it is not necessary that she should have arrived at this judgment in isolation. Discussion with others can be one of the pieces of information that the judgment is based on. What is necessary for the theorem is that individuals should not vote a certain way or express a judgment simply because another individual in the group is doing so. This means that conformity, voting along party lines and coercion will violate the assumption of independence, but not arriving at our own independent decision through reasoned discussion. If this is true, then following opinion-leaders who are more competent than us would in fact increase overall group competence.

But this argument assumes that individual competence will increase as a result of learning from others, and that voters are competent enough to know who is more competent than they are and how far those individuals are advocating their personal interest. This is quite a demanding assumption, which cannot be fulfilled easily. Neither does this reasoning take into account that deliberators are not only choosing to trust the judgments of opinion leaders, but that the judgments of all deliberators are changed systematically as a result of arguments put forward during discussion. Thus, deliberators are likely to change their judgments in the same direction. Furthermore, we might be convinced by others during deliberation for reasons which invalidate the jury theorem. We might be swept along by their enthusiasm and sheer persuasive power and change our beliefs more as an emotional reaction than as a reasoned one.[40]

[40] Of course these objections apply in the case of liberal representative democracies as well. The Condorcet jury theorem does not apply to legislatures when representatives vote along party lines. But this is not a problem which I need to address here and I will only look at the way in which the independence assumption restricts the application of the theorem to deliberative decision-making.

The independence assumption implies that we cannot apply the Condorcet jury theorem to deliberative democracy without any problems. Just because we may be able to justify democracy on the basis of the epistemic properties of voting does not mean that this justification can be extended to deliberative democracy as well. But the jury theorem can still give us important clues as to how we can evaluate the epistemic potential of deliberation.

Dietrich and List (2004) make an adjustment to the Condorcet jury theorem which points to why we run into difficulties when we apply it to deliberative democracy. In their model jurors do not directly observe the true state of the world. Instead their judgments are based on a shared pool of evidence. As a result their jury theorem predicts how likely it is that the group will interpret the evidence correctly, not how likely the group is to identify the true state of the world correctly. If the evidence corresponds to the true state of the world perfectly, then group competence will be the same as it would have been under the standard version of the theorem. But if the evidence is misleading, then group competence will have to be adjusted downwards.

We have already seen that deliberators will not assess the state of the world independently of each other. But what is more, they will not assess it independently of the process of deliberation either. After deliberation individuals will make choices based on their observations of the true state of the world – information which is exogenous to the deliberative process – and what passed through a deliberative filter about the truth – information which is endogenous to the deliberative process. The latter consists of the information which has been introduced into the deliberative process, either by experts or other group members, as well as the arguments about this information have taken during the debate. This deliberative filter could improve the competence of participants or it could decrease it. What needs to be established is that it would lead to increased competence more often than not.

The competence assumption is perhaps the most crucial one for the Condorcet jury theorem, because if individual competences are less than 0.5, the original result will be reversed. And this result will be equally striking, as a group would be less likely to arrive

at the correct answer than any of its members and its competence would approach zero as the group size tended to infinity. Cohen (1986) points out that different political institutions change the competences of citizens systematically. The question is whether deliberative democracy would change them in a positive or a negative direction.

The Power of the Best Argument

Deliberators might become more competent after deliberation, if they were all convinced by the force of the better argument. But if they happened to be convinced by wrong arguments, then individual competences would have to be adjusted downwards. Thus, what we need to be concerned about when we evaluate deliberation on epistemic grounds is whether the best argument will actually prevail during discussion. If the best argument tends to prevail, then the competence of individual deliberators is improved. Before we can assess whether this hypothesis is true, we need to have a theoretical understanding of how deliberation could achieve this result.

There is plenty of evidence that individuals are not very informed about politics (as an example see Delli Karpini and Keeter 1996). Given the cost of getting informed, rational voters will stay ignorant (Downs 1957). As a result, political campaigns are mostly fought with sound-bite rhetoric rather than reasoned argument. And yet, while most citizens are woefully bad at keeping up with the news, they seem to be able to make reasonably competent judgments about politics based on sparse heuristic cues that the world around them is full of (Popkin 1993). Even if they do not follow the economic news very closely, they notice inflation and changing interest rates when they pay their bills. And not only do people rely regularly on sparse heuristic cues, but most of their knowledge is received from others, introducing the problems of relying on testimony.

Hence, the knowledge of individuals reflects the kind of knowledge found in epistemological discussions only very imperfectly. Hardin (2002, 2003) refers to our everyday knowledge as street-level epistemology. His is an economic theory of knowledge

where the likelihood of someone possessing a piece of information depends on the cost and benefit of acquiring and storing it. This individual knowledge is often incoherent as it has been acquired over our life from different sources. Or at most it is block-coherent, as the knowledge of academics about their area of expertise.

Habermas (2003) argues that in our day-to-day lives we treat our knowledge as certain and act as if our beliefs were true. We need to have such a non-epistemic concept of truth in order to accomplish the tasks that we are faced with. But there are times when such unproblematic, naïve beliefs need to be challenged through dialogue. Discursive truth is established at such times of deliberation. For Habermas this is how non-epistemic or everyday truth is connected to a more coherent and epistemically more rigorous version of truth.

Deliberative democracy could increase individual levels of competence by bringing about such a discursive process. It is easy to hold incoherent or unjustified views if citizen participation in the democratic process is reduced to voting. This would give people little incentive to seek out the views of others, reducing the extent to which they talked about politics with those with different beliefs and preferences (Mutz 2006). If citizens only talk to people who hold the same views as they do, then they will always go unchallenged and will indeed be confirmed in their beliefs. But if they take part in deliberation, provided that all views are properly represented, they will necessarily be confronted by viewpoints which are different from theirs. They would also be obliged to present and justify their arguments to others, who will be allowed to question and critique what they have said (Gutmann and Thompson 1996, 2004). This can be aided by introducing new information and learning new facts during deliberation (Manin 1987). Discussion also enables individuals to learn more about each other. Without deliberation people know much about their own preferences and interests, but little about those of others (Nino 1996).

This process should lead us to recognise the inconsistencies and weaknesses in our arguments. And not only would it help us to revise our own arguments, but it would also introduce us to new arguments which we and others could investigate freely. This, it is argued, would surely lead to the discovery of a better argument than voting on its own.

According to this picture, if voting follows deliberative enquiry we can expect the competence of voters to be much higher than it would have been otherwise. Of course one would assume that arguments would need to be subjected to such a process repeatedly, echoing the position of Barber (1984) or Benhabib (1996).

In order for this ideal picture of deliberation to exist we would need to ensure that good arguments would also be persuasive arguments and, furthermore, that the best argument would be the most persuasive argument. What needs to be established is that the deliberative process will conform to the pattern of individuals updating their judgments based on rational enquiry.

The easiest way to establish whether these theoretical processes are really at work during deliberation is through empirical analysis. There is some evidence from deliberative polls (Farrar et al. forthcoming) that individuals are more likely to answer factual questions correctly after deliberation than before it. While there is a growing empirical literature on deliberative democracy (Luskin et al. 2002, Goodin and Niemayer 2003, Fung 2004, Gastil and Levine 2005, Reykowski 2006), the question whether deliberation leads to improved outcomes has not been sufficiently addressed in these studies. Yet the question can also be answered on the theoretical level. Is the epistemic basis of deliberative democracy strong enough to offer a solid justification for it, or should we look at its procedural values instead?

Competence Change and Deliberation

In order to assess the epistemic justification of deliberative democracy I will examine cases in which political deliberation improves competence and those in which it fails to do so. I shall differentiate between instances of factual and moral competence, as the two can raise quite different challenges. Through this process we will be able to identify the possible threats to the epistemic justification and to evaluate whether this justification is strong

enough. Firstly, I shall look at competence-enhancing mechanisms, and then look at mechanisms where competence decreases or remains unchanged.

Improved Competences

The first and most obvious case when we can expect deliberative democracy to enhance competence is when it provides participants with new information which will lead them to realise that their beliefs are incorrect. In the case of factual beliefs this is quite straightforward: by learning new facts it is possible to correct mistaken beliefs. In the case of moral beliefs it is also possible to realise that we were in the wrong when we are exposed to new arguments, especially if we only hold weak beliefs over an issue.

The most well-known theorem of belief revision is Bayes's theorem, according to which individuals will adjust their beliefs over the truth or falsity of a proposition based on their prior convictions about it and new evidence that points to whether the proposition is true or false. In the case of politics the votes or arguments of others can be taken as such evidence. Thus, if many reliable people declare that a proposition is true, then I will have grounds to presume that it is indeed true. Incidentally, this theorem supports convergence towards majoritarianism just as the Condorcet jury theorem did, as our reasons for accepting that a proposition is true are stronger if a large majority of people have asserted that it is true, as long as we believe them to be sufficiently competent (Goodin 2003).

For moral beliefs the theory of deliberative democracy can also make a case for a very weak form of coherentism, according to which individuals with a more consistent set of moral beliefs are more competent. Firstly, we can make the claim that individuals who strive to have a consistent set of moral beliefs and are willing to change any judgments which cause an inconsistency will be more inclined to arrive at those judgments through truth-sensitive processes. Secondly, it can be argued that if belief inconsistencies are corrected as a result of a reliable process, such as deliberation, individuals may become more competent (Bovens and Olsson 2002).

Accordingly, deliberation will improve the competence of individuals over moral issues when they realise through discussion that their position is inconsistent with their other factual or moral beliefs. Many people have only weakly reasoned moral positions and they may realise upon closer examination that these are in fact untenable. In these cases they need to decide which of these conflicting beliefs to revise. As a result of this revision they will become more competent, as the argument that their final decision or belief will be based on will be stronger. Note that deliberators will not necessarily be convinced by the arguments of others; they may change some of their other beliefs to support the position they were defending. Or they may realise that their position on the issue under discussion, over which their belief is not very strong, is inconsistent with other stronger beliefs they hold. In this case deliberation would convince them to change their position on the issue under debate.

Against this view one could make the following objection. One could imagine a simple-minded individual with a set of beliefs that tells him to treat everyone decently. However, this individual then could come to live under a regime which promotes discrimination or even violence against some of its subjects. Our simple-minded person could approve of these values superficially in order not to get into trouble with the regime, without thinking much about it or changing his original well-intentioned belief. If he then deliberates with supporters of the regime he may come to realise that his beliefs are inconsistent and revise his original beliefs to allow him to mistreat the regime's victims with impunity.

However, this example is inconsistent with the theory of deliberative democracy. One could hardly call a debate in which followers of a cruel authoritarian regime convince their citizens that it is acceptable to mistreat others deliberative in the sense that the theory of deliberative democracy uses the term. Deliberation would instead be a more reliable process for discovering moral truth, during which no participants would be coerced or face the threat of future coercion and all relevant points of view would be represented in a competent fashion. The procedural values of inclusion, reasoned debate and other-regardingness would support an improvement in moral competence.

Thus, if our simple-minded person was to participate in a deliberative forum where members of the regime as well as its victims and independent observers participated on an equal basis, he could easily correct his beliefs instead by rejecting the position of the regime. And one must note that given that arguments during deliberation are required to be other-regarding and that they will be laundered (Goodin 1986) to eliminate objectionable preferences, supporters of the regime would be required to put their beliefs in terms which are also acceptable to their victims, which is likely to be impossible.

When Competences Fail to Improve

Now let us look at cases when deliberators' competences either remain the same or are reduced. I will first look at the issue of cognitive capacities, which might affect our ability to update factual beliefs. Then I will look at the motivational problems that influence our ability to change our moral beliefs. Finally, I shall look at the biases and self-interest that can have a detrimental effect on competence change for both factual and moral beliefs.

Firstly, factual beliefs would remain unchanged if deliberators did not understand the new information they received and as a result would fail to act on it. Receiving new information may even reduce our competence if we misunderstood it and changed our beliefs in the wrong direction. This can be either a result of cognitive limitations or a result of the fact that the incorrect belief is put forward more convincingly and with greater ability. Given that much of the time deliberators would have to debate highly complex issues, the chances of failing to improve competences over factual issues are potentially high.

Lupia (2002) argues that much of the literature is too optimistic about our ability to reach better decisions through deliberation, as it relies on a false folk theory of learning. All of us remember examples of holding an incorrect belief, learning relevant new facts and correcting this belief. But we will not remember many instances when we failed to correct an incorrect belief because we paid inadequate attention to or forgot relevant new

information, or because at the end of the day we decided that there was nothing wrong with the incorrect old belief. In fact we are only likely to find out about our mistake once it has been corrected. Thus, when we informally 'test' the theory, perceived successes will far outnumber failures.

Deliberation calls for a very high level of cognitive functioning. Participants need highly developed capacities for rational analysis, understanding the viewpoint of others, making themselves intelligible and recognising commonalities and differences between arguments. Findings from psychological studies indicate that such high levels of functioning will be uncommon (Reykowski 2006). As a result, the demands of deliberation may need to be lowered, lest it becomes an exercise in elitism. Thus, we cannot automatically expect deliberation to lead to increased competence over factual beliefs.

In the case of moral beliefs we face a problem of motivation. It is less likely that deliberators will change their beliefs based on the arguments of other deliberators on moral issues than they would on factual issues. Goodin (2003) argues that the reason why opposition persists and we do not always accept that the judgment of the majority is true, despite Bayesian and Condorcetian models, is that we are willing to update our judgments based on new facts, but not so much based on the value judgments of others. This might explain why a quasi-experiment has found that members of a citizen jury were more likely to change their views based on new factual information than based on discussion with other group members (Goodin and Niemayer 2003). And the stronger moral beliefs are, the more difficult it is to change them.

Deliberators could also change their moral judgments in a way which was inconsistent with their system of moral beliefs, for example by adopting the position of other deliberators without considering whether it violated consistency with their other beliefs. This would make them in a sense less competent, since even if their new belief is the correct one, they will not hold this belief as a result of truth-sensitive reasoning, but will do so by sheer luck instead.

Apart from the cognitive problems affecting competence over factual beliefs and the motivational problems affecting competence over moral beliefs there are also problems

that affect individual competence over both types of beliefs. It might be that deliberators are not convinced by facts and arguments, but would be swayed by emotions instead and thereby become less competent. This is often the case when it comes to policies on crime, drugs, abortion and pornography (Pettit 2004). But deliberators' competence could also be affected by a number of biases which I will now discuss.

The first source of bias that affects both factual and moral beliefs is the limited argument pool available during deliberation. The best argument may in fact not be in this pool or not appear strong enough against arguments which were elaborated more forcefully, eloquently or recently. An example of how this can lead to issue framing, when one formulation of a problem dominates others, and priming, when more recent arguments are considered to be stronger, is that the political issues citizens consider to be important are to a large extent dependent on which issues the media presents to them (Kinder 1998). A parallel process could develop during deliberation if issues became framed by the media or the organisers and moderators of deliberative events.

Group polarisation is a clear case of bias that affects individual competences in deliberation and Sunstein (2002) identifies a limited pool of arguments as one of the main causes of it. This occurs if arguments reinforce each other and group members become more biased by the end of the discussion. A group made up of individuals who oppose the death penalty will put forward arguments which will reinforce and amplify that view. Similarly, if the group consisted of individuals who supported the death penalty, their views would also be strengthened. Thus, the group as a whole becomes polarised towards one side of the issue. Jury experiments show that jurors favoured larger punitive damages after deliberation than they did before (Sunstein 2002).

A second reason Sunstein identifies for group polarisation is social comparison, which is at work when individuals adjust their positions in order to fit in with the rest of the group better. If their position is already biased in one direction and they find that the position of others is even more biased in the same direction, then this is not an inconceivable move.

There is conflicting evidence about group polarisation from empirical studies (Fishkin 2002), but nothing suggests that deliberative groups would not engage in such behaviour at least some of the time. Group polarisation may or may not be good epistemically. If group members become polarised in the direction of the correct judgment, then this will increase their competence and they are very likely to be right as a group. But if the opposite is true, then the group will actually become less likely to be correct after deliberation.

A different form of bias was identified by Pincione and Tesón (2006) who argue that deliberation will fail to increase individual competence, as it fails to eliminate the systematic discourse failure in politics which consists of decisions made as a result of truth-insensitive processes. Discourse failure often takes the form of a bias towards vivid arguments that consist of imagery that is easy to understand and assigns causality to specific actors, when the true state of the world is best described by opaque arguments, which are difficult to understand and make use of invisible-hand mechanisms. As an example, when petrol prices go up, vivid arguments blame greedy oil companies, whereas opaque arguments refer to forces of supply and demand. Individual citizens are likely to accept vivid arguments even when they are honest and well-intentioned, as they are not rationally motivated to learn enough to understand opaque ones. Politicians use vivid arguments as they are more accessible to citizens and have a greater emotional appeal, as well as allowing them to appear as agents of change in situations when they are in reality powerless in the face of impersonal forces. Finally, discourse failure is fuelled by the fact that politics is about redistributing resources, whether power or money, and interest groups will refer to vivid arguments to claim their rights to them. Pincione and Tesón argue that deliberation is unable to solve discourse failure and thus cannot be justified on epistemic grounds, as it fails to solve the underlying motivating factor of resource redistribution and does not to do enough to combat rational ignorance and promote opaque theories. Thus, the best argument is likely to be defeated by an emotionally appealing, easy to understand, vivid one. Once again, this form of bias affects both factual and moral beliefs.

Whilst one can argue that deliberation may alleviate discourse failure somewhat if participants will learn enough to overcome the issue of rational ignorance in at least some cases, deliberation will not solve the problem that individuals are motivated in politics by capturing resources. Assuming away interest-based politics makes deliberative democracy strangely apolitical. It is also questionable how accurate such an apolitical view is.

According to Pettit (2004), depoliticisation through deliberation, that is removing issues from the adversarial political arena, is consistent with the ideal of democracy interpreted as public valuation of reason. From this perspective depoliticisation is the only option for issues where politicians would have an electoral incentive to respond to citizens' passion, moral aspirations and sectional interests, when better results could be achieved through finding the best argument or trying to identify the common good. Depoliticisation could take the form of disinterested deliberative groups, separated from the electoral fray and not subject to interest group influence. One example of this is the existence of independent central banks to regulate interest rates. Thus, while deliberative depoliticisation removes decision-making power from politicians and puts it into the hands of more neutral bodies, it also improves the quality of democratic decision-making.

Depoliticisation through deliberation would lead to a decision-making process that is more similar to judicial decision-making. Yet political deliberation is very different from jury deliberation (Schroeder 2002). To begin with, political and judicial deliberation differ in that legal decisions are bipolar (the defendant is either guilty or innocent), whereas political decisions are polycentric, with many possible decisions encompassing multiple issue dimensions, and thus very complex. Furthermore, unlike in judicial proceedings, in deliberation the role of advocate and judge are not separated from each other. Participants are expected to both advance arguments in support of their position and to make a final decision as to the best argument. Thus, unlike judges and juries, political deliberators will not be blind to their own best interests.

In trials judges and juries are not personally interested in the outcome. Whether a defendant is guilty or innocent or the way in which a divorcing couple's possessions are spilt up has no immediate effect on their lives. This is not the case in political deliberation

where they have a substantial direct interest in achieving one outcome over another, whether that is for moral or for material reasons. If we did succeed in removing this element of politics, democracy would be stripped of its most salient characteristic. If who gets what, when and how ceases to matter, the average citizen will be even less interested in and more disillusioned with politics than he is now. Further depoliticisation would only increase the problems experienced with unelected, electorally unresponsive deliberative decision-makers.

Self-interest in politics can affect competences over both factual and moral issues. If citizens have a personal interest in supporting one belief over another then they may be unwilling to change those beliefs publicly, even if under different circumstances they may accept that they were wrong.

	Factual issues	Moral issues
Competence improved	New information leads to increased competence.	(1) A new argument leads to increased competence. (2) An individual realises that his position is inconsistent with his other beliefs.
Competence unchanged	(1) Deliberators do not receive sufficient information or are unable to understand the information they receive. (2) Self-interested motives.	(1) Deliberators are unconvinced by the moral reasoning of others. (2) Right argument is not put forward. (3) Self-interested motives.
Competence decreased	(1) Deliberators receive false information or misunderstand information. (2) Deliberators are swayed by passion or vivid arguments.	(1) An individual's position becomes inconsistent with his other beliefs. (2) Deliberators are swayed by passion or vivid arguments.

Table 2: Competence change in deliberation.

Thus, there are three problems with the assumption that deliberative democracy will induce individuals to move from their everyday street-level epistemology to a position of reflective equilibrium. Firstly, it needs to be clear what our motivation for such a shift in thinking would be. Secondly, even if deliberators would be willing to engage in reflective equilibrium, our cognitive processes may not conform to ideal models. Thirdly, biases, emotions and self-interest might distort the process entirely. The table below summarizes the different cases in which competences change or remain the same as a result.

Procedural Justifications Reconsidered

Results, such as the Condorcet jury theorem, provide us with a fairly robust epistemic justification for democracy under certain conditions. There are also epistemic justifications for deliberation in many different settings, such as in science. Yet putting democracy and deliberation together will not necessarily lead to increased epistemic competence. Adding deliberation means that standard epistemic justifications for democracy become inapplicable. Making deliberation political will introduce personal interests and a lack of motivation to change moral beliefs, making it unlike its non-political counterparts. Thus democratic deliberation will not necessarily increase individual competences to arrive at the correct choice. It could also decrease them or it could leave competences unchanged, in which case an epistemic argument for deliberative democracy would not be enough to justify the costs of such a procedure. On the other hand, there are three reasons why we should favour procedural justifications of deliberative democracy over epistemic ones.

Firstly, procedural justifications for deliberative democracy may be stronger as they rely on qualities which the procedure can provide for participants, rather than speculation about epistemic improvement which can never be measured directly. Some of the problems I have identified can help us embrace a procedural justification. The fact that deliberators may not enter a deeply reflective discussion on moral beliefs due to a lack of

motivation points to the value of deliberation as a means of providing an equitable procedure where all views can be voiced in order to make decisions more legitimate. Ultimately, the difficulty in verifying whether the result of a democratic process is correct is that the result itself is the only way of measuring the independent standard which we want to achieve. Procedural norms, on the other hand, can be evaluated against pre-determined guidelines, without having to refer to the knowledge-producing dimension of these procedures and without relying on controversial social epistemological theories.

Secondly, the gap between procedural and epistemic evaluations closes if we consider that procedural measures can be used to improve the epistemic performance of deliberative democracy. In order for political deliberation to be successful, solid procedural foundations need to be established. As we have seen, the epistemic promise hinges on the power of the best argument improving individual competences during deliberative discussion. While this can never be fully ensured, as far as it does occur, it will very much depend on procedural measures. Thus, it seems that deliberative democracy can only be justified on epistemic grounds if at the same time it can also be justified on procedural grounds. Procedural values, such as inclusion, equality and reasoned debate are intimately interlinked with epistemic performance.

As an example, it is possible that individual cognitive behaviour varies according to the environment and context (Reykowski 2006). If deliberation is structured appropriately, for example through moderation that encourages participants to re-evaluate their positions based on arguments presented by others, this could to some extent counteract cognitive weaknesses. The problem of polarisation highlights the importance of presenting a balanced set of expert opinions and arguments, as well as ensuring that deliberation is a fully inclusive process. In deliberative polling great care is exercised in preparing the material that is distributed to participants before the poll (Ackerman and Fishkin 2004). In actual political processes agenda-setters would need to be subjected to strong checks and balances.

Equally, the procedural standards chosen for deliberation could themselves contribute to a lowering of overall citizen competence. Cohen (1986) cites the example of

a democracy where citizens receive all of their information from the same self-interested media source in order to illustrate how voter competence could be influenced by the system of politics itself. The deliberative procedure could lead to a reduction in competence if the pool of acceptable arguments is reduced. If all decisions relied on supposedly heavily regulated discussions, then the rules of these discussions themselves could have a negative impact on individual competences.

Can real-life deliberation live up to the procedural ideals which we need in order to support its epistemic justification? It is easily possible that this will not be the case. This reduces the potential for achieving a state of deliberative reflection that would truly support the best argument. Power structures, the ability to present persuasive arguments and manipulation will also affect the outcomes. Cognitive weaknesses and the possibility of bias when only a limited pool of arguments is present pose a problem even if deliberators are genuinely committed to deep moral enquiry. A lack of balance in deliberation could seriously affect the competence of deliberators to make correct judgments. According to this scenario deliberation would affect individual competences negatively.

A final reason for favouring procedural justifications of deliberative democracy over epistemic ones is that they will be valid even if we are sceptical as to the existence of an independent standard of correctness. Decisions have to be made in politics no matter what our position on the moral truth is. Procedural justifications can provide a solid basis for the legitimacy claims of deliberative democracy irrespective of what we believe of its epistemic qualities. This final advantage is stronger against Estlund's epistemic proceduralism than against Peter's pure epistemic proceduralism. However, even the latter is vulnerable to more procedural criticisms as a result of relying on the procedure's knowledge-producing values than other procedural justifications of deliberation are.

Neither procedural nor epistemic perfection can be attained. The question is which approach we should give priority to when we justify decisions reached through deliberative democracy. As deliberation requires both time and commitment, it needs to be weighed whether the level of benefits offered by either justification above liberal representative democracy outweigh these costs. There is certainly a case for justifying democracy on

epistemic grounds and there is something intuitively appealing in the claim that "two heads are better than one" (Estlund 2008, 177). But we cannot assume that simply adding deliberation will increase the epistemic quality of democratic decisions. After all, deliberation can adjust individual voter competences just as easily downwards as it could do upwards. Given that deliberative democracy can be more better justified on procedural grounds and it is possible to measure how far these procedural values have been attained in practice, procedural justifications are a better basis for this cost-benefit analysis. But as we have seen in earlier chapters of this thesis, these procedural justifications do not offer a particularly strong basis for deliberative democracy either.

CHAPTER SEVEN
THE LIMITS OF DELIBERATION

In this chapter I will look at the limits that need to be set for deliberative democracy to be successful. I will do this by addressing a number of 'descriptive' questions. The first question is *what* we should deliberate about; which issues can be successfully decided through discursive procedures. The second question is *how* deliberation should be conducted, what kind of rules and procedures should be introduced. The third question is *where* deliberation should take place. Most authors place deliberation at the local or national level, but global deliberative democracy (Dryzek 2006) could also be a possibility. The fourth question is *who* should deliberate, that is how we choose the participants of deliberation. The fifth and final question is *when* or, more accurately, how often deliberation should be our main democratic decision-making process. I believe that by answering these questions we can gain a better understanding of the proper role of deliberation in politics, and of the boundaries of successful deliberative procedures.

Another important question, *why* we would want to deliberate over political issues, has already been addressed by the chapters of this thesis that looked at procedural and epistemic justifications of deliberative democracy. But the question will re-surface in this chapter as well, as it affects the answer to all the other questions covered here.

Of course the answers to all of these questions are interconnected. Who should deliberate depends on what topics are discussed and where that discussion takes place. How often we should (and can) deliberate will depend on where deliberation takes place and what is being discussed. For example, Ackermann and Fishkin's (2004) deliberation day – consisting of a debate on who should be the next US president – will by necessity take place every four years.

In answering these questions I will rely on the findings of earlier chapters. The limits of deliberative democracy are shaped by its potential to be reasoned, equal, inclusive, other-regarding or good at tracking the truth. Thus, we can see this chapter as a

culmination of the analysis of the strengths and weaknesses of deliberative democratic processes. It allows us to confront what deliberative democracy would look like in practice and what its limits would be. This allows us to offer a final evaluation of the model of deliberative democracy against other models, most importantly that of liberal representative democracy.

I will only seek to give definite answers to some of the questions in this chapter. Others, such as the status of long-term residents who are not (yet) citizens, I will address only tentatively and bring up here as examples of the kinds of questions that any real-world deliberative system would have to take seriously.

What Should We Deliberate About?

The first question we need to ask about practical deliberation is *what* its topic should be. Political questions encompass many very different issues which impact on how citizens live their lives together. Starting from day-to-day practical issues, such as setting the legal speed limit for cars, through serious ethical questions, such as euthanasia, to constitutional matters fundamental to the functioning of the state, many issues could potentially be subject to deliberation. In addition to these, citizens could also deliberate about the candidates that will represent them in the law-making process. There are many constraints, such as time or issue complexity, that will affect which problems should be decided through deliberation, rather than other decision-making procedures. Another important question is how controversial and how open-ended the issues that we deliberate on should be. My aim here is to examine whether there is any limit to the type of topics that are suitable for deliberation.

Because informal deliberation is very open-ended in nature, possibly takes place over longer periods of time and does not have a pre-defined set of participants, it can encompass all issues suitable and relevant for the public realm. Thus, it will not deal with issues that are only relevant for the individual. For example, where I should go on holiday next is not

a publicly relevant question, but whether I should be allowed to travel freely is. Such widely relevant issues are already debated in the public sphere. Which issues are salient for public discussion will emerge as part of the informal deliberative process. Of course, not all issues discussed in the public sphere fall under political deliberation. There are other topics, such as celebrity gossip or sports news which are once again not a proper subject for political debate. Thus, we need to add that the topics of informal political deliberation should be widely publicly relevant, salient for citizens and moral or political in nature.

By contrast, the topic of formal deliberative procedures has to be predetermined. Not only is the question or issue under deliberation pre-selected, but also the possible arguments and evidence that could be presented during deliberation, as well as the possible options deliberators will be able to choose between.

The most obvious way in which we can ascertain what subjects are suitable for deliberation is by looking at the context in which it takes place. The design of a local library might be a perfectly suitable topic for local town hall meetings (Karpowitz and Mansbridge 2005), while it would be a waste of time at the national level. Whether Australia should be a monarchy can be debated at the national level (Luskin et al. 2002), but it would make little sense to decide on this at the local town hall level. Of course which issues are discussed at each level also depends on the political organisation of each country. Some countries are more centralised than others, which leave more decisions to be taken at the local level.

In democratic countries legislative assemblies have for a long time been the most visible formal deliberative meetings and have a well-defined set of issues that they make decisions on. They have a clear purpose in making laws over issues that affect the whole country deeply. Legislatures employ a large number of politicians, bureaucrats and advisors and thus have the resources to deal with many complex issues each year.

At the same time legislatures often appear to be scarcely deliberative. In multi-party parliamentary democracies whatever deliberation exists often takes place among party leaders and outside of the legislative arena (Manin 1997). It appears that political decision-making is more often dominated by power politics, bargaining and logrolling. Even if

legislatures could successfully become more deliberative, deliberation would likely continue to exist alongside these other decision-making mechanisms, such as logrolling or bargaining. This is not least due to its resource-intensive nature.

Schroeder (2002) contrasts the resources needed for deliberation with those needed for judicial litigation. He argues that deliberation is even more resource-intensive as the issues on the agenda are polycentric (there are numerous options to choose from) rather than bipolar as in a trial (the choices are "guilty" or "innocent") and the range of possible issue dimensions is also higher. The US Supreme Court only deals with about 80 cases a year and these require numerous employees apart from the nine judges. At lower levels of the judiciary 90% to 95% of civil cases are settled before they go to trial. Following the same framework, relatively few issues could become the subject of deliberative decision-making.

Indeed we can see this practical limitation even in the resource-rich quasi-deliberative setting of legislatures. During the 2004-2005 session, the House of Commons in the UK handled only 88 public bills and 3 private bills. Out of these, 21 bills passed in both Houses of Parliament. In order to deal with the fact that only a limited amount of resources are available for national legislatures and supreme courts, many day-to-day decisions in government are taken by the executive, both by politicians and civil servants.

But how about deliberation that takes place between citizens, rather than elected legislators, officials and other political actors? This is where the main focus of the literature lies. We can categorise such meetings according to their purpose. Each of these purposes will imply a different set of topics that will be considered during deliberation.

At its most ambitious, the purpose of formal deliberation among citizens is to make a decision. For such deliberative processes, a very specific issue with well-defined options to choose from is most suitable. Examples of these could include decisions on whether or not a road should be built through a forest (Goodin and Niemeyer 2003), decisions on healthcare budget priorities (Gutmann and Thompson 1996) and decisions on how a school should be run (Fung 2004).

Deliberation could also serve an exploratory purpose. It could help us gain a better understanding of issues and possible solutions to them, or it could help us to understand those holding different viewpoints from ours better. An example of the latter could be a series of deliberative meetings between pro-life and pro-choice activists, which could lead to greater respect and better understanding of each others' views. Deliberation before elections could also be seen as such an exploratory process. Such deliberation could serve as a preparation for decision-making, as well as allowing citizens to become acquainted with, learn to tolerate and even emphasize with different viewpoints and arguments.

But not all of these topics are equally likely to lead to successful deliberation, as defined by the procedural values in the literature. Some topics are not appropriate for given deliberators and a given time-frame and objective. Thus, while the context of deliberation can give us important guidelines to the suitability of issues, it does not answer the question fully. We need to ask ourselves: whatever the setting is, what kind of questions is deliberation most likely to be successful in answering? There are two criteria which make formal deliberation among citizens more likely to be successful: issue complexity and issue salience.

The complexity of issues that can be discussed in a deliberative meeting between ordinary citizens is relatively limited. Issue complexity increases both with the necessary knowledge that is required to make well-informed judgments and with the number of issue dimensions involved in making the decision. Citizen juries have deliberated on some more complex issues, such as the use of nanotechnology, but this can only be undertaken with the help of expert witnesses and at a level of complexity and understanding that reflects the abilities of the deliberative group. Thus, for technically complex problems citizens should only be required to understand the basic principles of the issues at stake to the extent that they will be able to make informed judgments about their social, economic and moral implications.

The more complex the issues are the more time is required to acquire the necessary knowledge to make informed judgments. Just as some technically complex legal cases are ruled on by judges rather than juries, some complex questions may be better left to

expert, rather than citizen deliberation. The cognitive demands of such issues may make deliberation too costly for average citizens, in terms of both time and effort.

The complexity of an issue is reduced if the options that deliberators can choose from are pre-determined and their number is limited. It can also be reduced if the problem does not have a significant moral dimension, as this is likely to lead to less, or at least less intense, disagreement. Complexity is also lessened if deliberators are already familiar with the issue at stake. Stakeholder groups, who are already familiar with many aspects of a problem, may be able to deliberate on relatively complex matters more easily. As an example, parents of school-age children may be better aware of options to improve a school's performance than other citizens are.

Thus, deliberation is more likely to be successful if issues are not too complex. Fewer issue dimensions, a lower requirement for highly technical knowledge and a familiarity with the issues will reduce the time and effort required in coming to a reasoned decision. However, no general rules exist that will always predict the success of deliberation; this will instead be highly context-sensitive.

Some authors argued in the past that deliberation is only necessary in the case of highly significant events, such as constitution building. However, the literature has moved away from this view. For example, while Ackermann held this view in *We the People* (1991), he does not do so anymore if *Deliberation Day* (2004). But even *Deliberation Day* urges us to use public mass deliberation infrequently: only at times of elections. The reason for reducing the number of issues we deliberate on is usually a lack of resources, most notably time and motivation. Thus, while deliberation may be successful for less salient issues, its cost will not necessarily be justified by the personal and collective benefits received from deliberation.

Whether deliberation takes place on the local, national or global level, the number of instances in which this process can be used will be limited. One way of determining whether we should decide on an issue using formal deliberative meetings is by establishing whether there is a demand for them. If an issue is uncontroversial, then existing political arrangements, such as decisions reached by the legislature or the executive, can take care

of it. The number of issues people will actually want to deliberate on will be limited, since much of the time citizens just want politicians to get on with governing without involving them (Hibbing & Theiss-Moore 2002). But there are also issues where there appears to be at least some public demand for more debate and consultation, as in the case of abortions, wars or rubbish collection, a recent example from the UK, which will be discussed in a moment.

To summarize, issues need to be clearly defined, appropriate to the level at which the forum operates and be salient enough in order for us to employ such a resource-intensive procedure. Let me illustrate this conclusion with two examples from recent informal public deliberation in the UK. The first is the debate surrounding the frequency and method of rubbish collection and the second is the debate surrounding the war in Iraq. Both issues proved to be highly controversial, elicited intense emotional responses from people, were highly publicised in the media and everyone seemed to have an opinion on them. Of these two, rubbish collection appears to be more suitable for face-to-face formal deliberative meetings among ordinary citizens, as this issue could be resolved on the local level, affected people directly, the number of issue dimensions were limited and there were clearly defined choices available, one of which may even have been the correct one. The war in Iraq, on the other hand, had a serious moral dimension, was more complex and answers to the problem were less easy to come by. However, this does not mean that the war was not suitable for nation-wide informal deliberation as well as deliberation in the legislature and the executive. Thus, the topics most suitable for deliberation vary by context, depending on whether deliberation is formal or informal and whether it takes place between ordinary citizens or politicians.

How Should We Deliberate?

There are likely to be both significant differences and similarities between how formal and informal deliberation should be conducted. Formal deliberation is subject to a set of formal

rules, such as Robert's rules of order (Roberts et al. 2000), which may also have evolved over time informally. Informal deliberation may be subject to some rules as well – the media is likely to be regulated, for example – but the only real restrictions to it are the ones we would enforce on free speech. This means excluding hate speech, slander or 'fighting words'. At the same time we would expect that both informal and formal deliberation are guided by norms of respect, other-regardingness, tolerance and civility, since these are defining characteristics of deliberative discussions.

The rules of formal political deliberation can and must be more detailed. These are concerned with issues such as when and for how long participants are allowed to talk, how evidence is presented and what kinds of speech and actions are allowed. Here I will not talk about the institutional design of formal deliberation, but am rather going to talk about the kinds of arguments, tone and speech that are acceptable.

Young (2000) argues against conceptualising deliberation as strictly rational debate. She believes that other forms of talk should be included as well and emotional speech should play a role too. There are three forms of speech that she advocates in deliberation: greetings, rhetoric and narrative. The function of greetings is to acknowledge others and is thus crucial for inclusion. Rhetoric allows strength of emotion to be communicated and narrative allows the individuals to present their particular points of view, including, again, their emotions.

Both formal and informal deliberation need to be characterised by civility (Estlund 2001, 2008) and respect. What counts as civility or respect is likely to differ from culture to culture. In general, extreme utterances should not be part of deliberation. By extreme utterances I understand speech that is generally not considered polite regardless of culture: shouting, rudeness or swearing. For example, the lyrics of many, if not most, rap songs or their equivalent would be inadmissible in more formal deliberative settings and most likely in informal ones as well. The reason for this is that the language they use, while it may be considered acceptable by a small sub-group of the population, is generally considered unacceptable, as it is littered with swear words and abusive language. Thus, we can find reasons for excluding the language of one specific group or at least censoring that language;

this is the case if that language is generally considered offensive and does not promote respect. Incidentally, by using such language the group can exclude itself; other participants are less likely to find arguments expressed in this form acceptable. There are also extreme utterances in the public sphere that are not acceptable in a more formal deliberative context. Shouting is one example. While shouting can be considered normal at a demonstration, it would not be acceptable at a deliberative poll. Thus, the most important limits on conducting deliberation are that speech must be respectful towards others and must not be extreme in the sense outlined here. Informal deliberation may break the second rule at times, but there is still a requirement of respect.

It is more difficult to define the tone permissible in informal deliberation. Given its disaggregated nature, it is likely that many utterances which would not be permissible in a formal deliberative meeting would still be acceptable in informal deliberation. And this is true not only for utterances, but also for other forms of public behaviour.

Informal deliberation would encompass numerous settings and different forms of communication. Discussion between friends, politically charged documentaries, the letters pages of newspapers and statements by public officials are just some examples of wider deliberative communication in the public sphere. It is difficult to define what could still count as deliberative in such diverse settings; where deliberation ends and other forms of political action or self-expression begin in the public sphere. Would the rap lyrics I mentioned above form an acceptable part of deliberation or would these lack a necessary element of reason? Is the Turner prize entry that re-created the posters of a demonstrator part of rational debate or only controversial conceptual art? Are demonstrations part of informal deliberation or are they forms of action that in turn *affect* democratic deliberation by bringing the strength of some constituents' feelings to our attention?

If these forms of behaviour do not meet the requirements of civility and reason, than they are not deliberative. Thus, the Turner prize entry is not deliberative, since it is at most an emotional appeal, rather than a reasoned argument. As far as demonstrations are insular and often uncivil, these cannot be considered deliberative either. However, they both contribute to and inform informal deliberation. For example, since attending a

demonstration is a costly action, it is a means by which participants can express just how strongly they believe in the issue they are championing.

When the requirement of civility is broken, we are faced with two options. We can uphold the requirement, but acknowledge that it cannot be sufficiently enforced in the wider public sphere. Alternatively, we can say that some behaviour or statement simply cannot be part of the informal deliberative process. Both of these answers are problematic. The first is problematic because we would then need to question whether breaking these informal rules allows us to call a system deliberative democracy at all. The second is problematic because these statements or behaviours would still take place and we would need to explain their status with respect to informal deliberation. In extreme cases a third option is open to us: limiting free speech in public in order to eliminate the most insidious forms of behaviour that correspond least to the deliberative ideal, and which could be argued to pose a direct threat to some members of society. Examples of this kind of regulation of the informal public sphere include the incitement to religious hatred act in the UK or the banning of Nazi works and symbols in many central European countries.

Where Should We Deliberate?

The third question we can ask about deliberative democracy is at what level it should take place. In the literature all kinds of spheres are pronounced to be suitable for deliberation. At the national level some ideas for implementing deliberation encompass the whole population, either formally (Ackermann and Fishkin 2004, Leib 2004) or informally (Benhabib 1996). For other authors, national-level deliberation is focused on elected legislatures (Steiner et al. 2004) or specialist deliberative assemblies (Elstub 2008). But deliberation can also take place at the local level (Fung 2004), in town halls (Mansbridge 1980) or in consultative bodies made up of citizens (Baiocchi 2003, Souza 2001). Finally, deliberation is seen to be suitable for extending outside the nation state, to a global level (Dryzek 2006).

Probably the most controversial of these is the idea of global level deliberation. In a globalised world, opportunities exist for both formal and informal international deliberation. Formal deliberation could form part of the decision-making methods of international organisations as well as negotiations between nation states. As a result of globalization, informal deliberation is by necessity to some extent global. Information and opinions are exchanged between citizens of various countries - just think of the classrooms of many universities - much of the world's population is increasingly globally mobile and media and telecommunications allow information and discourses to travel and spread across the world. Even demonstrations and protests can be global events nowadays, drawing participants from many countries.

Dryzek (2006) argues that today's world is characterized by conflict between discourses, rather than conflict between rival states. Thus, he constructs a discursive theory of contemporary conflict, while rejecting the theory of a clash of civilisations (Huntington 1996) or a realist model of international relations. Globalisation, sustainable development, counter-terrorism or Islamic fundamentalism are all examples of such discourses. In today's world hegemonic discourses are questioned more and more, leading to the development of new discourses through reflexive modernisation and stronger adherence to old ones through reflexive traditionalisation.

Dryzek uses this framework to argue for international discursive democracy, a model of global politics where actors recognise the importance of rival discourses and aim to develop dialogue between groups. Engagement between discourses is assumed to lead to reconciliation or at least an easier coexistence between them, even in deeply divided societies.

Dryzek conceptualises global deliberation as an ongoing, largely informal process that takes place within a network of international groups. Global civil society actors are more suited to this task than nation states and large international organisations, as they are more flexible and can introduce and use new discourses more freely. This model of global deliberation partly corresponds to the model of informal deliberation.

Global deliberation, however, often introduces distance and heterogeneity that can be a profound challenge for deliberation in the theoretical sense of the word. It is of course possible to communicate across the globe, but how much of this communication will be deliberative? As we have seen above, informal deliberation may necessitate some minimal state regulation to ensure that it does not violate the most basic requirements for public discourse. This would be impossible to secure on the global level.

And even if politics on the global level may become more deliberative, this does not mean that it will become more democratic. More powerful or resource-rich states will still dominate international relations. Not all countries will be equally able to set global discourse, especially as more powerful countries also have a wider range of international actions available to them, such as the capability to start wars, and their own domestic politics will also have more negative and positive externalities that will affect the citizens of other countries

Furthermore, it will be well-organised groups, whether they are NGOs, pressure and protest groups or even terrorist organisations, that will be most able to shape the deliberative discourse to their own advantage. But these groups will not necessarily be representative of global discourse in general. They may receive high pay-offs from the issues they represent, such as those farmers who even willing to set themselves alight at WTO meetings in protest against a lowering of tariffs, or they may have a special ideological commitment to a cause, as many committed anti-globalisation protesters do. Groups with diffuse costs and benefits will find it much less easy to set up effective collective organisations. Even though nearly all humans are consumers of rice and as such they are much more numerous than those involved in farming rice, the costs and benefits of participating for each individual are relatively low and therefore it is likely that the minority of rice farmers will be more successful activists than the majority consumers.

The poor and those who have limited access to new communication technologies, such as the internet, will not be able to participate in global deliberation either, as they will not have access to it. This blatantly violates the principle of external inclusion I set out in chapter four.

Thus, while there may exist a deliberative or discursive, rather than purely power-driven element in international politics, this will be neither fully deliberative nor fully democratic. Therefore, if we want to introduce deliberative *democracy*, it is much more fruitful to focus on national and local level deliberative processes.

Deliberation on the national level is the topic of some of the more ambitious projects on formal deliberative democracy, such as Ackermann and Fishkin's deliberation day (2004). National deliberation, however, introduces problems of scope and representation (Parkinson 2003) that are not nearly as acute on the local level. Even if it was possible for all citizens to deliberate on national-level issues occasionally, such as on deliberation day, some form of representation would need to be adopted for most national-level decisions.

Deliberation on the local level, on the other hand, is often regarded to be the most authentic form of deliberation. Most deliberative studies deal with local-level deliberation: town hall meetings (Karpowitz and Mansbridge 2005), school board meetings (Fung 2004), participatory budget procedures (Baiocchi 2003, Souza 2001).

Local deliberation fulfils the requirements for the topic of deliberation that I have discussed above. The issues discussed are relevant and close to individuals. They are clearly defined and tend to be relatively easy to understand. They are usually also practical in nature – for example, whether a new community centre should be built - rather than involving complex moral and ethical issues. Possible solutions to the problem are also clearly identifiable. Deliberators often have a common interest that is stronger than it would be in the case of national deliberation. The results of the deliberative procedure are usually immediate, thus residents feel the direct benefits of participating. Deliberation can even have the beneficial effect of building up community cohesion.

Thus, deliberative democracy may be an ideal tool for solving local problems in a way that includes and mobilises rather than alienates residents. Local level deliberation allows for homogeneity and familiarity with each other which cannot be achieved on the national and global level. Hence, to a large extent, local-level deliberation is closest to the ideal model.

It is also much more feasible to organise face-to-face deliberative meetings at a local level than it is at a national or regional one. But even in a relatively small town, problems of scope re-surface, as it would not be possible to get all adult residents to participate simultaneously. Even if a town or city was small enough, so that all adult residents could fit into a stadium together, they would not be able to deliberate together, unless participants were divided into smaller groups.

One challenge for formal models of deliberation is how these different levels could be fused and connected. Deliberation on multiple levels would most likely be necessary if a culture of deliberation was to be established.

Informal deliberation spans multiple levels and spheres of politics. It connects everyday political talk between citizens, local politics and national government. Formal models of deliberation tend to focus on one level or sphere of deliberation, such as town hall meetings on the local level or legislatures on the national level. Condorcet (1968, cited in Urbinati 2006) offers a way in which local and national level deliberation could be combined. On the local level, citizens would meet regularly to discuss politics. The results of these local level meetings would then be communicated to other local groups as well as national assemblies.

If the theory of deliberative democracy is to fulfil its purpose of increasing the extent to which there is a *society-wide* increase in the exchange of reasons and a transformation of beliefs and preferences that will profoundly affect politics, this would need to take place both on the local level among ordinary citizens and on the national level among citizens, activists and politicians. Thus, a complete model of deliberative democracy would need to combine informal and formal, local and national deliberation for a blueprint of an entirely deliberative polity.

Thus, we can say that the site of *democratic* deliberation will remain the nation state. But here, there is still significant work to be done on developing a model of deliberation that spans both national and local levels of politics. Only in this way can we guarantee that a pervasive deliberative culture would have the opportunity to emerge. Of course such a

deliberative system would not be easy to design, as it would have to balance and motivate deliberation on different levels against other forms of decision-making, such as bargaining.

Who Should Deliberate?

Informal Deliberation

The next question is who the participants of democratic deliberation should be. This question is easier to answer for an informal model of democratic deliberation that would permeate society and would encompass citizens, the media, civil society organisations, politicians and all branches of government. Deliberation would provide the context of all other political actions: elections, the work of the legislative assembly, the actions of bureaucracies. But exactly because deliberation could be seen as intertwined with everyday life, it is difficult to identify who its participants are and the extent to which they are able to participate.

First of all, by definition, political deliberation must centre on the government, broadly conceived. Therefore, elected politicians as well as bureaucratic agencies need to take part in the society-wide deliberative dialogue, by deliberating among each other, seeking the views of ordinary citizens and giving public justifications for their actions.

Secondly, while ideally all citizens should participate in democratic deliberation, it may be useful to focus on the key stakeholders for issues. These are relatively easy to identify for many policy areas: parents, teachers and children in the case of education, local residents in the case of local planning or policing, and patients for local healthcare provision questions. But there are issues for which it is more difficult to identify who should be included in the deliberative debate. These include controversial moral issues that most citizens have an interest in, such as abortion, as well as issues that will affect the whole population, such as pensions reform.

Thirdly, the media and civil society connect the debate between citizens and the government. Civil society acts as a mediating force between citizens and politicians in the

public sphere. While ideally citizens would wish to take part in the deliberative process directly, in practice their resources to do so are often limited. Civil society groups can fill this gap. However, there is a danger that these groups do not reflect the balance of views and interests in society accurately. When costs are diffuse and benefits are concentrated, the beneficiaries of policies, such as agricultural subsidies, are much more likely to form groups than those who bear its burdens, such as consumers (Mueller 2003). Relatively small, vocal groups can also have a disproportionate influence in politics.

Probably the most controversial actors in informal deliberation are the media, which can be agents of deliberation as well as impediments to it. On the one hand, the media provide information that is available relatively cheaply both in terms of financial cost and in terms of investment of time and effort. They also fulfil a watchdog function, alerting us to issues and problems in government and in society. Without the informal information-disseminating function of the media, informal nation-wide deliberation in large societies would be impossible. In fact, the emergence of mass media is argued to have been crucial for the development of the nation (Anderson 1986) and the public sphere (Habermas 1996). On the other hand, the media often employ tactics to grab headlines which do not appear to correspond to the kind of politics deliberative democrats are after. Divisive 'us versus them' reporting, exaggeration and sensationalist reporting do not usually foster open and inclusive debate. At its worst, the media can contribute to ethnic and political tension, as in the case of the controversial elections in Kenya in 2007 and Zimbabwe in 2008. Deliberative democrats would in fact argue that such tactics are some of the less desirable elements of current democracies (Gastil 2000). Thus, in order for democracies to become more deliberative, the media would need to focus on its information-disseminating, mediating function and avoid divisive communication.

Those schemes which regard deliberation as voluntary present us with an additional question, as it would be very difficult to determine what percentage of the population would need to participate in public deliberation and how often, in order to allow us to call a democracy truly deliberative. While arbitrary figures could be provided, these could scarcely be justified and they would be nigh impossible to measure in practice.

To conclude this section, participation in informal deliberation would be difficult to measure or enforce. We already see most of the actors discussed here participating in liberal representative democracies. Participation could of course be deepened and extended, but the question is whether this could be induced from the outside.

Formal Deliberation

Identifying participants becomes an even more important question for formal models of deliberation. As these consist of face-to-face discussion, identifying who needs to participate is crucial for ensuring inclusion and through that, legitimacy. We can think of two broad categories of formal deliberation based on its participants: deliberation in legislatures and deliberation between citizens. Of course there may also be mixed deliberative meetings between citizens and politicians, for example at town hall meetings, but the aim of these is usually to seek the considered opinion of citizens, therefore these are not dramatically different from the second category.

Selecting which citizens should participate in deliberation is often seen as a question of sampling. Currently more serious deliberative endeavours use some kind of random sampling method to ensure that a representative cross-section of society is present during deliberation (Luskin et al. 2002, 2006, Gastil 2000). An ambitious extension of such cross-sectional representation would be the actual involvement of the entire voting-age population, as in deliberation day (Ackermann and Fishkin 2004) or in deliberative jury duty (Leib 2004). In many cases deliberators may be self-selecting, as in the case of an average town hall meeting. Alternatively, we could once again make sure that all key stakeholders are properly represented.

Citizen participation in formal deliberative settings would be primarily determined by the level at which deliberation takes place and the topic that is discussed. Such participation should be freely available or randomly distributed, but should not be controversial in order to avoid charges of inequality or bias.

If we abandon the idea that deliberation should be held among the general population, or want to mix informal representation among all citizens with more formal deliberation among representatives, we are faced with the problem of representation in deliberation. The problem is as follows. Citizens are usually thought to elect representatives in order to make sure that their preferences and interests receive proper weight in the legislative process. However, deliberation requires *preference change* and probably also *belief change* from deliberators. It is this transformative quality that is one of the key defining features of deliberative democracy. Yet, this transformation will only take place in the *representatives* and not in their *constituents*. We can take it as a reasonable demand of appropriately deliberate processes that they should be transparent and that representatives are required to make every effort to give reasons for their preferences, beliefs and decisions to those they represent. This, however, may not always be enough to convince their constituents that their choice was the right one. Thus, we are faced with a fundamental paradox. On the one hand, representatives are required to represent their constituents faithfully. On the other hand, deliberators are required to be open to a transformation of beliefs and preferences. These two ideas need to be reconciled somehow in order for formal deliberation between representatives to be normatively defensible.

There has not been a satisfactory answer to this paradox so far. To argue that representatives should attempt to justify their positions reached through deliberation to constituents, without taking their views further into account (Gutmann and Thompson 1996), is an unsatisfactory answer from the point of view of constituents. Therefore, we must ask ourselves what model of representation deliberative democracy would imply and what accountability means in a deliberative context (Mansbridge 2003).

Most models of representation view the selection of representatives either as an evaluation of the promises of prospective policies candidates will carry out if elected or as a retrospective evaluation of candidates' past performance in office (Mansbridge 2003).

The idea that representatives are the delegates of their constituents is not new. It has been widely studied in political science in models such as the median voter model (Downs 1957). According to this concept of representation, parties or candidates prepare

manifestos or other statements as to their intentions during their time in office. Voters make their decisions about which candidate to elect based on these stated intentions. Once representatives are in office they are seen to possess a mandate to carry out these policies and are held accountable if they fail to do so. This is clearly an inappropriate model of representation for deliberative democracy. While representatives in truly deliberative processes may be able to promise their constituents to put forward certain arguments which are important to them during the debate, they cannot promise to push forward certain policies without being willing to change their position.

According to the second conception of representation, voters do not vote in elections based merely on the stated intentions of candidates. Rather, they evaluate the past performance of incumbents and use voting as an opportunity to 'throw the rascals out' and 'keep the good ones in'. Thus, voting is retrospective (Fiorina 1978, 1981). The electorate perceive the outcomes of politicians' actions in office, together with a random noise. If they believe that someone could do better than the incumbent, they get rid of him. This model of representation may be reflected in politicians' efforts to keep themselves informed of their constituents' preferences through public opinion polls and focus groups. Again, this is not a suitable model of representation for deliberative democracy, as it constrains the actions of representatives during deliberation and would not allow for belief transformation if this did not correspond to the preferences of the electorate.

Neither of these models allows enough independence for deliberative representatives to participate in a fully deliberative assembly. There is, however, another model of representation that may be more applicable to the deliberative setting. The origins of this model lie in the idea that representatives are trustees, not delegates (Burke 1774/1999). Here representatives need to be given free reign to vote for policies which they perceive to be fit, as their constituents may not have as good an understanding of problems and as good an idea of the common good as they do. Representatives are seen as worthy individuals who can be trusted by their constituents to do the right thing. Early modern democracies approximated this model more closely than later ones (Manin 1997).

Jane Mansbridge (2003) calls a broader version of this model *gyroscopic representation*. In this model constituents do not simply try to identify the candidate whose manifesto is closest to their preferences or who adhered to their wishes most closely while in office. Rather, voters try to identify the representative that is a 'good type', someone whose interests and judgements coincide with those of their constituents and who has sound principles. Fearon (1999) argues that voters often see elections in this light. They prefer principled candidates to ones who follow public opinion like a weathervane. What is necessary is what Mansbridge (2005, 521) calls *deep predictability* – voters want to elect representatives whose actions and decisions they can predict based on their past behaviour, character and so on.

This seems to be a much more appropriate model for representation in a deliberative assembly. Thus, constituents would choose representatives who would behave during deliberation in a way similar to how they would behave and whose preferences are transformed the way their preferences would be transformed. If they feel confident that their representatives are deeply predictable in this way, then they will trust their decisions more than they would otherwise.

Of course, even under this model of representation we would have to accept that constituents would sometimes find it difficult to understand why their representatives made certain decisions in the deliberative assembly. Here transparency and communication between constituents and representatives become supremely important. Thus, there would need to exist a layer of deliberation between representatives and their constituency. Constituents must be able to communicate their concerns to the representative and representatives must justify their decisions to their constituents under deliberative conditions, particularly under conditions of reciprocity.

The second question is how citizens would be able to recognise good types. There is a large literature that argues that citizens use heuristic cues in choosing which candidate to elect (Grofman 1993). However, one could question whether this information is sufficient for citizens to identify which politicians would be able to represent them best in a deliberative procedure. Due to extensive media coverage, there is usually a great deal of

information available about politicians in high-profile positions. Yet citizens may need to invest a great deal of time into becoming sufficiently informed to make up their minds about the character of candidates. Shortcuts and sound-bites are less costly sources, but could be misleading as they can be easily manipulated to present politicians in a certain light. In the end no amount of information will compensate for not personally knowing a candidate, which is inevitable in large electorates.

A bigger problem is making sure that representatives' preferences are not transformed in a way that will harm their constituents' interests. After all, they are not identical to each other and therefore the representative may not be aware of all aspects of his constituents' beliefs and preferences. This highlights a fundamental tension between interests and deliberative belief transformation. In most cases it is the interests and beliefs of citizens that should be privileged by representatives, if they cannot go through an identical belief or preference change themselves. Otherwise the legitimacy and validity of democratic representation can be called into question by citizens. Thus, even if we employ a trustee model of representation, the initial paradox between representing specific constituents and deliberative transformation is still not fully resolved.

The Inclusion of Those Who Normally Do Not Have a Say in National Politics

A final issue that needs to be raised regarding the participants of deliberative democracy is the problem of those who are not traditionally included in politics. Here I am primarily thinking of those residents of a country who are not citizens, but this category could also include future generations, animals and the environment or the government and citizens of other countries that are affected by policies with significant externalities, such as pollution control. While I am not able to offer a solution for this problem here, the issue is worth highlighting. The section of this chapter on global deliberation has given us some insight into including foreign countries in deliberative procedures. Here I will briefly examine the problem of immigrant populations.

The kind of stable liberal representative democracies that can be seen as good candidates for the introduction of deliberative democracy often have relatively large non-citizen immigrant populations. In the United Kingdom, 5.2% of the population is comprised of foreign nationals[41]. These immigrants do not have the same political rights as other members of society. In EU countries a hierarchy of residents has developed where citizens hold full political rights, citizens of other EU countries hold partial rights and other residents hold some residual rights (Cohen 1987). Furthermore, in the UK, due to an anachronism in electoral law dating back to 1918, nationals of Commonwealth countries are allowed to vote in the national election, while non-British immigrants from other countries are not.

Medium and long-term residents are affected by political decisions just as much as full citizens are. The question is whether they should be excluded from deliberation just as they are excluded from voting or indeed whether it is possible at all to exclude them.

Under an informal model of deliberation non-citizens would also be able to participate, as there would be no formal way of excluding anyone from the public sphere. Under a formal model of deliberation it would be possible to exclude non-citizens, but one could argue that an intermediate stage of political rights could be developed where non-citizens could put forward their arguments and could serve the role of expert witnesses, but would not be able to vote on a final decision. As I have argued in chapter five, deliberation would ultimately be supplemented by voting, therefore it may be possible to include non-citizens in some formal deliberation, while leaving final decisions to citizens. This would allow non-citizens to have a voice and present their arguments about policies which would have significant effects on their lives. Yet the status of non-citizen immigrants raises a significant question as to where the line of deliberative inclusion should be drawn.

[41] International Migration Outlook, OECD, 2007 edition.

When Should We Deliberate?

Finally, I would like to briefly discuss *when* deliberative meetings should be held. Much of the answer to how frequently and for how long we should deliberate is already given by the answers to the previous question about the limits of deliberation. Another way of interpreting the 'when' question in the case of deliberation between politicians is: 'when is deliberation a better way of resolving problems than other methods available, such as bargaining?' However, this question has already been answered in the section above where I discussed what topics are most suitable for deliberation.

Informal deliberative democracy is an ongoing, cyclical process that is not subject to time-constraints. Thus, *when* informal deliberation should take place is less problematic and important than the questions of *who* should deliberate *how* about *what*. If we include discussions between friends and family on political and moral issues in informal political deliberation, than it is likely that most people will participate in deliberation in the public sphere regularly, without any undue demands being imposed on them.

Just as in the case of choosing what topics are most suitable for deliberation, the questions of how often and for how long we should deliberate are more pressing for models of formal deliberation. If formal deliberation takes place between politicians, this process should be regular and ongoing, as it is in legislatures. Compared to ordinary citizens politicians, bureaucrats and interest group activists will have more resources and greater motivation to participate in deliberation on a regular basis. A bigger constraint for professional politicians exists regarding the time at which deliberation should end. Formal political deliberation faces practical constraints, as it is often important that new policies are introduced in a timely manner. These constraints will be given by the context of the issue under discussion and are thus fairly uncontroversial.

As we have seen in chapter two, one of the greatest constraints to participation in deliberation by ordinary citizens was time. Next to full-time jobs and family commitments free time becomes a precious commodity. In general people do not want to participate in

politics frequently (Hibbings and Theiss-Morse 2002) and any realistic deliberative system will take this into account and will not impose demands on their time which citizen may regard as excessive.

Formal deliberation among ordinary citizens is likely to be more successful if citizens are only required to participate occasionally and not for great lengths of time. Ordinary citizens with relatively limited interest in politics will be more motivated to participate if their attendance is required relatively infrequently. At the moment citizens in most countries are only required to vote every few years and they seldom make decisions through referendums.

There are also ways in which deliberators could be given incentives to devote time to participating in deliberation. These could include introducing new national holidays (Ackermann and Fishkin 2004) or setting up deliberation along the lines of jury duty (Gastil 2000, Leib 2004). However, these are exactly the kinds of wide-ranging and costly reforms which I have argued earlier were unlikely to be introduced by our elected politicians.

The length of deliberative meetings between ordinary citizens may also need to be regulated for three reasons. The first is the pragmatic consideration I have already mentioned with regard to formal deliberation between politicians. Decisions have to be made and in a non-ideal world deliberation cannot go on forever. As we have seen in chapter five, this is also a compelling reason for combining deliberation with voting. Reaching decisions through a vote taken after deliberation allows us to choose policies more quickly than if we deliberated until a full consensus emerged.

The remaining reasons for limiting the amount of time ordinary citizens would spend on deliberating has to do with their motivations (Gastil 2000). Deliberators may be less motivated to participate or less able to free up time for participating if they expected the procedure to take a long time. Finally, it is more difficult to hold people's attention if deliberation goes on for long periods of time.

One final question is whether there should be a minimum amount of time that citizens spend deliberating in order to be able to call a democracy deliberative. This would

ensure that no one would be fully excluded, allow more viewpoints to be represented and possibly make the informal public sphere more deliberative by exposing all citizens to the rules and standards of civility in formal deliberation.

However, there are some compelling reasons against defining such a minimum. Firstly, individuals may participate in deliberative meetings without either contributing much or getting much out of the process. Again, motivation can be a big culprit. Secondly, individuals may participate in a mix of formal and informal deliberative activities. As informal deliberative activities are difficult to quantify, some may be penalised for preferring these to more public settings. There may exist people who are very active in the informal deliberative process but eschew the formal one.

Conclusion

Thus, we can conclude that formal deliberation is likely to be most effective when its scope is relatively limited. Both the goals and the participants of deliberation need to be clearly defined. And not only do these goals need to be clearly defined, but they also need to be modest enough, so that the problem can be understood and solutions evaluated over a reasonably short period of time. Neither should formal deliberation be something that we expect citizens to participate in frequently and on an ongoing basis. Some citizens may be willing to do this, but most will not be motivated enough to do so.

How about the more ambitious idea of informal deliberation in the public sphere? The problem of informal deliberation is that it escapes attempts to define it, measure it and evaluate it. We can never be sure who participates and whether informal deliberation fulfils and leads to demands of civility and other-regardingness. One of the problems of informal deliberation is that it is so closely intertwined with other actions with a political content which we do not necessarily want to regard as deliberative. This makes it difficult to study theoretically, as it becomes difficult to define, as well as difficult to study practically, as it is difficult to measure and evaluate. Thus, the role of informal deliberation

in democratic politics can be elusive. As a result, it is then also difficult to determine how such informal deliberation is different from present liberal representative democracies. Yet, deliberative democrats aim to create a new model of democracy, rather than re-examine existing democratic practices. This is why most theorists will endorse some kind of formal deliberative procedure as the vehicle for deepening democracy. These models offer us a clearly defined forum within which individual behaviour can be both prescribed and evaluated.

In this chapter I have addressed broad questions of the actual design of deliberative democratic institutions and sought to answer them based on the findings presented in earlier chapters. When it comes to designing deliberative democracy, one final, intriguing question remains. Who and how would design actual deliberative forums?

In the current, limited deliberative practice that exists in the real world it is clearly 'deliberative practitioners', for want of a better word, who do so. Organisations such as America Speaks or the Kettering Foundation as well as more academically minded ones, such as the Center for Deliberative Democracy at Stanford are responsible for running most overtly deliberative meetings. However, if deliberation was to become a truly influential political event, it is unlikely that scholars of deliberative democracy would be able to control this process indefinitely. The design of democratic procedures would be influenced by politicians and - what should be seen as very desirable - by citizens.

Formal deliberative procedures in legislatures have evolved over long periods of time, sometimes centuries. The same would have to be the case for deliberative procedures. The design of deliberative institutions should ideally be a circular, open-ended process. There would have to be necessary safeguards to ensure that the deliberative character of meetings remained intact, just as there are constitutional safeguards to ensure that the majority cannot elect to forfeit its democratic rights.

However, this might prove more difficult for deliberation, especially of the informal kind, than for electoral democracy. Freedom of speech and assembly provide the basic foundations of democracy. The public sphere and the communication they foster are essential to the functioning of democratic regimes. Such a public sphere then becomes

impossible to regulate or police without damaging the basic structure of democracy. While such regulation may contribute to making the public sphere more deliberative and may eliminate certain harmful biases and inequalities, it is only permissible in the most extreme cases when free speech may be proven to lead to harm, such as when someone publicly calls for the death of certain individuals or groups.

Yet unregulated discussion between citizens will not necessarily be deliberative or may lose its deliberative character over time. The only active way available for deliberative democrats to make the informal public sphere more deliberative is by involving citizens in more formal deliberative decision-making procedures and hoping that this will then impact the wider public sphere.

CHAPTER EIGHT
CONCLUSION

The theory of deliberative democracy is not only popular, but also reasonably well-developed. But as we have seen over the last seven chapters, it is not without its problems. While it is well-developed as a self-contained theory, its foundations are not secure enough and its focus is too limited. In this final chapter, I will draw the different strands of my critique together and argue that it is time for democratic theory to move beyond the deliberative phase.

In this thesis I have examined various aspects of the theory of deliberative democracy in detail. I have drawn on empirical evidence both from deliberative studies and other political and social psychological results in order to evaluate it. I have also contrasted the assumptions behind the theory with the predictions of social choice and rational choice theory and have evaluated deliberative democracy against existing liberal representative democracies.

There are two main types of criticism that we can make against deliberative democracy: pragmatic and normative. *Pragmatic* criticisms centre on the problems of implementing and sustaining deliberative democracy in real-world politics. Deliberative democrats acknowledge that we can never achieve ideal political deliberation, where deliberators face no time constraints, all have equal power and influence, citizens reason perfectly and are perfectly well-informed. Nevertheless, they also hold that this ideal can be approximated sufficiently in real-world political processes in order for us to enjoy the normative benefits of deliberation. Practical criticisms of deliberation suggest that this is not the case and, furthermore, even if it was, the costs of implementation would far outweigh the benefits.

Normative criticisms, on the other hand, state that not only do we face pragmatic problems in achieving the kind of deliberation that the theory calls for, but that even if we could achieve this, it would in fact not be normatively desirable. I want to raise a number

of criticisms of the normative theory of deliberative democracy in this chapter. Firstly, despite the large literature that has developed, the concept of deliberative democracy has still not been defined clearly (Mutz 2008). Secondly, justifications for a *deliberative* form of democracy are weak, which should make us question whether it is more legitimate than other forms of democracy. Finally, the conception of politics used by deliberative democrats is not neutral and will favour some groups and outcomes over others.

I will discuss practical criticisms of deliberative democracy only relatively briefly and will mainly focus on normative ones. Practical criticisms are more common and less controversial and in order to establish the value of deliberative democracy it is ultimately its normative worth that needs to be tested.

In the first section of this chapter I will address the reasons for the dominance of deliberative democracy in political theory. In the second section I will discuss some of the pragmatic criticisms of deliberative democracy. In section three I will re-iterate and summarize some of the substantive criticisms about the justifications of deliberative democracy that I have presented in earlier chapters. In the following sections, I will deal with three more substantive criticisms. Firstly, deliberative democracy, and especially its informal model, is not sufficiently clearly defined. Secondly, deliberative democrats face a trade-off between making deliberation compulsory and making it biased. Thirdly, the theory deliberative democracy has a very specific conception of politics. In the final section I will discuss alternatives in democratic theory to the current dominance of deliberation.

Why Deliberation is Ultimately Desirable

So what is the real normative appeal of political deliberation? I have looked at procedural justifications based on the fact that deliberation transforms preferences through reasoned argument, that it makes people and policies more other-regarding, that it fosters equality and inclusion and that it helps to generate a consensus. Ultimately, all of these justifications

are lacking and even if we add them all together, we do not get a strong enough normative justification for a new model of democracy.

One of the major normative appeals of deliberative democracy is that it captures our intuitions that political decisions that affect a large number of people, if not the entire society, need to be considered carefully. We must devote sufficient time and attention to such policies. We should discuss them and not make hasty or arbitrary choices.

This is because political decisions are unavoidably *collective*. Political decisions deeply affect the lives of many citizens. They have to be made collectively, because the goods that the decisions are concerned with are also collective (Christiano 1996, 2004). It makes no sense for individuals or groups in society to decide on welfare policies, policing and security policies or environmental policies on their own. Christiano (1996, 59-62) sets out four conditions that goods need to satisfy in order to count as a collective property of society. Firstly, they need to be *non-exclusive*; it is not possible for them to affect a person's life without affecting the lives of others. Pollution, the condition of roads or wars are all non-exclusive in this sense. Secondly, collective properties are *public*; that is, they only include issues that affect the welfare of everyone. Some citizens may hold meddlesome preferences over some issues even if these do not affect their welfare, but this does not suffice to make these the subject of collective decision-making. Thirdly, sharing these collective properties is *inevitable*; we all live together on a relatively small area of the globe, breathing the same polluted or clean air. Finally, the properties of a collective good need to be *alterable*; it makes no sense to try to make public decisions about them if they are not.

The fact that these decisions have to be made collectively and will affect our lives collectively, for better or for worse, makes them very different from private decisions. As they often affect a large number of people with diverse interests, we need to consider their effects on others carefully. Furthermore, collective decisions must not be arbitrary, benefiting some and harming others without good reason.

These collective decisions have to be made under conditions of pluralism. Citizens will hold a variety of reasonable, but often conflicting beliefs and preferences. These viewpoints need to be reconciled in any political decision in a way that is ideally acceptable

to all, or nearly all reasonable persons. Some of these decisions may need to be made collectively at the national level, some may even need to be made at the global level, but many of these collective issues can be decided on the level of the local community.

Thus, the primary value of deliberation may be that it allows for deep, meaningful reflection before collective decisions are taken. This has more to do with the time and effort that we spend on deliberation than expectations that it will transform preferences in a certain way or that it fosters equality or inclusion. At the same time, many of the procedural values of the theory of deliberative democracy may still be necessary if we want to give collective decisions the necessary weight and importance across the entire society.

But the fact that such collective decisions are of a special importance and that they should be considered carefully does not yet necessarily point us towards deliberative democracy. After all, Rousseau argued against long, drawn-out discussion as he believed that it would encourage factionality, partial interest and dissent (Rousseau 1997, Urbinati 2006). It is only yet another intuition that leads us to talking to each other in a reasoned manner in order to reach a decision. This is the intuition that political discussion will lead to a better understanding of each other and of issues, a greater willingness to be other-regarding and to do the right thing, as well as leading to decisions that are acceptable to all, even the losers.

Deciding collective matters through deliberation also seems to be a very academic intuition, applying similar standards to weighty decisions in the public sphere that we would apply to weighty matters in the seminar room. Thus, we need to consider whether this intuition really applies. Having examined the different justifications of deliberative democracy as well as many of its practical and theoretical limitations, we are now in a position to do just this.

The Pragmatic Limitations of Deliberative Democracy

There is no doubt that the theoretical literature on deliberative democracy is concerned with an ideal model. Therefore, one could argue that practical concerns about deliberation are not of primary relevance when we evaluate it. However, the model is an aspirational one that argues that while these ideals may never be fully realised in actual political systems, they can nevertheless be sufficiently approximated to deliver most of the normative benefits of the ideal. One way of arguing against such a theory is by showing that this is not the case and that the ideal cannot be realised to a sufficient extent to justify the costs of attempting to do so. The pragmatic limitations of deliberative democracy have been highlighted many times in the literature and have also played an important role in the previous chapters of this thesis.

On the more normative side, Estlund (2008) points to the impossibility and the undesirability of trying to mirror ideal deliberative situations in real-life politics, due to the lack of conditions commonly posited by ideal theories: full and equal access to the forum, an equal chance to speak, honest communication, equal bargaining power, and so on (Estlund 2008, 175-176). Instead, we should use these ideals as benchmarks to evaluate the epistemic qualities of actual democratic processes, which he calls 'real speech situation' after Habermas's (1996) 'ideal speech situation'. Thus, while Estlund stresses the importance of norms of civility in democratic politics, he argues that we should not apply ideal principles directly to everyday political life and expect the same normative outcomes as we would get in an ideal situation.

As we have seen in earlier chapters, the complexity of deliberative interactions can lead to many practical pitfalls. The requirement for reasoned discussion will not necessarily be fulfilled in deliberation among citizens. Sunstein (2003) pointed out the dangers of group polarisation and informational cascades. Deliberative democracy could founder on the large number and complexity of public issues (Schroeder 2002). Discussion might lead

to tensions flaring as opposed to a mutually acceptable decision (Karpowitz and Mansbridge 2005).

I addressed some of the most fundamental pragmatic problems in chapter two: the lack of political will to make democracy significantly more deliberative on the part of politicians and the lack of motivation to participate on the part of citizens. A lack of political will to make democracy more deliberative will make it difficult to introduce more formal deliberative measures. While politicians have utilized both citizen jury and deliberative polling procedures, their use is far from wide-ranging. A few high-profile deliberative polls endorsed by politicians and employed as part of the decision-making process in China and Greece are not yet an indication that such procedures will be held more widely in the future rather than being used as a one-off political gimmick. I have argued in chapter two that increasing deliberation is most likely to be successful through local schemes that build on traditions of community meetings and school boards to engage citizens in political deliberation.

But when it comes to engaging citizens in deliberation, we immediately have to face the second problem, that of motivation. Theories of deliberative democracy assume a much higher level of civic participation than we currently observe. However, it is unclear what incentives citizens have for this. In their influential study of American politics Hibbing and Theiss-Morse (2002) find that most citizens do not want to take a more active role in politics and would rather leave governing to the politicians.

But just getting citizens to talk about politics is not yet democratic deliberation in the theoretical sense. Ideal deliberation is characterised by reciprocity, tolerant, other-regarding behaviour, reasonable and reasoned discussion, inclusion and equality. Thus, even if we succeed in getting citizens to talk about politics, these procedural requirements still need to be fulfilled in order to make democratic politics and democratic discourse more deliberative.

Following her observation of informal small-group discussions about political issues that occurred as a by-product of group social interaction, Cramer Walsh (2004) argues that we cannot expect that deliberation will always produce tolerant citizens who aim to

identify the common good. Instead, she found that discussion helps people to construct what it means to be black or white, Democrat or Republican. As a result, talking about politics can reinforce stereotypes about those of different race, gender, socio-economic status or political beliefs. She argues that we cannot assume that deliberative meetings or informal deliberation in the public sphere will automatically overcome these issues. If deliberation is to be used to further tolerance it needs to be carefully structured to focus on getting to know people who are not 'one of us' and exploring what we have in common with them rather than aiming to find consensual solutions. Thus, introducing deliberation in itself is unlikely to generate the kind of results that are necessary to fulfil its normative value.

A clear pragmatic problem with making democracy more deliberative is that it would be very costly to do so. In the case of formal deliberation it is easier to calculate such costs. These include the substantial transaction cost of organising deliberative events, the costs of participation to citizens and the cost of the political changes that such procedures may result in. But an active deliberative democracy would also carry large opportunity costs as citizens would spend their time and efforts deliberating instead of working, socialising or engaging in leisure activities. Such a costly procedure is only worth introducing if it will offer clear benefits over present democratic arrangements. Studies of deliberative democracy have yet to prove that this is the case.

Yet these practical critiques of deliberative democracy are ultimately not enough to undermine the model's dominance in democratic theory. Firstly, we do not have sufficient empirical evidence about real-world deliberation to answer these questions once and for all. With further advances in the empirical literature it may become clearer whether deliberation really delivers the results expected by theorists. So far relatively little attention has been given to the circumstances under which deliberation fails. In order to help us evaluate the potential of deliberative decision-making, further research in this direction is necessary, rather than the usual sympathetic treatments of deliberation (Cohen and Rogers 2003, Mutz 2008).

Secondly, even if empirical evidence shows us that citizens do not currently behave in the way that the theory predicts, deliberative democrats can argue that introducing more deliberation into politics will cumulatively generate the behaviour and values that are necessary to make it a success. Thus, if citizens are now poorly informed and unmotivated to participate in political meetings, they will over time become more motivated and better informed. If we find citizens to be intolerant and selfish, we cannot yet say that they will not become tolerant and other-regarding over time as a result of participating in deliberation.

Thus ultimately, critiques of deliberative democracy have to be normative. They have to show that the problem is not that deliberation is unattainable. Instead, the problem is with the theory itself, with its normative aims. The greatest hurdle that any such criticisms must overcome is the overwhelming intuitive appeal of citizens holding diverse views talking to each other and reasoned political decisions emerging through such talk. This intuitively appeals to some of our most cherished democratic and liberal values; inclusion, tolerance, trying to arrive at good and mutually acceptable decisions. I do not wish to fight the intuitive appeal of these values. Instead, what I would like to show is that deliberative democracy is not the best way to fulfil them, despite the fact that at first sight it appears to be their perfect embodiment. In the remainder of this chapter I will argue that deliberative democracy is not sufficient as a model of how democracies should function.

The Justifications of Deliberative Democracy

Much of the normative basis for the theory of deliberative democracy stems from the justifications offered that secure the legitimacy of such a decision-making process. Thus, it is important to examine whether they offer a secure normative foundation for the theory. Many of the previous chapters have done just this, with sceptical results.

In chapter six I examined the epistemic justification for deliberative democracy, which is the most common outcome-based justification of democratic processes. Here,

democratic decisions are legitimate because the procedure has an epistemic value: it is more likely to arrive at the truth or a better outcome than other decision-making procedures would be. I argued that while it is quite likely that reasoned discussion will be an epistemically good decision-making procedure, this will not always be the case. It is easier to evaluate deliberative processes based on procedural than epistemic grounds and such procedural justifications will also hold if we are sceptical about the existence of a correct choice. Furthermore, any epistemic gains rely heavily on the procedural values of deliberation. Therefore, if we want to find a solid basis for justifying deliberative democracy, we are better off by turning to procedural justifications.

However, procedural justifications of deliberative democracy do not always fare better either. In chapter three I have examined the claims that political deliberation will take the form of reasoned debate that fosters other-regarding, rather than selfish, attitudes and preferences. One of the key claims of the theory of deliberative democracy is that it will assist the formation and transformation of preferences by exposing deliberators to new facts as well as the beliefs and preferences of their fellow citizens. I argued that the mechanisms of such preference change cannot be taken for granted, as there may be other mechanisms at work, such as conformity, which will hinder the objectives of deliberative theory.

In chapter four I looked at procedural justifications of deliberative democracy that emphasize the values of un-coerced, equal and inclusive discussion. I have argued that given the nature of deliberative democracy, the values of equality and inclusion should not only be applied to persons, but also to arguments. I differentiated between external and internal inclusion and formal and substantive concepts of equality. I argued that substantive equality was both infeasible and undesirable and while both forms of inclusion were desirable, deliberative democracy only offered us limited means for ensuring them. The only value I found to be both feasible and desirable was formal equality. However, this is a relatively weak form of equality which is already adequately satisfied by liberal representative models of democracy.

In chapter five I turned my attention to a more contentious procedural justification of deliberative democracy; that we should value it because it aims to find a consensual decision. I argued that this aim has limited normative value and even more limited practical use and as such is insufficient as a procedural justification of democratic deliberation.

Thus, none of the standard procedural or epistemic justifications of deliberative democracy offer a secure enough grounding for the theory. And this leads to normative difficulties, as without these we cannot argue that the model of deliberative democracy is better than its alternatives.

But even if these justifications were insufficient on their own, would they be powerful enough if they were used in conjunction with each other? Thus, the procedural values of reasoned, equal and inclusive debate could work to ensure the epistemic value of the decision-making procedure and as a result these justifications taken together could be sufficient to make deliberative democracy a good model.

Further evidence from empirical studies could prove the epistemic properties of deliberation to be stronger than I have depicted them here, given adequate procedural qualifications. However, no such study is likely to prove that deliberation is epistemically better at solving moral problems than other decision-making procedures, given the problems of moral epistemology in general. Thus, the epistemic justification cannot simply be used in conjunction with procedural ones to give us a strong explanation of why the model of deliberative democracy is better than its rivals.

On its own equality is not a particularly solid basis for justifying deliberative democracy: substantive equality is undesirable and formal equality is too weak as a requirement. Using formal equality, inclusion and a requirement for reasoned and reciprocal debate in conjunction is thus the only possibility left from those examined in this thesis. On their own, each justification may be weak, but together they might just be strong enough. Formal equality and reciprocity can be taken as a background condition for inclusion and reasoned debate, thus they only take a supporting role on this list of values. Therefore, we can further restrict the question to whether the values of reasoned, inclusive debate are enough to offer a strong justification of deliberative democracy.

But these would only be sufficient for a strong model of democracy if they could actually shown to be an empirical result of deliberation. While institutional measures could be devised to foster them, they cannot be ensured conclusively in a political debate. Deliberators will often not have the right incentives to be either inclusive or reasoned enough to satisfy the normative requirements set down by theorists. And any model of democracy will ultimately have to answer to how well it can be used to design institutions that are successful given the nature of real-world politics. This is no different in the case of deliberative democracy, where the normative theory clearly indicates that more deliberative institutions need to be introduced that will deliver significant normative benefits. Furthermore, in the case of reasoned debate these normative requirements can be suspect themselves, as they promote a very specific conception of what is reasonable and what politics should look like. And on its own, while inclusion is an important value, it cannot provide a sufficient justification for a *deliberative* model of democracy.

The Problem of Defining Deliberative Democracy

I have presented two complimentary models of deliberative democracy in this thesis: the formal model that centres on specific face-to-face meetings, and the informal modal that focuses on diffuse deliberation in the public sphere. However, both of these models are problematic. Both the formal and informal models suffer from a lack of clear definition. It is often unclear what form the normative theory would take in practice. As a result, theorists feel that empirical studies do not engage sufficiently with the normative theory (Thompson 2008) and empirical political scientists are unsure about what deliberation is exactly and how to test the hypotheses the theory generates (Mutz 2008).

It is easier to identify formal deliberative settings. Thus, empirical studies of deliberation focus primarily on this area and aim to identify whether deliberation will produce the positive outcomes ascribed to it by the normative literature. Yet political scientists still find it difficult to identify the relevant independent and dependent variables

for such research. Mutz (2008) gives three reasons for this. Firstly, the concepts used by the normative theory are insufficiently clearly defined to be applied empirically. Thus, even if political talk takes place, it is not easy to know whether it was deliberative or not, since there are no necessary and sufficient conditions that are routinely applied to the concept of deliberation (Mutz 2008, 526). Secondly, the logical relationship between different concepts and their effects on each other are often unclear. Thirdly, as we have seen in earlier chapters of this thesis, some of the assumptions made by deliberative democrats go against findings from various branches of the social sciences.

The lack of clear concepts and links to findings from the social sciences can make studying formal deliberation a frustrating experience. These problems are even more severe for informal models of deliberation, where it is not even possible to identify potentially deliberative setting easily, such as town hall meetings are for formal models. It is difficult to identify exactly what counts as political deliberation in the informal sense. We can define it minimally, as public political discussion broadly interpreted, which tends to follow standards of civility and reciprocity and which encompasses very diverse political dialogues in legislatures, between citizens and in civil society. However, this definition becomes decidedly murky at the edges.

As a result, it also becomes difficult to classify whether existing democratic systems are already deliberative, with the theory offering better grounding for practice, or whether existing democracies need to change in order to become deliberative. From the expressions used by some of the most prominent scholars in the field (Gutmann and Thompson 1996, Dryzek 2000) it strongly appears that the latter is the case. Probably the most realistic assessment is that existing democracies are already deliberative to some, limited extent. But this needs to be extended so that a larger proportion of political decisions are decided deliberatively and more citizens and officials participate in deliberation. A parallel can be drawn with franchise; just because some already had the vote in 19th century England, this did not mean that the franchise could not be widened by being extended to all social classes and to women.

Even if we define informal deliberation as I do, as public political dialogue that is reasoned and civil, we still have problems in drawing the line of what counts as reason or civility. As we have seen earlier, in chapters four and seven, this is not always easy to do. It is difficult to tell whether demonstrations or conversations among friends are always reasoned or civil enough to be part of the informal deliberative process. I have suggested that usually demonstrations do not meet these criteria, but there are bound to be exceptions to the rule. Personal conversations about politics are often not civil towards those not present and are often not reasoned either. Gutmann and Thompson (1999) exclude them from their model of deliberation exactly because they do not conform to the values of reciprocity, publicity and accountability that democratic deliberation is expected to fulfil. Thus, they argue that such talk should take place without being held to the high standards of the theory. However, this reasoning excludes most democratic political talk from the informal deliberative model, making its definition too narrow.

The difficulty in defining informal democratic deliberation poses both pragmatic and normative problems. The pragmatic problem is that if we do not know what democratic deliberation is, where its boundaries lie and when it takes place, it is difficult to either study or foster it. It is difficult to study deliberation, as it is difficult to measure the level and quality of participation. While we could use proxies, such as the number of citizens who have actively contributed to political campaigns, attended certain public meetings or contacted their representatives, this would only capture participation in a small part of the public sphere. And the quality of informal deliberation is even more elusive and finding proxies for measuring it is even harder. Thus, there exist no macro-level studies of informal deliberation in the wider public sphere.

Instead, there exist studies which examine various forms of political participation in societies, as well as citizen attitudes and social capital. The books by Gamson (1992) and Cramer Walsh (2004) are two excellent examples of recent work that seeks to analyse the characteristics of political talk among citizens. Verba et al. (1995) carried out an impressively large-scale survey study of political participation in the US. The think-tank Demos has put together an index of 'everyday democracy', ranking EU countries

(Skidmore and Bound 2008). But these studies still cannot tell us how deliberative a democracy is. At most they will give us snapshot pictures of various aspects of civic life in various countries.

The same problem applies when it comes to fostering informal deliberation. If we have no clear idea where and how it takes place and who participates, we are most likely not going to know what kinds of policies would be most effective in increasing the level of public deliberation and whether existing policies are achieving their intended outcomes.

The normative problem this causes is that if we are unsure of what deliberation is in the first place, then attributing normatively desirable properties to it becomes an exercise in futility. If we cannot define a concept clearly, we cannot make clear predictions about its consequences either. We need to be able to define what types of political talk constitute deliberation in order to be able to make statements about its benefits. And unless it is defined more clearly, informal democratic deliberation may become indistinguishable from other models of democracy, such as the liberal representative one.

The Problem with Compulsory Deliberation

When deliberation is mentioned formal, face-to-face meetings come immediately to mind. For these we can ensure through rules or the use of moderators that deliberation corresponds to the normative standards set out in the literature. But deliberative theorists face a difficult choice if they want these kinds of meetings to be something that every citizen takes part in regularly. They need to decide between making deliberation compulsory or having an imperfect and biased deliberative procedure. This is one of the main problems with formal models of deliberative democracy, just as indeterminacy and the difficulty with which it can be defined is one of the main problems with informal models of deliberative democracy.

I have observed in chapter two that we cannot in general assume that citizens are very motivated to participate in deliberation. They may be happy to do so when it is a once

in a lifetime event, such as when they are invited to a deliberative poll, either because of genuine interest or because they feel that this is an opportunity when their voice is finally being heard. But in general citizens do not often participate in politics; low rates of participation and voter apathy are perennial topics in both the media and the academic literature. The paradox of turnout tells us that it is surprising that people vote in the numbers they do given how little impact they will have. Deliberation is unlikely to change this. The average citizen will not suddenly have more impact on politics when he starts to participate in deliberation. He will in fact likely to be *less* motivated to participate in deliberation than he is in voting, since the costs are so much higher and the benefits are much less certain. The paradox of turnout tells us that the cost of voting is higher than the probability of being pivotal multiplied by the benefit received from seeing one's preferred party elected[42]. The cost of deliberation is significantly higher than the cost of voting and, given the complexity of deliberative decision-making, the link between participation and getting one's way is less clear; therefore it would be even more paradoxical for people to participate in deliberation than it is to turn out to vote.

Representative democracy developed as an alternative to direct democracy, to help citizens avoid these costs by delegating political decision-making to professional politicians. Citizens pay politicians a salary to take part in politics on their behalf. They elect them to do the job and do not re-elect them if they do not like what they see.

If people were not motivated to participate in deliberation voluntarily, it would need to be made compulsory. This would mean fines or other sanctions for those who do not participate. Participation in informal deliberation would be difficult to police – political conversations in the pub or time spent commenting on web sites would make a poor method of measurement for compulsory participation. Therefore, some kind of formal deliberative procedure would need to be introduced, where participation would be compulsory. This could take the form of town hall meetings, deliberation day or jury duty. At first sight this does not necessarily appear problematic. In some countries, such as

[42] This can be expressed by the inequality '$C > pB$', where 'C' stands for cost, 'p' stands for probability and 'B' stands for benefit (Mueller 2003).

Greece or Australia, it is already compulsory to vote. What is the difference between making people vote and making people deliberate?

Let us see what is involved in each of these activities. It is reasonable to say that the vast majority of voters do not just walk into the polling station and tick a box randomly, but give their decision some thought. Therefore, voting involves two distinct activities: getting informed and casting your vote.

The cost of getting informed can vary enormously from individual to individual. There are those who enjoy reading and talking about politics; for them getting informed is a positive benefit rather than a cost. But picking up the minimum amount of information needed to make more than a random choice at an election should not be very costly. Television news, free newspapers, political campaign posters, canvassing, leaflets, news on the radio and so on allow citizens to find out such basic details as the names and party affiliations of candidates and their key policy priorities. Over time people build up knowledge about heuristic cues, such as party policies, and will use this knowledge to fill in some of the gaps. How easy and cheap it is for people to acquire this information and where they will stop their search will vary from individual to individual. As we have seen in chapter six, seeking out information will not necessarily result in becoming more competent. Receiving information from unreliable sources may make individuals less competent when choosing the candidate that is best for them and if they do not prize getting informed very highly, they might never invest the time into figuring out that the source was unreliable in the first place. But in general it can be said that getting sufficiently informed to make a decisions about who one should vote for before walking into the polling station is not too onerous a demand.

The cost of voting itself varies less from individual to individual than the cost of getting informed. Things that matter here are the distance citizens need to travel to get to the polling station, whether they need to queue, the weather on the day and other commitments they might have on the day - few people are likely to turn out to vote on their wedding day or right after a funeral for example. By organising elections well some of these costs can be reduced. Short travelling distances to polling stations and no queues

make it less costly to vote. But in developed countries going to the polling station in itself is a relatively easy task.

On one side of the equation we have the cost of voting. On the other side of the equation we have the benefit that a citizen receives from getting her preferred party or candidate elected. These could be material benefits, such as tax cuts, increased pensions and benefit payments, improved public services, more public goods or they can be psychological, such as the positive feeling one receives on knowing that the 'right' people are governing the country. These benefits could be substantial. However, they need to be multiplied by the probability that a vote will be pivotal, that is it will be the decisive vote in the election. When thousands or millions vote in an election this probability is so low that the benefit side of the equation is bound to be smaller than the cost side. And yet people do turn out to vote in large numbers. This is known as the paradox of voting.

In order to solve this paradox often another variable is inserted into the equation: duty or a taste for voting (Riker and Ordeshook 1968). Voting in elections can be seen as the minimum amount of effort required in order to remain a virtuous citizen. Not voting can lead to guilt and voting can lead to positive emotions, which outweigh the cost of voting. Education and observing what the majority does in society can reinforce this (Brennan and Pettit 2004). If we accept that voting is a minimal requirement of civic duty in a democratic society, then making it compulsory makes sense. It gives a very strong signal to people that they need to vote in order to be good citizens. It provides democratic government with greater legitimacy. And it can be argued that the cost of voting is outweighed by the benefit of each citizen participating in politics and carrying out his or her civic duty.

Now let us return to compulsory deliberation. Both acquiring information and taking part in deliberation are more costly than in the case of voting. In order to participate in deliberation that even minimally approximates the ideal citizens need to be able to offer arguments that they can justify publicly. This means that the minimum amount of information gathering people can get away with is significantly greater than in the case of voting. It is not enough to know candidates' names and party affiliations and to have a

vague idea of their policy positions in order to participate in deliberation properly. This is costly for citizens. No matter what topic will be up for debate, relatively detailed knowledge of the issue, different positions taken on it and the possible solutions to it is required. As we have seen in the previous chapter, there are very few issues that citizens are willing to become informed about to this extent. Moreover, the information they do possess is often biased and incorrect.

In order to simplify this task, organisers can provide information to deliberators, as it is done in deliberative polls. Here material on the issues discussed is distributed to participants before the actual event, offering them an opportunity to prepare in advance, and expert testimonies are provided during deliberation as well, where participants also have the opportunity to question the experts themselves. This also tells participants how much knowledge is required, thus they do not need to decide themselves when they should terminate their search for information.

There are two problems with this argument. Firstly, organisers would need to ensure that the material provided to participants was unbiased and sufficiently comprehensive. Even if there is no obvious bias in the material, leaving out a relevant argument may influence the debate in unexpected ways. This problem is not crippling, however. With the necessary publicity and checks and balances in place it could be ensured that the information supplied to deliberators was of a high quality.

The second problem is that providing information to deliberators will only remove one of the costs to participants: the cost of searching for information. They would still need to find the time and the motivation to read through or listen to these arguments and to think them through. This is often just as resource-intensive as searching for the information itself.

In addition, the personal benefits of taking part in deliberative processes are less obvious than in the case of voting, as there is no clear link between attending a deliberative meeting and getting one's desired political outcomes. While we can define the pivotal voter as the individual whose vote is decisive given the votes others have cast, there is no

equivalent definition for a pivotal deliberator. The impact each individual in a deliberating group has on the final decision depends on a very complex system of interactions.

Individuals who are confident public speakers and are able to make convincing arguments will be more inclined to participate in deliberation. This is especially the case if they need to invest little into becoming informed, as they are already interested in the issue under discussion and probably hold strong preferences over it. Yet this is not going to be true in the case of most citizens.

Some theorists argue that part of the reason why such deliberation should be introduced is that it would induce citizens to hold better reasoned preferences. Accordingly, participating in deliberation would lead them to believe that holding well-reasoned preferences is both necessary in order to be able to participate fully in political life and desirable in order to fulfil one's civic duty. And in turn, such citizens would be more likely to participate in informal deliberation amongst themselves.

Citizens, however, cannot have a duty to participate in politics to an extent that interferes with their other opportunities and interests. This violates their liberty to choose what their idea of the good life is. The argument that voting should be considered a minimal duty for citizens is more acceptable, as it contributes to the checks and balances and the upkeep of a political system – liberal representative democracy – that allows them to live freely and to choose their own conception of the good life. Deliberation does not do this. Inasmuch as the state forces citizens to participate in deliberation it tells them that the good life is one where everyone participates in political life extensively.

This means that making deliberation compulsory would impinge on citizens' freedom to participate as little or as much in politics as they want to. While some have made an argument for compulsory voting, these arguments will not hold given the cost of deliberation for individuals. And as I argued in chapter four, some citizens, such as the Amish or Trotskyists, hold a conception of politics or the good life which is opposed to participation in deliberation. If only a few citizens would want to take part in deliberative exercises, the only possibility is to ensure participation through coercion. This violates the principle of political liberty.

However, if deliberation is not compulsory, it is more likely to become biased. There is a statistically significant relationship between participation in political activities and socio-economic background (Verba et al. 1995). Better-educated, wealthier citizens are not only more likely to vote, but they are also more likely to participate in other forms of political activity, such as campaigning for parties and candidates. A similar bias could develop in the case of deliberation as well. This would decrease the legitimacy of deliberative decisions significantly. We cannot argue that a community, a society or the electorate decided an issue through deliberative discussion when in fact a biased subgroup of it has done so. This is especially true as those who hold intense preferences over issues are also more likely to participate in deliberation. These participants are unlikely to change their preferences drastically as a result of hearing new arguments during deliberation, as they already have strong beliefs and preferences over the issue in question.

Such biased deliberation does not correspond to the normative standards laid out in the deliberative democracy literature. And such imperfect deliberation also raises questions about other normative issues, such as equality or legitimacy, which could threaten the deliberative democracy project.

Problems with the Deliberative Conception of Politics

We can now see that the theory of deliberative democracy assumes the existence of a very specific normative conception of politics. This conception wants to honour the seriousness of collective decisions and it wants to do so by making collective decision-making more reasoned and more mutual. However, there are three problems with such a conception of politics. Firstly, the kind of debate favoured by deliberative democrats often seems apolitical in nature. Focusing on reasoned discussion and preference transformation in line with the deliberative ideal leads to a relative neglect of citizens' interests and strongly held moral and ethical beliefs. Secondly, deliberative democrats make very specific assumptions about which viewpoints count as reasonable, how preferences will be transformed and

what kind of outcomes they will result in. Thirdly, as we have seen in the section above, participating in deliberative democracy is very costly, which creates problems for those who do not agree with the deliberative conception of politics. As a result, deliberation cannot be used as the main decision-making method and the foundation of a model of democracy.

My first charge is that deliberative democracy is apolitical. Deliberative democrats do not require citizens to put aside their own interests and preferences entirely. They argue that it is acceptable to introduce our interests into the discussion as one of the factors which everyone should take into account when decisions are made, but ultimately we should not base our final collective decision only on each citizen's selfish private interests. This still requires them to adopt a specific frame when it comes to collective goods, one that is not only tolerant of others, but also other-regarding, seeking to take the needs of others into account when choices are made. This is a view of politics where self-interest is less important than making decisions that are mutually not only acceptable, but appear to be good for other participants.

Difference democrats, most notably Young (2000), have of course pointed out that one of the problems with the standard model of deliberative democracy is that it favours dispassionate, logical debate of the form traditionally practiced among well-educated white males, thereby putting everyone else, including women, minorities, and the not so well-educated at a disadvantage. The solution Young offers to this problem is shifting the focus from 'deliberation', a conceptually loaded term that reminds us of the seminar room more than it does of politics, to 'communication'. Communication includes more ways of exchanging information than deliberation does, and communicative democracy puts a special emphasis on inclusion. The rough reasoning is that by including more forms of communication, we will also include more people. However, this does not solve the fundamental problem that frequently deliberation will not be the best way of solving collective problems, as it is apolitical and does not accommodate the magnitude of disagreement between citizens.

Politics is founded on disagreement over moral issues as well as on disagreement about allocating scarce resources. As we have seen above, this leads us to desire a political process that gives proper weight to collective decisions. But at the same time, it should also lead us to seek a political system that takes into account people's interests, as well as the very strong beliefs that they hold over some issues such as abortion, wars or the environment. Sometimes the strength of people's interests and beliefs will preclude the kind of benign, apolitical discussion that deliberation must be in order to remain reasoned and other-regarding. Instead they will need political opportunities that will allow these interests to be expressed and reconciled and solutions to be found without asking citizens to compromise on the strength of their preferences or beliefs. For these reasons, bargaining and interest group politics are often better ways of resolving democratic conflict.

The second problem is that the model of deliberative democracy makes important assumptions about the types of beliefs and preferences reasonable individuals will hold and the way these will be transformed.

At times the model of deliberative democracy does not accommodate viewpoints which do not correspond to the conception of politics that it portrays. Thus, Gutmann and Thompson (1996) reject viewpoints that they consider irrational on the basis that they are weakly grounded in morality. Arguments they disagree with are classified as 'unreasonable' or not 'moral reasons'. Stanley Fish notes the following about Gutmann and Thompson's treatment of the parents in the Mozert v. Hawkins Board of Education case, who objected to the use of certain textbooks on religious grounds: "Notice that what looks like an argument is really a succession of dismissive gestures designed to deflect objections to a position [Gutmann and Thompson] are unwilling to relinquish or even examine. Ironically, these gestures are the best example of the closed-mindedness the authors inveigh against" (Fish 1999, 91).

Furthermore, the deliberative process does not just aggregate individual views and preferences. The outcomes that emerge out of discussion are more than the sum of their parts and instead they are the result of a collective transformation of preferences. This

partly explains the repeated emphasis on consensus, that the decisions made through deliberation are somehow more agreeable to each individual than a simple compromise, because they are the result of this collective and valuable process.

Of course this means that we have to make the assumption that the deliberative procedure results in the right kind of preference transformation. Deliberative democrats rely on the argument that if citizens get together to deliberate, they will do so in a civil manner and will increasingly come to adopt other-regarding preferences. As their preferences are transformed, as they create shared meaning out of their discussion with other groups, they will produce a collective decision that is qualitatively different from decisions produced through non-deliberative means such as interest group and electoral politics.

Experience tells us and the social sciences confirm that social and political life is often not like this. Instead, people often define themselves in opposition to others and use perspectives that are not other-regarding, or at least not when it comes to those whom they do not regard as 'one of them'. Politics is often highly adversarial. Citizens have interests and beliefs and are often willing to fight for them, rather than assessing the needs of others.

The problem with the literature on deliberative democracy is that when it argues that more political decisions should be made through discussion between citizens, it also defines how those discussions should take place and what kind of outcomes they should result in. Or even more problematically, the literature sometimes prescribes how those discussions should take place in order to arrive at an outcome which the theorists hold to be desirable. But we cannot even usually agree on how to fulfil the values that deliberative democracy advocates. One person's other-regarding policy may be another person's selfish, misguided one. Welfare policies are a prime example for this.

The third problem is that, as we have seen in the section of this chapter above, participating in deliberation is a very costly activity. In the theory, this participation becomes the civic duty of citizens, but at no point is this assumed to be burdensome. However, we cannot assume that all citizens will hold a conception of the political that

allows for this. Many citizens will view politics as something which does not require active participation on their part, as something irrelevant, or as something that is fundamentally rooted in strong moral claims or conflict. This is born out by evidence from surveys mentioned earlier in this thesis both from the US (Verba et al. 1995) and the UK (Electoral Commission 2006, 2007).

As we have seen above, the amount and kind of political participation that is required by the theory of deliberative democracy will limit the freedom of citizens. Of course, even the most minimal conceptions of the political will restrict this freedom to some extent, but the deliberative conception of politics will do so more than let us say the current liberal representative one. The reason for this is that it requires very specific standards of deliberative political behaviour that are costly both in terms of time and resources as well as psychologically, by requiring citizens to be other-regarding and practice reciprocity.

As a result of these problems, deliberation must be seen not as the ultimate foundation of democratic politics, but as one element among many in political decision-making. Other elements are necessary for a healthy democracy. Bargaining is often necessary to resolve interest group politics. High emotions and strong beliefs are manifested through protests and demonstrations. Citizens are relieved from day-to-day political decision-making through delegation to elected representatives and career bureaucrats.

One can now raise the objection that no deliberative democrat ignores the continued need for elections and representation and other forms of political action. However, they do argue that deliberation is at the very least the first among equals. While these other aspects of political life may be necessary too, it is deliberation that should be the legitimating driving-force in democratic regimes, since it connects citizens and politicians in a framework of moral policy-making and it should be the basis on which other decision-making mechanisms, such as bargaining, are legitimised.

But deliberation is unable to achieve this function. As we have seen, the justifications offered for it are not strong enough and the kind of conception of politics that it favours is too participatory and too apolitical to be the best one in a pluralistic society. Instead,

democratic politics needs to be viewed as a more complex system of interactions. One of these is deliberation, and while it is important, it is not more important than other mechanisms such as representation or interest group politics.

Alternatives in Democratic Theory

One could argue that there is something missing in contemporary democratic practice and thought. The deliberative turn in democratic theory offers us a way in which the shortcomings of democracies can be addressed. No one would argue that existing democracies already model for us an ideal form of political organisation and political decision-making. However, we need to ask ourselves whether this desire for improving democracy is primarily a problem of practice or theory or perhaps both.

On the practical side there is much that theorists and political scientists bemoan about stable democracies. Citizens participate little in politics and most of this participation takes the very limited form of voting once every few years. They are also badly informed and apathetic. Citizens themselves often complain about the corruption of politicians and the inefficacy of the democratic system. They often do not see clearly how their preferences are translated into policies and more often they feel that they are not. Many feel that the inequalities in stable liberal democracies are far worse than wealthy modern societies should tolerate. The state is often seen as both too intrusive and as not doing enough.

On the theoretical side we have to admit that currently the most coherent model of democracy is the deliberative one. Other models of democracy are often rooted too far in empirical political science to offer us viable normative models or they are not very well-developed or they are seen as outmoded.

Deliberative democracy aims to offer answers both to the practical and the theoretical problems of democracy. On the theoretical side, over the last twenty years a highly sophisticated model of democracy was developed through scores of academic

publications. On the practical, empirical side, there are more and more ideas of how deliberation could be implemented in real-world politics, a growing field of experimental research and a developing network of practitioners.

However, deliberative democracy is not the only answer to problems with the theory and practice of democratic politics. Another model may be offered by the recent literature on representative democracy (Manin 1997, Urbinati 2006, Dovi 2007, Urbinati and Warren 2008). These authors do not reject the advances made by scholars working on deliberative democracy, by emphasizing the inclusive, reasoned debate that is necessary to honour the seriousness of collective decisions. However, following in the footsteps of Pitkin (1968, 2004), they turn the theoretical focus back to also include interests and representation. Urbinati (2006) argues that representative democracy is not a second-best, a form of democracy that should only be implemented when our efforts at direct democracy have failed. Instead, representation brings with itself a distance in time and space that allows us to make decisions that better correspond to our real needs.

Apart from offering ways in which the democratic practice may be revolutionised, deliberative democracy could serve another purpose. It can offer us a fresh perspective on current democratic institutions and a yardstick against which they can be evaluated. Thus, its primary function may not be necessarily to call for the introduction of new, more deliberative institutions. Instead, it can serve to give new focus to the study of democracies in empirical political science.

A viable model of modern democracy needs to incorporate not only deliberation, but also representation, voting and interest group politics. It needs to represent the fact that in politics citizens compete for scarce resources and try to solve seemingly intractable moral dilemmas. Thus, at different times, different decision-making mechanisms will become necessary. We cannot solve the problem of democratic politics by applying deliberation to all problems, in all places, at all times. The best method of democratic problem-solving and decision-making will always be contingent on many factors. But what makes such a theory democratic? In order to achieve this we need to ensure that each of

these different elements is as inclusive and as equal as possible. Most of the time this will mean formal rather than substantive equality.

Current liberal representative democracies already embody these different decision-making methods. Modern liberal representative democracies are quite stable, given the historical and social context within which they exist. Once this context changes, they might not be able to survive in their current form, but this is not the situation that deliberative democrats envision. Despite their shortcoming, they also exhibit more tolerance, equality and inclusion than any other existing large-scale political decision-making process.

Liberal representative regimes do not place undue burdens on citizens. Electing representatives who have incentives to act in the best interest of their constituents works as an effective mechanism for the division of labour. Furthermore, all citizens have a right to participate in politics to the extent they want to, whether this means not participating at all, or running for high office.

But how does liberal representative democracy fare when it comes to some of the core normative values of democracy? Consolidated liberal representative democracies are usually highly transparent, making the government accountable to its citizens. While there are some systematic differences to the extent citizens participate in politics (Verba et al. 1995) these are not formalised in laws or constitutions and each citizen has a right to participate. They also provide equality at the fundamental legal and political level. They provide rights, such as free speech, that ensure that no view can be officially suppressed in politics. Given modern communication technology, ideas can be disseminated easily, without significant barriers. Liberal representative democracies also provide human rights more reliably than any other political system. They are responsive to the wishes of majorities, while they have effective legal, institutional mechanisms for preventing tyranny of the majority.

Overall, liberal representative democracies provide a good framework within which improvements to democratic theory and practice can be conceptualised, such as promoting more participation or deliberation. A viable model of democracy needs to acknowledge

that choosing the best decision-making procedure is not as simple as applying deliberation to as many situations as possible. Instead, different procedures will fit different circumstances and what makes these democratic are the underlying values that motivate them.

This leads me to conclude that a more comprehensive model of democracy needs to be developed that integrates deliberation with preference-aggregation and representation. Such a model would have to take into account the preferences, interests and strong moral beliefs of individuals, given that political decisions have to be made under conditions of scarcity and competing moral values cannot always be accommodated. While such a model of democracy would include deliberation, it would not make it its primary method of decision-making.

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