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Weber's Dilemma and a Dualist Model of Deliberative and Associational Democracy

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If deliberative democracy is to be more than a critique of current practice and achieve the normative goals ascribed to it, its norms must be approximated in practice and combine its two elements, popular deliberation with democratic decision-making. In combining these we come across a Weberian dilemma between legitimacy and effectiveness. One of the most popular methods for institutionalising deliberative democracy, that has been suggested, is citizen associations in civil society. However, there has been a lack of precise and detailed discussion about how such a system could link macro deliberations in public spheres with micro and formal decision-making arenas. This paper aims to amend this, and offers a dualist model, which ensures that deliberation and decision-making are linked and an effective balance between the Weberian dilemma is achieved, through the same secondary associations fulfilling both roles. The first part of this strategy focuses on the informal public sphere and its networks and their potential to foster deliberative communication between secondary associations and between these associations and the state which helps transform preferences and set the agenda for decision-making. The second part is mediating forums, organized by quangos, with devolved powers, where representatives from secondary associations assemble to make decisions based upon the norms of deliberative democracy. If deliberative democracy can be approximated in practice then it becomes a more persuasive theory as it means the normative goals attributed to it could actually be achieved, which is why the dualist method is significant

Keywords: deliberative democracy; associational democracy; public sphere; mediating forums; dualism.

Introduction

Central to deliberative democracy are the beliefs that preferences will adapt to reason, as preferences are exogenous and formed during the political process rather than prior to it and if deliberation is collective, public reason will be generated as participants take on the considerations of others. Following these core beliefs, deliberative democracy has received a number of normative justifications. Included is the prudential justification which suggests that deliberative democracy enables preferences of the participants to become more autonomous by overcoming inequalities in information and rationality (Festenstein, 2002, 103; Elstub, 2006; Elstub 2008). There is also the epistemic

justification which suggests, that deliberative democracy, by generating public reason, is the decision-making method most likely to lead to decisions that are true, well justified or commensurate with justice, needs or the common good (Bohman, 1998, 403; Festenstein, 2002, 99; Warren, 2002, 192; Elstub, 2006). A further justification is that deliberative democracy produces just decisions, as it represents a set of fair procedures in which all have been able to participate equally in debate, which encourages participants to consider the preferences of others (Festenstein, 2002, 102-103; Warren, 2002, 193; Elstub, 2006). In addition these normative claims have been empirically supported by an increasing amount of deliberative experiments (Fishkin, 1991, 1995; Luskin et al 2002; Hansen, 2004; Andersen & Hansen 2004; Andersen & Jagger, 1999; McCombs and Reynolds, 1999; Coote & Lenaghan, 1997; Coote 1997; Renn et al, 1995; McIver, 1997; Stewart et al, 1994; Kuper, 1997; England, 2000; Barnes, 1999).

In order to, sufficiently, explore the issues of institutionalization, this paper is unable to review these normative arguments, or empirical evidence in any depth. It therefore starts from the premise that deliberative democracy is normatively desirable. Nevertheless, the issue of institutionalization is central, as these normative goods will not be produced if deliberative democracy is an irrelevant and utopian theory because it is unachievable in modern complex societies. If this is the case then deliberative democracy is a counterfactual ideal and must remain as a critique of actually existing democracy (Benhabib, 1996, 84; Femia, 1996; Miller, 2000, 143). Moreover, if deliberative democracy is to deliver the normative goods ascribed to it, then through institutionalisation, it must link collective deliberation with decision-making (Squires, 2002, 142; Dryzek, 2000, 2; Bohman, 1996, 177, Leib, 2004, 5-6 and 39). There are two parts to deliberative democracy; the democratic part is collective decision-making through the participation of all relevant actors, while deliberation is the give-and-take of

rational arguments (Elster, 1998, 8). If collective deliberation is not linked to decision-making then the fact participants preferences are more prudent seems irrelevant, better decisions will not be made, and decision-making procedures will not be fairer. However, attempts at combining deliberation and decision-making with citizen participation lead to a Weberian dilemma (1978): 'Either decision-making institutions gain effectiveness at the cost of democratic deliberation or they retain democracy at the cost of effective decision-making. In either case citizenship, deliberation, and decision-making fail to be linked together' (Bohman, 1996, 178).

Hendriks suggests that there are two broad types of strategy for institutionalizing deliberative democracy: Firstly, there is micro deliberative democracy, which focuses on ideal deliberative procedures, within structured decision-making arenas within the state. Secondly, there is macro deliberative democracy, which favours informal and unstructured deliberative communication, aimed at opinion formation, within civil society outside and, often against, the formal decision-making institutions of the state. Micro deliberation tends to be too elitist, excluding too many participants, while macro deliberation is more open, there is a failure to sufficiently empower citizens and make their participation effective, unless this deliberative communication is linked to decision-making and micro venues. Therefore, Hendriks argues that it is essential for both micro and macro deliberative democracy to be integrated (Hendriks, 2006). If deliberation is located only in civil society then we must be sceptical as to whether the resulting decisions could be actualised, if they cannot be, then popular sovereignty is lost. This paper offers a dualist model of deliberative and associational democracy, arguing it provides a reasonable balance to the Weberian dilemma by connecting the macro deliberations of citizens with micro democratic decision-making institutions. It involves two dimensions for secondary associations, the first is their participation in the

communicative processes of the informal public sphere; the second is their incorporation into the institutionalised and decision-making processes of the formal public sphere.¹

The dualist model for institutionalizing deliberative, and associational, democracy offered here accepts a liberal democratic and capitalist framework, and the many limitations this system, and its distribution of power, presents for approximating the ideal of deliberative democracy. This is because closer approximation of deliberative democracy in practice must start from the here and now: ‘alternative institutions cannot be made out of air. Both imagining and external alternative institutions must begin with some elements of existing social life’ (Young, 1995, 207). Nevertheless, it is still maintained that there is room for significant institutional change within the liberal democratic system that would lead to significant normative developments, and the dualist model of deliberative, and associational, democracy, outlined here, still represents a radical break from the current institutional system.

Therefore, this paper argues that, a dualist strategy remains a promising strategy for institutionalising deliberative democracy. In contrast to Habermas (1996) and Hendriks, the paper envisages the same secondary association communicating in the informal public sphere, and participating in making legislation in the formal public sphere. The ‘formal deliberative structures’ would therefore not function ‘in a separate realm from active public spheres’, which is Hendriks’s main concern of associational democracy as a method of institutionalising deliberative democracy (Hendriks, 2006, 497). The model here then significantly differs from Hendriks’s ‘integrated system’ as she is against associational democracy altogether, due to skepticism that associations will represent a sufficient diversity of citizens, that associational representatives would

be good deliberators due to inevitable partiality, and that they could avoid being co-opted by the state (Hendriks, 2006, 497). These significant concerns will be responded too in the course of the paper. Overall it is suggested that this dualist method offers a reasonable trade-off to the Weberian dilemma, effectively combining deliberation of citizens with decision-making and enabling deliberative democracy to be approximated and there-by achieving the normative goods that have been ascribed to it.

The Informal Public Sphere

In liberal democracies, despite currently not approximating deliberative democracy very closely, civil society generates deliberation through communication between its organisations, which forms a generalised debate in the informal public sphere. The public sphere can be characterised as ‘the space in which citizens deliberate about their common affairs, and hence an institutionalised arena of discursive interaction’ (Fraser, 1992, 110). These public spheres can appear at local, national, international or functional level and are examples of macro deliberative democracy. Following Habermas (1996), it is suggested that the informal public sphere is capable of fulfilling two key elements of the dualist approach: the creation of ‘public opinion’ and ‘agenda setting’.

Public spheres are dependent upon flows of communication between secondary associations and other organisations. The role of associations as communicators in the public sphere is an intrinsic one, as associations are established through communication between individuals themselves and because many try to influence the preferences of the general public and members of other associations by representing and voicing the views and interests of their members (Habermas, 1996, 369; Warren, 2001a, 78-80;).

These flows of communication can then influence the opinions of the public and will be more likely to be based upon reason and be publicly orientated, as in order to convince the 'general public' of the validity of their concerns and preferences, associations must be able to 'employ and appeal to norms of publicity'; limiting their potential to act as strategic actors. It is these factors that make informal public spheres such promising locations for deliberative democracy. A dualist model of associational democracy is likely to enhance these processes; as secondary associations become more important political actors their discourses will too. Outside the informal public sphere, many organisations avoid public processes so they can assert private interests and maneuver themselves to gain vested state powers via non-public processes, through funding political parties, lobbying and private consultation that leads to the subversion of formal representative institutions. Associations that are vested will try to avoid public debate and employ money and power to achieve their goals, only entering into public debate when they are forced to justify their actions, privileges and preferences (Warren, 2001, 165). When bargaining with government officials, sanctions and rewards are used to apply pressure on the government, however, inside the public sphere, the effect of interest groups is limited as these techniques are ineffectual as convincing reasons become increasingly influential at transforming preferences and mobilising public opinion: 'Public opinion can be manipulated, but neither publicly bought nor publicly blackmailed' (Habermas, 1996, 364). With associations participating in public, deliberative and legislative forums, the influence pressure groups could gain through private processes will be lessened, even though processes of lobbying are likely to never be eliminated. Hayek argues that such consequences are 'the inescapable result of a system in which government has unlimited powers to take whatever measures are required to satisfy the wishes of those on whose support it relies' (Hayek, 1979, 13-15). However, in the dualist system, envisaged here, governmental powers will be

significantly reduced, as the devolved forums will become the primary legislative bodies, with each forum responsible for only a few policies. Despite this there will still be plenty to gain for interest groups by accessing the government through private processes, as the government will still play a significant role, especially in relation to agenda setting. This then seems an inevitable consequence of liberal democratic rights, as it is not possible to outlaw lobbying and private bargaining relationships with state representatives. Therefore, it is perhaps the best we can hope for, and a significant achievement, to reduce these private and unequal methods of influence for civil society.

If the decision-making agenda is to reflect the public discourses of the informal public sphere it should be set through the 'outside access model', as it is the only model of agenda setting that endorses communication in the informal public sphere. The pressure upon the formal political system to consider the issue, from the informal public sphere can be produced in three broad ways, all of which can be both democratic or undemocratic: A group can articulate a grievance, communicate with other groups (with the aim that they take on board the issue) and pressurise decision-makers to deal with the issue and put it on the formal agenda (Cobb, Ross and Ross, 1976, 132). More specifically, the informal public sphere can change political discourse, which in turn affects how 'terms are defined', 'issues are framed' and can 'influence political culture' e.g. racial equality and feminist movements. Through the establishment of its own policy forums, pressure can be placed on legislative bodies, holding them accountable.² Finally, protest located in the public sphere can pose the threat of political instability, causing the government to react in some way (Dryzek, 2000, 101-103).

The media plays a significant role in communicating ideas, needs preferences and issues within the informal public sphere. In fact the mass media constitute publics

themselves, as one of their primary roles is to induce public debate on issues that it raises and to justify the raising of such issues. However, the media, in liberal democracies, currently reflects, and consequently reinforces, the vast disparities of economic, and political power and is not accessible to all actors in civil society. Associations outside the political system, or outside large organisations, will have a much reduced chance of influencing the media output due to its market structure. This factor is accentuated, if the views of the association fall outside ‘centrist’ or ‘established opinions’ that dominate the media (Habermas, 1996, 377; Bohman, 1996, 132 and 140-1; Warren, 2001, 168). Therefore the transformation of the media is probably one of the most essential requirements for the meaningful approximation of deliberative democracy (Habermas, 1996, 378). Exactly what framework the media would need to take, and how these changes would occur, is a study in itself, and therefore outside the remit of this paper. Nevertheless, normatively a democratic and pluralised media, which did not tacitly reflect inequalities, is necessary.

Therefore, in liberal democracies, although the agenda tends not be formed through this method, civil society still plays a ‘surprisingly active and momentous role’ (Habermas, 1996, 381). For example opposition to nuclear arms and power, genetic engineering, ecological threats, third world debt, the encumbrance of risk, racial discrimination and gender inequality have all arisen from the informal public sphere (Beck, 1999; Habermas, 1996, 359). Therefore, the informal public sphere can change institutions, forcing them to adapt to new publics offering new visions, interpretations, issues and beliefs. Institutions must somehow interact with these new publics, even if they are simply trying to suppress them rather than democratically communicate with them: ‘In the process, institutions are changed in a variety of ways: in their concerns,

in their ongoing interpretation of rules and procedures, in their predominant problem-solving strategies and so on' (Bohman, 1996, 201). A deliberative, and associational, dualist model increases the chances that the 'outside initiative model' of agenda setting is employed by making secondary associations a key locus of political participation and representation. Consequently, the media and state will inevitably be encouraged to give the public sphere more attention, just as political parties receive much attention now. If they did not, then, their credibility and legitimacy would seriously be challenged as secondary associations will also become central legislative participants through the decentralised forums, as will be discussed in more detail in the following section.³

Micro-deliberative sights, such as the forums, require a clear and, often, narrowly focused agenda to be effective and enable rational decision-making. However, the danger is that elites can provide an overly narrow agenda that excludes the views of affected groups by its definition and therefore frame the decision. As already suggested the greater focus on informal public spheres provided in a dualist model, advocated here, helps overcome this, enabling macro-deliberative processes to provide an agenda which generates open debate over the agenda and its definition. Nevertheless this is unlikely to be specific enough for the forums, and the agendas arising from the macro-public sphere will still need to be interpreted and, inevitably, this seems to be a role that will involve current political elites (Parkinson, 2006, 128-133). However, the process of interpreting the competing agendas of the informal public sphere could still be combined with more democratically deliberative methods. An innovative idea from Parkinson is for local and national governments to have committees whose function is to gather submissions from civil society groups. This could be combined with processes like an 'electronic town hall' where thousands of citizens would assemble to debate and vote on the agenda before it is formalised (Parkinson, 2006, 170), and this would make

agenda setting a more equal process. However, there are other problems relating to inequality of access to the informal public sphere.

In current liberal democratic societies, the informal public sphere is plagued by inequality of access, which would affect its potential to fulfil deliberative roles in a democratic manner and would enable the discourses of the powerful to dominate. For example, Fraser argues that socio-economic inequalities cause the cultural ethos, developed by socio-economic groups, to be unequally valued. She further suggests that in everyday life, and within the public sphere, such powers are magnified because inequality, in the political economy, affects opportunities for access to participation, therefore, meaning public spheres are not, and cannot be, neutral and equally 'expressive of any and every cultural ethos' (Fraser, 1992, 120). This inequality severely limits a public sphere's potential to fulfil both deliberative and democratic roles. Habermas is right, however, that 'influence' cannot entirely escape democratic connotations despite these inequalities, as unless the public finds the assertions of associations convincing in some way, they will not be influenced by them. This is because communication rather than money or bureaucracy is the dominant media in the public sphere (Habermas, 1996).

Habermas envisages a single public sphere, suggesting that socio-economic inequalities can be 'bracketed' so that participants deliberate together as peers. This view seems mistaken, as Fraser is aware; all discursive arenas are situated in a broader socio-economic environment, which forms many aspects of the individual participants, making it impossible for participants to bracket these inequalities. 'Bracketing' would also be biased towards the dominant social groups as it is 'tantamount to filtering diverse rhetorical and stylistic norms through a single, overarching lens' (Fraser, 1992,

120-6). Fraser suggests multiple public spheres are the solution, as they provide subordinate groups with the arenas to deliberate and form collective preferences, goals, strategies and identities away from the unequal influence of dominant groups. This is important because participation in a public sphere is not just about asserting neutral preferences, but about forming ones own identity, preferences and needs. This is why subordinate social groups e.g. women, workers, racial minorities, homosexuals and the disabled have been motivated to form alternative publics, or what Fraser terms 'subaltern counter publics' (Fraser, 1992, 123). These are enclaves that are often excluded and become factionalised by the political process. Nevertheless, they aim to disseminate their beliefs, and communicate these to as broad a public as possible, through networks with other associations and between public spheres (Fraser, 1992, 124). Although not all networks are public, they do enable secondary associations to spread their message to other public spheres that would otherwise not hear, or address, such issues. In addition, networks enable the pooling of resources and information between, as well as within, secondary associations and therefore create economies of scale that can address some of the socio-economic inequalities that exist when a group is trying to be heard (Bohman, 1996, 136). The dualist model outlined in this paper has many features that should aid the multiplication of existing public spheres, such as functional and territorial devolution, the creation of a multiplicity of legislative arenas- the mediating forums- and the promotion of secondary associations to a prominent role in governance. The pluralism inherent in the associational system will also help soften the undemocratic effects of inequality. If citizens have multiple and fluid membership in associations then the inequalities from each sphere should be contained, to a certain extent, as well as ensuring that democratic power is not determined by any single ascriptive characteristic (Warren, 2001, 215).

Although multiple public spheres would help reduce some features of inequality it would not remove the social and economic relationships that cause these inequalities. Therefore, there would still be barriers to participation such as the lack of resources (money, the distribution, number and type of associational members) and discrimination that would prevent equal participation in the associational and decision-making system. The distribution of income and education, significantly, affects levels of participation (Verba et al, 1995) so, further measures to rectify the effects of existing inequalities of wealth, race and gender on opportunities to participate in the political process must also be addressed (Young, 1990, 72), especially as inequalities in power and money are perpetuated in associational membership (Skocpol 1999; Verba et al, 1995, chapter 12; Schattsneider, 1975; Salamon and Anheier, 1996; Van Deth, 1997, 9). Cohen and Rogers suggest limiting individual financial contributions to political groups, lowering barriers of entry to political processes and macro-economic measures such as ‘inheritance taxes, income redistribution and subsidies for the organisation and representation of under-represented interests’ to prevent excessive inequalities being generated in the first place (Cohen and Rogers, 1995, 37). Young suggests there is a need for differentiated resource allocation to associations by the state, to address inequalities between social groups that have arisen from historical processes of disadvantage and oppression (Young, 1995, 212).

Such measures are definitely necessary, but waiting for distributive fairness, before aiming for greater participative opportunities, would not only postpone deepening democracy to an ‘indefinite utopian future’, but also make this achievement exceptionally unlikely, as this participation is necessary for achieving greater distributive fairness (Young, 1990, 94). Without changing the parameters for distributive decisions that have been stabilised in welfare capitalist states for some time,

significantly greater socio-economic equality cannot be achieved. The dualist model discussed here will alter the parameters by including new participants (Schattsneider, 1975) into distributive decision-making processes and by promoting the use of deliberation in decision-making, which should also help overcome inequalities.

Macro deliberations, like the informal public spheres discussed here, are suitable for generating deliberative influence and opinion formation, but are, what Fraser (1992) terms, ‘weak’ publics as they are usually peripheral to decision-making arenas. In order for deliberative democracy to be approximated, the Weberian dilemma to be successfully resolved, and the normative goals attributed to it generated, arenas for collective decisions are also required. Decision-making arenas are ‘strong’ publics, and examples of micro deliberation. Micro-deliberative fora are further required to help counter the inequalities that might exist in the informal public spheres discussed above (Hendriks, 2006, 496). It is these formal arenas to which the paper now turns its attention.

The Formal Public Sphere- Mediating Forums

The suggestion here is that mediating forums, with territorially and functionally devolved powers, could be legislative arenas where representatives from relevant secondary associations would assemble and, therefore, fulfill the second branch of the dualist strategy. It is essential that these forums are legislative arenas that produce binding decisions in the form of policy that would be implemented and enforced by the relevant level of government if the Weberian dilemma is to be evaded. Without power over policy the arrangements would fail to sufficiently meet the democratic criteria and therefore generate the normative goals attributed to deliberative democracy. The main

flaw of Hendriks's (2006, 501) 'integrated deliberative system', which also combines micro and macro deliberative sites, is that it only results in 'recommendations for decision-makers', rather than decision-making: 'Democracy involves debate and discussion, but these are not enough if they remain inconclusive and ineffective in determining actual policies' (Dahl cited in Gastill, 1993, 16).

One of the principal functional advantages of associations being involved in decision-making, legislative, processes is that once the decision has been made, it generally becomes easier to introduce and enforce (Barber, 1984; Fung and Wright, 2001, 26), which contributes, significantly, to balancing the Weberian dilemma. The forums are also likely to result in less legal challenges, something which plagues much environmental legislation (Fiorino, 1995) meaning a deliberative and associational democracy could lead to less costly legislation and more expeditious policy legislation (Hunold, 2001, 154). As the forums increase the likelihood that all relevant views will be included in decision-making, legislation is more likely to survive legal challenges if they do occur (Hunold, 2001, 154-155). Due to the fact that legislation is now easier to enforce, more options become open to political debate, rather than being ruled out tout court (Fung and Wright, 2001, 18). It also means powerful organisations will have less ability to veto any legislation that they dislike because their co-operation will become less important, due to the increased co-operation of other associations (Cohen and Rogers, 1995, 65-66; Smith, 2001, 78).

There are many other issues and problems that must be addressed if these mediating forums are going to be seen as a credible alternative to the current legislative bodies' dominant in liberal democracies. Many of these will be addressed in a bid to provide more detail to this sketch of these institutions. The nature and manner of

decentralisation to the forums will be considered, the paper will then set out how quangos could take responsibility for organising these forums, specify what role existing institutions of governance would fulfil under this dualist system and finally address the nature and form of representation in the forums. Firstly there will be a consideration of relevant empirical evidence from other deliberative forums, which might provide an indication of how these associational mediating forums might operate.

Empirical Evidence from Deliberative Forums

These associational forums bare a resemblance to European corporatism (Warren, 2001, 119), but corporatism has dramatically fewer groups integrated into the decision-making process, and the groups that are included, are stable, changing little (Offe, 1995, 120). Moreover, corporatist discussions tend to be private, rather than public affairs (Hunold, 2001, 161).

Consequently, we can't look to traditional, and tried and tested, corporatist arrangements, to gain insight to how the mediating forums might actually operate. Sanders (1997, 365–366) points to evidence from juries to demonstrate that it is not the quality of reasons that will persuade people in deliberative settings, but group dynamics and power structures. She argues that those who speak more gain more influence, and that those who speak the most are white males. In contrast Fishkin and Luskin (2000) cite evidence from deliberative opinion polls that suggest all social groups are able to participate fairly.

This seems to demonstrate that the forums require procedures to ensure that all have an equal opportunity to participate and effective moderation can ensure this

(Parkinson, 2006, 86-87). Sanders herself acknowledges that many of these problems can be overcome if evidence-driven deliberation is employed. In this method certain options and opinions are discussed without deliberators being categorized or formerly associated with any particular perspective (Sanders, 1997, 367). This method is more inclusive because it encourages all views to be expressed and so more participants speak and this in turn causes more people to change their opinions. The evidence-based approach can also incorporate difference and there is a greater emphasis of all participants trying to reach an acceptable decision for all, rather than having one view winning out, as it avoids people conforming with majority opinion due to the force of conformity (Sanders, 1997, 367). It might be difficult to ensure that this method of deliberation is always employed in the forums as some associations will have clearly linked themselves to certain views through their activity in the informal public sphere, nevertheless it should remain the aim.

There is extensive empirical evidence available from unpartisan deliberative forums like citizens' juries and deliberative opinion polls that indicates citizens have the competence to address complicated issues, that participants will change their preferences in light of reasons and information, and that they can arrive at compromised decisions (Fishkin, 1991, 1995; Luskin et al 2002; Hansen, 2004; Andersen & Hansen 2004; Andersen & Jagger, 1999; McCombs and Reynolds, 1999; Coote & Lenaghan, 1997; Coote 1997; Renn et al, 1995; McIver, 1997; Stewart et al, 1994; Kuper, 1997; England, 2000; Barnes, 1999). Perhaps more revealing research, on citizen juries, for the purposes here, from Thompson and Hoggert (2001), is concerned with the development of factions, within deliberative arenas, that could offset the benefits of the deliberative process. They advocate combining deliberative plenary sessions with subdivided deliberative fora, as in small groups, factions and 'internal psychological

divisions' are less likely to develop. Moreover, these subgroups do not need to have 'rigidly defined boundaries', if the subgroups have revolving membership, as with German planning cells. This further ensures all get to hear the views of all, and get to express their views to all (Thompson and Hoggert, 2001, 358).

However, all this research is based on non-partisan deliberations, and consequently fails to fully indicate how the associational mediating forums might operate. Partisan deliberative forums, though, are on the increase, and although they do not replicate the associational forums, outlined here, especially in the aspect of decentralizing final and binding decision-making power to the forums, which is obviously a crucial dynamic, they do provide insight and lessons about how deliberation in such arenas is likely to proceed. Evidence from Barnes et al (2004), in their study of a range of forums in the UK, indicates that deliberation, in forums, is not always generated even though citizens enter into dialogue with officials. This occurs due to a lack of awareness, and inclusion of, varying types and sources of knowledge, discourses and forms of expression and also differing levels of respect for participants. It is consequently suggested that deliberation can be more successful in identity sharing groups, (which bodes well for deliberation within the associations) rather than 'forums established by officials' (as the forums advocated here are) (Barnes, Knops, Newman, Sullivan, 2004, 106). Here we see the Weberian dilemma present again, as deliberation might well operate most successfully away from locations where it cannot directly affect decisions. However, this is largely overcome if the participants have prior experience of participation (which the associational members should quickly gain in this model) and if 'prior to engagement with officials' they are able to 'construct their own definitions...' of the issues to be debated' (Barnes, Knops, Newman, Sullivan, 2004, 107). In the dualist model the debates within associations and within the informal public

sphere should ensure this occurs.

Empirical research on a variety of devolved, partisan and deliberative forums, from around the world, co-ordinated by Fung and Wright (2001, 2003), suggests that, despite these threats, the dualist model, of deliberative and associational democracy, would provide several routes to the balancing of power, to enable deliberation to occur in the forums. First, experts and citizens in the forums will both have to justify their views to each other through reasons, which places them on a more equal. Furthermore, the presence of other partisan, associational, representatives will assist in the checking and regulation of powerful groups who might attempt to capture the deliberative process to pursue narrow self-interests (Fung and Wright, 2001, 22). The forums will include the subordinate groups who are usually excluded from decision-making arenas, and because they are participating, the resulting decisions are likely to be fairer. Relative equality will also be aided through the decisions the forums make by ‘delivering effective public action to those who do not generally enjoy this good’ (Fung and Wright, 2001, 26). Moreover, because the forums will be deliberative, decisions are more likely to be based on reason, as opposed to money, power, numbers or status, and therefore lead to more equitable policies (Fung and Wright, 2001, 26; Habermas, 1996; Warren, 2001). In reality, people will not only adapt preferences in accordance with reasons, but also due to other factors such as the source of the information, the manner in which it is provided, the psychological dynamic of the group and pressure to conform with the majority. Despite this, ‘reasons’ remain privileged in deliberative democracy, in comparison to other forms of decision-making.

Decentralisation

The forums outlined here would require a considerable increase in decentralisation than currently present in most liberal democracies. There is nothing inherently democratic about decentralisation as it can mean the restriction/ elimination of legitimate participants from participating in collective decisions (Warren, 2001a, 196), and is therefore only democratic to the extent that it ‘socialises conflict’ by linking collective actions to collective justifications and includes all those affected (Schattsneider, 1975; see also Warren, 2001a, 201-202). Decentralisation therefore needs to be based upon a sound principle in order to provide guidance on who should receive devolved powers, on what policy areas, to what extent and how it should be implemented? One possibility is ‘subsidiarity’, which legislates for both regional and functional decentralisation.

Subsidiarity⁴ is about finding the right level for decisions to be taken, the key ideas being that there are various levels of organisation, of which the nation state is just one, and that there is an apt and relevant level of organisation for each function that society wishes to pursue. Overall the principle’s guiding idea is that ‘decisions are taken as closely as possible to the citizen’ (Follesdal, 1999, 3). The application of this principle would significantly alter the dynamic of power distribution, dominant in liberal democracies, as subsidiarity demands that only if the function cannot be achieved at the lower level should it then be passed up to the higher level. Although the tendency will predominantly be towards decentralisation, the exact content of what decisions should be taken and at what level are not stipulated by the principle and would have to be decided through the political process, ideally a deliberatively democratic one. This presents a significant problem for a transition to a deliberative and associational

democracy as such decisions are initially likely to be made through current processes. Examples can still be envisaged and proposed though, and types of health and social care delivery, bus transport and planning could all be determined, to an important extent, locally, and with the interpretation of 'local' varying from context to context and allowing for 'delineated ecosystem habitats' (Fung and Wright, 2001, 21), thought essential for democratic environmental control (Eckersley, 2000, 120). Issues requiring functional forums include telecommunications and bio-technology, where as issues relating to foreign policy and national defence are likely be made nationally.

In order to ensure effective control and accountability of forum representatives, by those being represented, there should only be two layers of deliberation and decision-making in the dualist model, the first being direct participation in the associations and the second representatives from these associations participating in the forums. Although there should be functional forums organised across territorial boundaries and forums territorially organised at local and regional level there must not be several levels of forums for the formation of any one policy so the decision cannot be passed up to a further forum with representatives coming from the 'lower' forum. This means that a series of forums on a particular issue cannot be held with every locality holding a forum, and then these forum representatives moving on to a regional forum and representatives from the regional forum then moving up to a national forum, with the result being a national policy addressing the issue or even passing to a transnational forum. In such circumstances, the logic would be for the association's representatives, participating in the local forum, to elect the representatives to participate in the regional forum and so on. This would mean that at the regional, and especially the national forums, the representatives would have little credibility over the claim that they represent their constituents and that they are accountable as they would be too far

removed from the citizenry by too many layers of forums and representation. If decisions need to be made that cut across the local and regional territories, then they must be made through functionally decentralised forums. If a national policy is required over an issue then this must be made by national government, if a transnational decision is necessary then this should be made in transnational institutions.⁵ This demonstrates how essential it is that the principle of subsidiarity be applied coherently and consistently when decentralising powers, which in reality will not always be possible due to the difficulty of, and the compromises that will inevitably be made, when interpreting subsidiarity through the political system

Due to the serial deliberative structures, and the territorially and functionally devolved forums, there is potentially a problem of transmission and co-ordination of the decisions (Goodin, 2003, 56). Decentralisation can encourage participants to see the issue under debate as ‘unique, isolated phenomena abstracted from social relations.’ Furthermore, participants, forum organisers and mediators could be compelled to see disputes in this manner, as it would make them ‘easier to mediate and resolve’ (Smith, 2001, 78). There is then inevitably a discursive dilemma, similar to Weber’s, that again relates to the problem of combining democracy and deliberation. Decisions could be responsive to the reflective preferences of the representatives assembled in the forum, regardless of whether they are rationally compatible with decisions made previously in other forums.⁶ Alternatively decisions could be rationally consistent, but be unresponsive to representative’s preferences. The former is more democratic, but at a sacrifice to deliberation and the latter more deliberative, but at a loss to democracy (Pettit, 2003, 138). In the mediating forums advocated here the decisions will inevitably be responsive to participant’s preferences, but for Pettit this means the decisions will be arbitrary and capricious (Pettit, 2003, 155). He argues it is more important that

decisions meet deliberative requirements and are rationally compatible than be democratically responsive. One solution is to ensure that all decisions remain contestable, especially as participants will change over time (Pettit, 2003, 156). This seems appropriate and the forums should continue until the legislation has then been reviewed and if necessary reformed. In addition, once the forum has become defunct a new forum could be generated to readdress the issue and provide reform if required.

In general Pettit's discursive dilemma is a dilemma for decision-making in general and it could be alleviated by the flexibility of the mediation process, which is a feature of this dualist model, as the forums can operate at a variety of levels and across an array of functions (Smith, 2001, 80), which are also strengths of associations. Moreover, due to the mediation being based upon the norms of democratic deliberation, no arguments or reasons are formally excluded, so there is nothing to prevent any of the participants from trying to put the issues into a broader agenda. Whether these reasons have any motivational force to the other participants depends then on their convincingness. What then might be required, is not decentralisation to the forums per se but, co-ordinated decentralisation, where-by decisions from successful forums are disseminated and diffused (Fung and Wright, 2001, 22-23), which could be achieved through networks among secondary associations, local and national government and quangos. Therefore multiple policies will, with varying techniques and strategies, be pursued simultaneously with both the successes and failures being passed on resulting in 'the learning capacity of the system as a whole' being enriched (Fung and Wright, 2001, 26). The dualist model of deliberative and associational democracy, advocated here sees an even more important role for quangos, to which we now turn.

Quangos and forum organization

The forums will need to be organised and facilitated and this paper suggests quangos are suitable organizations to fulfil this role. This may seem like a curious choice, as quangos have been severely criticised for their lack of democratic credentials and labeled as arenas void of democratic arrangements and processes of accountability. Indeed they currently privilege bureaucrats, professionals and technical experts with many roles of governance enabling them to make key policy decisions, provide advice and take action away from public scrutiny (Weir, 1996, 20). They are often complex and inaccessible to the public, which enhances collective action problems and therefore discourages popular participation (Weir, 1996, 29). In addition, they are formed through appointment rather than election (Flinders, 1999, 8; Harden and Marquand, 1997, 13) and there is a whole raft of evidence in the UK, which suggests a dubious correlation between the party in government and appointments to quangos of sympathisers of the governing party (Flinders, 1999, 11). Those quangos not appointed by government ministers tend to be self-appointing, which raises further questions about undue influence and accountability.

Despite their lack of legitimacy, in the last twenty years, liberal democracies have seen continual quango growth, in terms of number, scope and functional area that they cover. It has become an assumption of central government that quangos can more effectively implement certain policy areas, as they are at a 'distance' from the relevant, but inevitably bureaucratic government departments and local authorities (Harden and Marquand, 1997, 10-11) and can help overcome the complexity of decisions by providing functional expertise (Weir, 1996, 21). Consequently, contemporary legislation tends to provide a framework leaving much scope for quangos to formulate

rules and regulations (Hunold, 2001, p. 151).

If quangos are essential to modern governance the greater the legitimacy quangos have the greater their potential for service delivery and effective governance (Harden and Marquand, 1997, 19). According to Harden and Marquand this legitimacy should be enhanced through the extension of openness, participation and increased transparency in the decision-making process, while the decisions should be based upon reason and publicly available information (Harden and Marquand, 1997, 20- 24). In the UK, quangos are required to have some mechanisms in place for citizen participation (Davies, 2007, 50), although, in practice, these mechanisms have questionable democratic credentials often leading to co-option of participants, to achieve a veil of legitimacy (Milewa, 2004; Clarke, 2002). The National Institute for Clinical Excellence is an example of better practice and is now seen as a type of ‘dialogic intermediary organization’, where quangos engage a range of stakeholders in dialogue (Davies, 2007).

These associations are particularly useful at forming and organising information due to the fact that they specialise in certain areas which are of particular relevance to their members and this provides counter-knowledge to these experts. Furthermore, associations create a division of labour in the collection and organisation of information, achieving economies of scale that enable citizens to acquire levels of information that they would be unable to obtain by themselves (Warren, 2001, 71-72; Cohen and Rogers, 1995, 42-43; Hirst, 1994, 34-40). In addition, due to their close involvement with the members, they can provide information that would otherwise be unavailable to the distant state representatives and, or, quango experts such as experiential knowledge (Davies, 2007, 56; Cohen and Rogers, 1995, 43) which is vital to ensuring inclusion in

the deliberative process (Sanders, 1996; Young, 1996).

Therefore, in order to maximize openness and the availability of relevant information, quangos would also have to ensure that no relevant association is excluded from the forums. To achieve this it is essential that participants, in the forums, are self-selecting. If the relevant government agency, mediators or quango members decide selection and have the power to exclude interested agents then vital interests and views will inevitably be excluded and the decision can be framed (Rippe and Schaber, 1999, 82). This both undermines democracy, as there are those who could be affected by the collective decision that are excluded, and undermines deliberation as relevant views; information and reasons are not heard. Moreover, it is more likely that the groups excluded from the forums would be those who are currently excluded by present modes of political party and territorial representation. Quangos are a more suitable vehicle to achieve this than governments because they are removed from the potential bias of the adversarial party political process and the potential political bias that comes with it. In addition, in comparison to state legislatures, quangos tend to have much more (often daily) contact with relevant secondary associations, with this contact often based on dialogue (Selden, Brudney and Kellough, 1988; Vinzant and Crothers 1998, both cited in Hunold, 2001, 157-158; Davies, 2007). Currently, this is a very unequal relationship, with the bureaucrats dominating and also rarely changing their views due to this dialogue (Gould, Schnailberg and Weinberg, 1996; Aronson 1993; Timney 1995, all cited in Hunold, 2001, 158; Davies, 2007, 56-57). However, the forums would change, and equalize this relationship, as the bureaucrats would no longer be making the decisions themselves, but in conjunction with the associational representatives. What this does indicate though is the suitability of quangos to identify the key stakeholders, as they have a history of constant engagement with them, although this contact tends to be

with the dominant associations (Hunold, 2001, 159). In order to avoid this, the forums must be well advertised across a diversity of media so that relevant associations are aware of the forums. It will also be necessary for the forum organisers to identify and contact key stakeholders, and hopefully, with the establishment of networks between associations, recruitment will also be aided. Quangos are a more suitable vehicle to achieve this than governments because they are removed from the potential bias of the adversarial party political process.

A further strength of quangos in relation to forum organization is their flexibility. The mediating forums aim to include associational representatives for all those affected by a decision. This raises some significant practical problems over who is affected and to what extent. This variability of affectedness has increased as society becomes more complex with 'rapid change and fluid boundaries' (Parkinson, 2006, 5). Saward, suggests we need a new political unit for each political decision (Saward in Smith, 2001, 75-76). This is a significant advantage of mediation as it, 'tends to be a one off conflict resolution or problem solving process' (Smith, 2001, 81), meaning it is more flexible for institutionalising decision-making.⁷ Quangos are also very flexible as they are not territorially fixed, regularly morph in shape and size, multiply and even break-up and reform (Weir, 1996, 21). If they are employed to set up and mediate the associational forums under government guidelines, the institutional flexibility could be met.

The quangos and the forums that they organise, would only be temporary and formed to address a specific issue that had reached the agenda, ideally through the outside initiative model outlined above. The quango could then be set up to hold a forum. The forum would last for as long as it took to make the collective decision, implement the

policy (which would be carried out by the relevant elected parliament or council at either local, regional and national level or quango if it is a functionally based issue), review the policy, and make any necessary amendments to the policy. This review processes would also be considerably more speedy because decentralization would mean ‘the distance and time between decisions, action, effect, observation, and reconsideration’ is vastly reduced, so if poor decisions have been made, which is always inevitable even in a deliberative democracy, they can be amended expediently (Fung and Wright, 2001, 26). This then helps to reach a balance between legitimacy and effectiveness that is central to the Weberian dilemma. Following the completion of this process both the forum and the quango could then be dissolved. Once this had occurred, in order for the policy to be changed again, it would have to go through the same process again, starting with making it on to the agenda, which again ideally would arise through the outside initiative model. Again we see the suitability of quangos for the role of forum organiser; due to their flexibility and malleability they fluctuate in and out of existence, becoming defunct when the goal for their creation is accomplished, or circumstances change making them redundant, but they can also be reincarnated when circumstances change again (Flinders, 1997, 33).

If quangos were to organize the forums it would be essential to ensure that they do not become tools of the government. However, the likelihood of this is reduced, as the forum participants will be partisans, emerging from secondary associations with stakes in the decisions providing both incentive and ability to scrutinize the quango. Nevertheless, quango appointment must be removed from government control and be subject to new laws, which ensure a ‘balanced composition’ (Weir, 1996, 36). Again, this is possible due to the malleability of quangos, making it possible to ensure that their members include a good socio-economic mix (Skelcher, 1998, 179). It seems that

quangos are apt for organizing functionally devolved forums, and in this dualist system, enable the expertise of their members to be harnessed by strong measures of democracy, citizen participation, openness, transparency, rationality and publicity.

A new role for government and political parties

New roles for secondary associations and quangos in organizing and forming legislation inevitably mean changes for current legislative arenas. American activist Brian O'Connell has argued civil society should be seen as a supplement and not a replacement to current representative institutions and the arguments here, for a deliberative and associational democracy, should be taken in this context. Nevertheless, it should be apparent that, in an associational democracy, the legal and political relationships between associations and traditional elected legislative arenas and councils would be altered dramatically to how they presently stand, which in turn would lead to a changing role for political parties.

Local, regional and national government would have a much-reduced role. They would act as an intermediary and interpreter to the competing discourses emerging from the informal public spheres and set the agenda for the forums. In this sense the elected parliaments and councils will still retain much power (Schattsneider, 1975), but this should still be done deliberatively and involve public participation through mechanisms like the electronic town hall (Parkinson, 2006, 170). Following this, it will then be the role of the relevant level of government to form a quango to organise the forum, although as previously mentioned, quango composition must be restricted by stringent laws. Once a decision in the forum has been reached, it is the role of the relevant level of government or quango to implement and enforce the decision.

Local and regional councils will then almost entirely be relieved of their legislating roles, despite the extra powers that will be devolved from central government, as legislation will be formed in the forums. However, national government will retain some legislative powers for decisions that the principle of subsidiarity dictates need to be made at a national level, foreign policy for example, as problems of complexity such as size and number of participants make it unrealistic to be able to hold a national mediating forum. To clarify the lines of accountability: National government would be accountable to the general electorate for the policy decisions it makes and all levels of government would be accountable to the electorate on the agendas they set for the forums through the traditional mechanisms of elections and the media, but also through, what should be, revitalized informal public spheres. Forums are held accountable to the public by the memberships of the secondary associations and again the multiple public spheres that will develop around the forums. A combination of the forums, the media and the informal public spheres will hold the relevant level of government or quango accountable over implementation.

As the role of traditional elected parliaments and councils is reduced, so too is the role and dominance of political parties, as they will inevitably have to concede many of the roles they fulfill to other types of secondary association. In such an associational democracy secondary associations will increasingly become the primary location for political participation and through the forums become the dominant legislators. However, political parties will still operate and have important, but diminished, contributions to make to democracy. For example parliament, government, and local councils would still be elected on a party political basis, with the winning party/ parties fulfilling the governmental roles outlined above. Parties would still need to offer policy

proposals as national decisions would still be made in parliament and the agenda for the forums interpreted by government. It is therefore likely that political parties will not offer wide reaching manifestos as they presently do, but rather policy proposals for national government and a list of key issues that they feel must be addressed by the forums. As suggested earlier these agenda issues could still be produced through consultation with secondary associations and verified by public deliberative events.

Representation in the forums

Although such mediating forums would not allow for direct participation of all affected citizens in the decision-making processes, the combination of this institutional method with internally democratic associations does. Representation offers a solution to the problem of including all in deliberative debates with those not participating directly still feeling as though their reasons have been aired by their representatives (Parkinson, 2006, 29). Secondary associations will form around a myriad of interests and identities, and, in an associational democracy, people are likely to be members of a number of associations, as they become key political actors, it is therefore likely that someone could be represented by a number of representatives in a given forum. Each association should have the same number of representatives in the forum, regardless of the size of their membership. This is appropriate in a deliberative democracy as it is the inclusion of all relevant reasons, rather than an equal representation of all interests and identities that is key (Parkinson, 2006, 33-34).

In addition, the dualist model still provides most citizens with the opportunity to be involved in deliberative debates, with direct democracy and participation from citizens within the secondary associations themselves, followed by representative

democracy, with representatives from the associations participating in the forums, making it an institutional method similar to what Goodin terms ‘serial’ or ‘disjointed deliberation’ (Goodin, 2003, 56). It is this combination between direct and representative democracy that enables this dualist model to elude the Weberian dilemma. Moreover, as the associational members select those who are to represent them in the various forums, there is a principal agent connection which provides a strong and direct bond of accountability between represented and representative. This is essential to the legitimacy of the forums as they are to be used for decision-making (Parkinson, 2006, 74-84). It is then essential that each association included in the forums have at least a minimal democratic structure otherwise the legitimacy of their representatives participating in decision-making is completely undermined (Elstub, 2008).

There are many practical problems, to be overcome, to ensure secondary associations are internally democratic such as the iron law of oligarchy, and features of social complexity such as time, number and disparity of members. Due to limited space these problems cannot be considered here, but are considered in more detail in Elstub (2008, chapter 6), with the key point being that it is possible for secondary associations to be minimally democratic. One problem, that it is essential to consider here, is whether citizens would want to actively participate in associations. However, a fundamental belief for anyone who advocates a more participatory system is that if people are given real opportunities to participate in decision-making that affects them, in a system that means their participation can actually affect those decisions, then most will participate to an extent. Consequently, if associations have a democratic internal structure, and if associations could influence public policy, the aim of the dualist model outlined here, participation could be vastly increased. Nevertheless, if high levels of participation are to be maintained in an associational democracy, then participatory

demands must not be too excessive, both in the number and duration of meetings. This is why a deliberative and associational democracy can only expect associations to be minimally democratic. This involves electing the various representatives for the various forums after a debate on the representatives, participating in debate to periodically decide the overall aims and methods of the association and participating in debates over what ideas, preferences, beliefs and interests should be articulated in the forums and the informal public spheres. This might sound like a lot of time consuming participation, and is certainly more demanding than the current liberal-democratic system requires. However, not all associational members will be interested in every issue that makes it to a forum that is relevant to their association as a whole. Therefore, democratisation of associations should not be excessively demanding or time consuming. The more time required for participation, the less equal participation is, especially as the motivation of participants is democracy's most 'significant' resource' (Blaug, 1999, 145).

Representation is therefore necessary, but the type of representation that is required for the forums, must be established. Two central issues, which must be addressed in any discussion of representation, are the form of representation and what should be represented (Bobbio, 1987, 5). In terms of the latter, associational representatives will mainly be representing identities and specific, rather than general interests, as this is the nature of secondary associations, which is an important form of representation in a deliberative democracy (Phillips, 1995). Therefore we shall focus on how associational members should be represented in the forums.

Representatives can either be a 'delegate' or a 'fiduciary'; if a delegate then they are bound completely by the wishes of those they represent. In essence the representative is spokesperson, without the authority to make decisions.⁸ In contrast, if

the representative is a fiduciary, then they have some powers of authority to act on their constituents behalf (Bobbio, 1987, 5). It is apparent the representatives must be bound, to a certain extent, by the interests and preferences of the associations from which they derive, otherwise the social groups who are currently under-represented will still not have their interests represented, and will remain excluded from the decision-making processes. However, if they were bound too tightly by previously agreed ideas and interests, then many of the benefits that arise from discussion would be prevented from occurring as the representatives would not change their preferences in light of new information and perspectives and debate would cease to be an exploratory process in which new possibilities are created (Parkinson, 2006, 31-32; Hendriks, Dryzek and Hunold, 2007, 366).

A balance between the two is therefore required; representatives must be held accountable and be bound, to some degree, by the preferences of their associational members and open to dismissal if it is felt they have represented their people poorly, but they must also be free to participate fully in a discussion, and that means changing preferences and goals with which they started. This raises a problem as the representative will have been engaged in a democratic debate (in which their preferences were likely to be adapted) that the other members were not. Inevitably it will be the representative's constituents, in this case the members of the association, which will 'act as the ultimate safeguard against selling out' (Amy in Smith, 2001, 80). To achieve this Young argues we need 'representation as relationship' (Young, 2000, 125) where the representatives must explain and justify the resulting decision to the members and provide the information that caused them to change their preferences, if they cannot then 'perhaps this can be traced to the co-option of the representative by other parties' in the forum (Smith, 2001, 80). In this sense the associational members

are still involved in the discussions of the forum. It also highlights the importance of agent-principal bonds that the associational representatives in the forums will have, as without this, 'representation as relationship', and genuine accountability, are very difficult to attain (Parkinson, 2006, 32-33). This process of accountability will be aided by the publication of the forum's minutes and the forum's meetings could also be filmed and made available as a podcast, both being available on the quango's website. Furthermore, the mass media is likely to scrutinise, and publicise, forum debates to some degree given their legislative function. In addition forums are unlikely to be a one off event, so debate between associational representatives and members should occur before, during and after the forum process.

With the partisan role of representation outlined in this dualist associational model there is a significant danger that the representatives from the secondary associations will not be open to the transformation of preferences that is essential to the legitimacy of deliberative democracy (Smith, 2000), with associational representative's preferences being too inflexible to make them competent deliberators (Hendriks, 2006, 497). Urbinati is adamant that passionate commitment, likely to be channelled through associational representatives, will not undermine the possibility of preference transformation (Urbinati, 2000, 775). In fact, Immergut thinks that associational representatives are more likely to change their preferences than unpartisan citizens, as they will think of 'policy packages' that require compromise (Immergut, 1995, 205). The empirical evidence is mixed and limited, with some research (Pelletier et al, 1999; Hendriks, 2002, 70; Hendriks, Dryzek and Hunold, 2007) suggesting that partisan representatives will not significantly alter their preferences in deliberative situations, and other research indicating they will (Elstub, 2003, chapter 7; Fung and Wright, 2003; Parkinson 2006, 136). Nevertheless, the norm in partisan forums seems to be for

agreement to be 'elusive' (Hendriks, Dryzek and Hunold, 2007), unless the decisions are addressing local and specific issues, which has already been advocated as essential for the associational forums outlined here (Fung and Wright, 2003).

Despite this mixed range of empirical evidence, participants, in a deliberative democracy, should be partisans to ensure that the information, needs and beliefs expressed are authentic and genuine: 'Far from transcending the specific situation of citizens, deliberative reasoning rests on the premise that specificity needs to be known and acknowledged' (Urbinati, 2000, 776). Empirical evidence indicates partisanship provides greater motivation to participate (Parkinson, 2006, 134; Fung, 2003, 345), increases the sustainability of the forums, is necessary for preference change to be reflective, and for the decisions to be supported and implemented (Fung, 2003, 345). Representatives in the forums must then be given some element of freedom to operate, but this does not involve the complete abandonment of sectional interests.

The Danger of Co-option

An important and established criticism of dualist strategies is the iron law of oligarchy (Michels, 1959). The theory suggests that legislative inclusion and institutionalisation of civil society will necessarily result in 'cooptation, deradicalisation, professionalisation, bureaucratisation and centralisation' and eventually the dilution of aims (Cohen and Arato, 1992, 557). Such trends go against the aims, this article has argued, the dualist model can achieve as it would not deepen democracy and, therefore, be an unsuitable method to institutionalise deliberative democracy and could not lead to the generation of the normative ends attributed to deliberative democracy. Such considerations have prompted Dryzek and Hendriks to be against the inclusion of associations in the state or

legislation altogether, seeing such a system as exclusive and unable to challenge inequalities, predicting associations would only ever be symbolically included and, moreover, co-opted (Dryzek, 2000, 85; Hendriks, 2006, 497) and empirical research does suggest that certain groups do exclude themselves from potential state inclusion for fear of co-optation (Elstub, 2003, chapter 7; Hendriks, 2002; Parkinson, 2006; Sagoff, 1999; Thomas, 2003). Specifically, they suggest that inclusion reduces opposition with no real power transference and that public policy is already determined due to state imperatives.

However, the point of the dualistic approach, considered here, is that there is no loss of a vigorous civil society, because the groups still remain there, whilst also gaining a legislative role. Implicit in Dryzek's argument is that the same association cannot achieve both elements of a dualistic strategy, but this surely depends on the institutional framework that incorporates associations into the state and this article suggests a devolved forum system could ensure this, and there are examples of associations that have combined oppositional and co-operative strategies (Wood, 2001; Warren, 2001b). It is apparent that those associations that participated in the forum, that produced, but disagreed with the policy, could still oppose it through contributing to critical discourse in the informal public sphere. Associations that agreed to the policy, or most of its elements, would have their oppositional edge blunted to a degree, but could still oppose other policies as well as criticising the interpretation of the agenda. As participation in the forums is, to a large extent, self-selecting, such oppositional groups could not be excluded from the forums in the future, which reduces the capability of the state to co-opt them.

The second claim is that inclusion of all relevant secondary associations is

unnecessary because policy is never completely undetermined. All states must fulfil the imperatives of accumulation and legitimation, which means that groups in opposition to the state will be incorporated impotently, and only when their interest is directly related to a state imperative. Yet, there does seem to be more scope for secondary associations being included into the policy process than Dryzek gives credit for. The state imperatives of legitimation and accumulation, although restricting, are very broad and leave plenty of scope and plenty of alternatives for public policy, particularly as these imperatives can be in conflict meaning trade-offs need to be made. Consequently, civil society could play a relevant role in deciding where the trade-offs between these imperatives should be made, even if it is inevitably constrained from abandoning one altogether. Furthermore, there are many areas of public policy that have little relevance to either of the state imperatives, so the role of associations here seems even less constrained.⁹ As mentioned at the beginning of the paper, initial institutional change must accept liberal democratic structures and the capitalist economy as being in place. These forces inevitably bring limitations too, as well as supportive conditions for, democratisation with them, and state imperatives of accumulation and legitimation are characteristic of these opposing forces.

Conclusion

On a normative level, it has been suggested that deliberative democracy can make citizen's preferences more prudent, making them more autonomous, lead to 'true' decisions which represent the public good and represents a fair set of procedures for making decisions. However these goals cannot be achieved unless deliberative democracy can be meaningfully approximated. In doing this the ideal of deliberative democracy faces a Weberian dilemma; how to ensure that deliberation and democracy

are effectively combined so that citizens actively engage in deliberation while ensuring the results of the deliberations are actualised into binding decisions.

Weber's dilemma can never be completely avoided, and is always present in practical considerations of democracy. Indeed in the course of this paper we have seen several tensions between democracy and deliberation: Overall there is the tension between achieving efficiency in decision-making and deliberation and increasing participation and the problem of linking macro deliberation in the informal public sphere with micro deliberation and decision-making. Dualism itself was seen as the solution, with the same associations participating in each. More specific tensions included agenda setting. It was suggested the informal public sphere can, and should, set the agenda, as it provides a relatively open arena for communication between associations in civil society to raise a variety of concerns. However, micro-deliberative arenas, where decisions are made, require clearly defined and specific agendas for efficient decision-making, which the informal public sphere cannot provide. Governments will inevitably play a key role in this process, but should invoke mechanisms for popular deliberation too. Secondly, there was inequality of access to the informal public sphere, resulting in the voice of subordinate groups being excluded or peripherised. Multiple and fluid associational membership, multiple public spheres provided by a multiplicity of legislative forums; a role fulfilled here through the devolved deliberative mediating forums, and close relations with micro-publics, once again the forums, were thought to alleviate inequalities, but other measures are also required to help achieve greater equality. Paradoxically, further democratisation and greater opportunities for decisive participation would most likely produce decisions that would take us towards greater equality and the dualist model of a deliberative and associational democracy is offered as a method to achieve this. We are then caught in a

‘vicious circle’ (Macpherson, 1977, 100); we cannot achieve greater equality without participation in associations and deliberatively democratic decision-making, but alternatively we cannot have either of these without greater equality. Ultimately to break the cycle we must try and increase participation and decrease inequality simultaneously (Macpherson, 1977, 101). Given deliberative democracy’s need for preference transformation we also considered whether decisions should be responsive to reflective preferences regardless of whether these decisions are rationally compatible and how associational members should be represented, by delegates or fiduciaries.

In this model, territorially and functionally devolved forums, guided by the principle of subsidiarity, are employed to ensure citizen’s deliberations effect decisions, with quangos providing the flexible organisation to host these forums. Within the forums, representatives from interested secondary associations assemble to make decisions based upon the norms of deliberative democracy. Further connection between citizen’s deliberations and democratic decision-making is ensured by the requirement that these representatives must come from secondary associations that comply with the norms of deliberative democracy at a basic level, although the paper accepts that there are significant practical problems in achieving this element. In addition it is suggested that civil society can produce a vital and dynamic informal public sphere that enables these associations to deliberate which can transform opinion, oppose the state, influence the agenda and form networks based upon communication and co-operation. Co-option is a significant danger to such a system, but with the same associations participating in the informal and formal public sphere, there is still plenty of opportunity for critiques of the state. The current liberal democratic and capitalist system inevitably limits the ability of the dualist model of deliberative and associational democracy to respond effectively to these dilemmas in terms of eliminating private influences of pressure groups, achieving

equal levels of power among all socio-economic groups and in terms of avoiding co-option, but we must start from the here and now and that means liberal democracy. Nevertheless, this model offers genuine and radical alternatives to the current institutional make-up that will approximate deliberative democracy much closer. This is not to say that the dualist model is the only possible method to achieve an effective link between citizen's deliberations and decision-making and macro and micro deliberation, but it is one possible institutional mix that emphasises the importance of democracy as well as deliberation. If deliberative democracy can be approximated in practice then it becomes a more persuasive theory as it means the normative goals attributed to it could actually be achieved, which is why the dualist method is significant.

Notes

¹ An alternative dualist model is offered by Habermas (1996), but this fails to provide a sufficient link between popular deliberation and decision-making for a good discussion of these see Bohman (1996), Leib (2004) and Hendriks (2006).

² In the dualist system here this method would be reduced due to the devolved legislative forums that secondary associations could participate in.

³ This is obviously a circular argument, however, what it is suggesting is that once an associational democracy has been achieved the 'outside initiative model' of agenda setting, will be much more predominant than it is now. The problem remains how to achieve the associational model in the first place, so that this phenomenon can occur. See Elstub (2008) for a more detailed consideration of transition.

⁴ Subsidiarity is being used here in its more traditional Catholic sense of territorial and functional devolution (Kohler, 1993, 617), rather than its current meaning in the E.U of giving local bureaucrats the power to make discretionary decisions (Follesdal, 1999).

⁵ This is not to say that secondary associations could not influence these decisions, as through participating in informal public spheres they should influence opinion and the agenda at national and

transnational level. However, the problems of scale that affect deliberative democracy are most acute at these levels, and they are therefore unlikely to have the opportunity to make final policy decisions.

⁶ Pettit (2003) demonstrates through a series of examples that this can occur even when all participant's preferences are internally rational and consistent.

⁷ This is a disadvantage in terms of deliberative democracy, because if it is not an ongoing process, factors such as the 'civilising force of hypocrisy' do not pertain, to the same extent (See Mackie, 1998, 84-85; Dryzek, 2000, 46).

⁸ Nevertheless, the delegate is still an intermediary, as it is inevitable that there is some scope for the delegate to act. Without this, collective decision-making would be impossible, or at least ridiculously time consuming as the delegate would have to continuously go and consult the represented and present them with the details of the debate so far so that they could provide her with a mandate of what to do next (Bobbio, 1987, 10).

⁹ A point that Dryzek (2000) accepts, but dismisses as peripheral zones of public policy, which must still not transgress the state imperatives.

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