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## **A double edged sword: the increasing diversity of deliberative democracy**

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His main interests lie in the theory and practice of democracy, especially deliberative democracy. Within this area he has worked primarily on issues relating to institutionalisation of deliberative democracy as its approximation within different levels of the policy process. Edinburgh University Press will publish his first book, entitled *Towards a Deliberative and Associational Democracy*, in 2007.

### **Abstract**

As the theory of deliberative democracy becomes increasingly popular, it also becomes an increasingly diverse and flexible theory. This diversity could be a double edged sword; on the one hand this dexterity enables deliberative democracy to become more engrossing, comprehensive and relevant to more and more democratic, philosophical and practical issues. On the other hand deliberative democracy can start to be everything to everyone and lose an essence and core set of ideas. The paper highlights the diversity deliberative democracy is gaining in areas of justification, on the nature of public reason and over mechanisms for institutionalisation. Although the paper accepts that deliberative democracy is necessarily an ‘essentially contested concept’ and ‘morphological’ it also attempts to offer a broad and loose core to provide some boundaries to interpretations, to prevent the theory becoming meaningless though diversity.

### **Introduction**

The theory of deliberative democracy has begun to dominate the literature on democratic theory from enthusiasts and critics, establishing itself as a mature and complex theory of democracy. It offers a critique of existing democracy, has distinct normative elements and has gained credibility as an ideal to be approximated. Through this process the theory has developed an ever-increasing diversity of strands and tendencies, which, although are not entirely exclusive (as key features are shared and many crossovers can be identified), do, at times, pull in different directions, making deliberative theory increasingly deep, complex, muddled, ambiguous, with much scope for disagreement. Moreover, as the theory of deliberative democracy matures, gains credence, popularity and addresses a broader range of issues it increases in complexity and diversity. This diversity could be a double edged sword for the theory of

deliberative democracy; on the one hand it's dexterity should be welcomed and praised because, as it becomes a more multifaceted theory, it will also become more engrossing, comprehensive and relevant to more and more democratic, philosophical and practical issues. On the other hand it can start to be everything to everyone and lose an essence and core set of ideas.

An initial indicator of this great diversity is demonstrated through its relevance to a range of ideologies. Its relevance to republicanism derives from a mutual commitment to participation in debate to resolve political and moral disputes aimed at advancing the common good.<sup>1</sup> Liberals are in accord with deliberative democrats as they see positive rights such as political participation, association and speech as essential to democracy, which can lead to individual development or represent a fair and/ or 'neutral' set of procedures for decision-making. Socialists share with deliberative democracy the rejection of the validity of the neo-liberal conception of politics as the satisfaction of pre-political, private, fixed and individual preferences.<sup>2</sup> Furthermore many deliberative theorists adopt a quasi-Marxist approach, aiming to ensure that collective decision-making is 'uncontaminated by the principles that regulate the market.'<sup>3</sup> Environmentalists see deliberative democracy as a promising method to enhance public issues such as the environment and therefore enhance environmental rationality, as it is thought that deliberative democracy will encourage citizens to reflect on their dependence upon each other and the environment.<sup>4, 5,6, 7</sup> Finally feminists and multiculturalists applaud deliberative democracy's aim to include all social groups in dialogue.<sup>8,9,10</sup>

The main aim of this paper is to clearly set out the lines of conflict and agreement, highlighting the extent of the disagreements and demonstrating the diversity of deliberative democracy. Furthermore, it will try and (re)establish a loose set of core, but contested principles of deliberative democracy in an attempt to hold back the increasing avalanche of diverse and tenuous interpretations of the concept. In doing this, the article is inevitably selective and does not cover all strands and points of dispute within the theory. Moreover, the debates and strands are only outlined, but key texts and theorists are covered to enable the reader to explore these issues further. The areas of diversity that will be considered are over justification, the nature and value of public reason, and the most appropriate mechanism for institutionalisation. Firstly, it is important to start from the core of deliberative democracy, the necessary source of agreement between all who consider themselves deliberative theorists.

### **The core of deliberative democracy**

Although democracy essentially means ‘rule by the people’, the ‘meanings’ of democracy have varied considerably and been interpreted in many different ways over its long history.<sup>11</sup> In fact Saward even suggests that ‘democracy is the contest over its meaning’.<sup>12</sup> This is because ‘it is a concept before it is a fact’ and concepts tend not to have a ‘single and agreed meaning.’ All of which suggests it is an ‘essentially contestable concept’.<sup>13</sup> Aspects of the deliberative theory are present in many of these changing interpretations, but in essence, the theory is a statement on the ‘true’ meaning of democracy in the modern age and, in particular, provides a critique of the dominant conception of democracy found in modern liberal democracies. If democracy is an essentially contestable concept, which changes over time, then deliberatively democracy

will be too.<sup>14</sup> Nor should we want its meaning to become static, fixed, or reified, as this would remove its contingent ability to develop and adapt in line with changing circumstances. In this sense deliberative democracy perhaps should be interpreted and defined, in the same manner as Freedman has interpreted ideologies, as ‘morphological’.<sup>15</sup> However, as with all political concepts this does not mean all meanings ascribed to deliberative democracy are equally legitimate. In short there must be ‘boundaries’ to valid interpretations, but these boundaries must be dynamic and flexible.<sup>16</sup> Arblaster<sup>17</sup> argues that democracy does have boundaries, with a single, yet vague and general thread of meaning. This ensures varied and competing meanings can legitimately exist, but that there is also a core to prevent a descent into complete relativism. I suggest that the same interpretation can be applied to deliberative democracy and that it is in danger of losing its core under the current avalanche of interpretations, which are not only moving, but also destroying these boundaries.

At this moment a vague and loose core can be identified. It includes; ‘democracy’ and ‘deliberation.’ The democratic part is collective decision-making through the participation of all relevant actors. When interpreting the definition of democracy, a key problem is what kind of participation is envisaged for the people. For deliberative democrats the answer is in the deliberative strand and participation should be the give-and-take of rational arguments,<sup>18</sup> with a reason being ‘a consideration that counts in favour of something: in particular, a belief, or action’.<sup>19</sup>

The deliberative strand can therefore be described as; ‘a dialogical process of exchanging reasons for the purpose of resolving problematic situations that cannot be settled without interpersonal co-ordination and co-operation’.<sup>20</sup> Deliberative theorists

believe that preferences will adapt to reason, conceiving preferences as being exogenous; formed during the political process rather than prior to it. Through consideration of differing reasons, existing preferences can be transformed and new preferences formed. Elster considers preference transformation to be the defining mark of deliberative democracy: ‘The transformation of preferences through rational deliberation is the ostensible goal of arguing’.<sup>21</sup> Therefore in order for deliberation to occur, ‘reflection upon preferences in non-coercive fashion’ is required. This deliberation is democratic if these reflective preferences influence collective decisions and all have had an opportunity to deliberate equally.<sup>22</sup>

Therefore, deliberative democracy seems to have a general core, which includes:

- the making of collective decisions
- involving the participation of relevant actors (the more equal this participation the more democratic)
- through the consideration and exchange of reasons
- aimed at the trans(formation) of preferences

This broad conception of the two components of democratic deliberation is accepted by most within the tradition; but is still contested causing important disputes and contributing to the dynamism of the theory, however in the case of some the contestation leads to an excessive elasticity of this core.

## **Justifications of deliberative democracy**

One of the most significant divides within deliberative democracy derives from alternative justifications. Three prominent justifications of deliberative democracy will be outlined in turn: the prudential justification, the epistemic justification and the fair procedure justification. These justifications are often cited to justify democracy in general, but the deliberative theorists make the case that not any theory of democracy will suffice because deliberative democracy can best promote these political values. Consequently, the justifications focus on what deliberation contributes to democracy.

### *The prudential justification*

According to this justification, deliberative democracy is good because it enables ‘each participant to gain an equally clear and reflective understanding of his ideas and interests.’<sup>23</sup> No participant can predict what all participants’ opinions would be or know all the information relevant to a decision.<sup>24</sup> Through debate this information is made public and preferences can be revised in light of it.<sup>25</sup> Deliberative democracy can therefore help to overcome inequalities between citizens with respect to information and rationality.<sup>26</sup> It also provides participants with the opportunity to question the information and arguments that have been put forth by partisan sources, and form and enter into debate with their own information and arguments in a manner that is persuasive to others, which will further help them gain a clearer understanding of their own beliefs and preferences. The information provided in the discussion, from the various participants, may also have some direct bearing on the outcomes of the various choices, which could, would or should have an effect on what decision the collective

makes. The suggestion is then that deliberative democracy makes individuals and collectives more prudential.

This justification is not without its problems, as it seems impossible for all relevant and available information to be perfectly disseminated to all citizens in modern complex societies, because democratic deliberation can only ever increase access to available information. Due to the exigency of time, decisions cannot be put on hold until all information has been disseminated. We therefore face the problem of where the trade-off between gathering information and making the decision should be made and perhaps deliberation must proceed with the understanding that in the future, information may come to light that could change the participants' preferences. Consequently, the capacity for deliberative democracy to enhance the prudence of individuals and collectives is always limited.

#### *The epistemic justification*

In this republican orientated justification, deliberative democracy is good because it is the best method of producing good decisions. If another method of decision-making were more reliable at achieving this, deliberative democracy would be unnecessary.<sup>27</sup> However, the argument is that deliberative democracy is the most reliable method because, by generating public reason, it can lead to decisions that are true, well justified or commensurate with justice, needs or the common good.<sup>28,29,30,31</sup> However, it is not clear how we know that deliberative democracy does produce decisions that promote the common good. If we could test this justification it would mean another method for identifying the common good existed and, therefore, deliberative democracy would not

be required. It is also reliant upon there being a 'real truth' about the common good,<sup>32</sup> something, which is contested by many, including deliberative theorists.<sup>33</sup> Warren argues that this is not even a justification of deliberative democracy, but only republican democracy for three reasons: Firstly, because deliberative democracy does not presume 'that outcomes can or should be measured according to an ideal of the common good.'<sup>34</sup> Secondly because not all goods are common e.g. material goods and intimacy, but are still the target of political dispute that should be resolved through deliberative democracy, which republican theories of democracy fail to account for.<sup>35</sup> Finally, because if there is continuing disagreement after a period of deliberation, the minority will still deny the correctness of the decision and therefore not feel obligated by it. Focusing on the common goods therefore removes the incentive to compromise for those with incompatible conceptions of the common good.<sup>36,37</sup>

#### *The fair procedure justification*

This justification is opposed to the epistemic one, as it is based on the idea that there is no external good by which to judge decisions and that it is fair procedures that enable conflicts over the common good to be debated and resolved.<sup>38</sup> Therefore, the resulting decisions in deliberative democracy will be 'just' because they are derived from fair procedures in which all have been able to participate equally, regardless of what the actual decision is.<sup>39</sup> It is evident that all can participate equally in purely aggregative decision-making methods, so the proceduralists must make the further claim that public reason increases the fairness of the procedure by encouraging participants to consider the preferences of others and this improves 'the quality of preferences, opinions and reasons'. This then takes the proceduralists towards either the prudentialist justification

if the preferences are better informed due to these procedures or the epistemic approach if the claim is that these preferences are likely to be correct due to these procedures see.<sup>40,41</sup>

This justification is considered excessively relativist as it fails to account for why the decisions that result from the ideal procedures of deliberative democracy are ‘correct’ and based upon ‘good’ or ‘compelling’ reasons.<sup>42</sup> Without good reasons, why should the decision that has been produced by deliberatively democratic procedures be selected over any of the other available options? It would be just as fair to select an option randomly by a coin toss or through a vote.<sup>43,44</sup> In contrast, proceduralism is classified as not neutral at all, but as based on and promoting a particular set of values.<sup>45</sup>

There is a significant diversity of justifications of deliberative democracy, but these justifications are congruent with the core of deliberative democracy as it has been outlined here. Nevertheless, the generation of public reason is central to all these justifications, and the diversity of interpretations significantly threaten the dilution of this core.

### **The nature of public reason**

Within the theory of deliberative democracy, it is agreed that, reason should be made public, but what this requires is disputed, such as over whether public reason can be produced privately or only collectively, if the reasons offered need to be compelling to all to be public, if a consensus is likely and desirable, if other forms of communication

other than reason should be included, and if certain types of reason should be excluded from debates altogether.

*Collective or private deliberation?*

The ‘rule of publicity’ was a cornerstone of Kant’s philosophy and ‘transcendental formula of public law’, which stated that to be right an action that relates to the rights of others must be compatible with being made public.<sup>46</sup> By this maxim, collective decisions must be made public. Kant’s publicity principle has had a profound influence on Rawls and Habermas and their lineage of deliberative democrats, but they offer differing interpretations of Kant’s ‘transcendental formula’. Rawls<sup>47</sup> perceives it as a hypothetical publicity test, suggesting that if a law or policy is to be right, it must have the capacity to endure publicity. Even if this is the correct interpretation of Kant’s philosophy, Habermas seems to be right in claiming that laws and policies must actually be made and tested through rational public debate, as we have no other way of knowing if the policies have the capacity of being public.<sup>48</sup> In line with Habermas’ interpretation democratic deliberation is generally considered to be a joint, collective activity yet following in the Rawlsian tradition, both Goodin and Gundersen envisage democratic deliberation as being desirable and possible outside of collective debate.

The differences between collective and private deliberative theorists derive from different views on the nature of public reason. To be ‘public’ (for both groups) the reasons offered must be understandable and acceptable to all citizens or at least potentially so.<sup>49</sup> However, the private deliberationists see reason as ‘singular’, meaning that all will reason in the same way, negating the need for others to be present.<sup>50</sup>

Therefore, individual citizens must consciously adopt public reason, rather than it being generated by the presence of others.<sup>51</sup> In contrast, for the collective deliberationists, it is the very presence of other citizens that will encourage people to think ‘publicly’, the idea being that selfish reasons of the type ‘I agree with this because it will really benefit me, but disadvantage others’ will be unconvincing to others and participants in a deliberative debate will want to convince others to gain support for their proposals. Collective deliberation therefore encourages people to focus on public values in order for their arguments to persuade people of the validity of their ideas.<sup>52,53,54</sup> Included in the process of collective deliberation will be those who would be disadvantaged from these selfish preferences, making it very difficult to justify these prejudices to these people. However, it is not just the fact that others will have a vote that will encourage participants to offer public reasons, but because one will also ‘internalise’ the norms of publicity through feeling ashamed or repulsed at the ‘inappropriateness of certain styles of argument in the public forum.’<sup>55</sup>

Individual deliberation is structurally different as it contains no dialogue, no give-and-take of reasons and no influence between actors.<sup>56</sup> Goodin<sup>57</sup> suggests this can occur because others can be made ‘imaginatively present’ through individuals conducting ‘a wide ranging debate within their heads.’ Yet this conception of deliberative democracy is difficult to distinguish from an aggregative view of democracy as citizens can deliberate in private prior to voting<sup>58</sup> and he therefore accepts collective deliberation will still be necessary as we can never know the views of others; so some will be misrepresented, others completely ignored and few put as persuasively as they would be by the agent themselves.<sup>59</sup>

Gundersen advocates 'dyadic' deliberation in his 'Socratic theory'. Groups could still assemble to make collective decisions, but communication between them would always be dyadic with 'serial one-to-one encounters.'<sup>60</sup> According to Gundersen, the first advantage of dyadic deliberation over collective deliberation is that it is easier to institutionalise.<sup>61</sup> This may be the case, but unless it can generate the same or preferable normative consequences, it only stands if deliberative democracy is impossible to institutionalise otherwise collective deliberation should be pursued. However, Gundersen claims dyadic deliberation is normatively superior to the collective alternative, as the relationship between participants is more interactive and therefore 'allows each partner to more easily ascertain the other's knowledge and interests', making clarification much easier because in a group this would require the monopolisation of debate between two people.<sup>62</sup> This seems uncertain because there may be more than one misunderstanding, sharing similarities with others. A debate about clarification could therefore take place between more than two participants and aid the understanding of many participants. Gundersen also suggests that dyadic communication will mean greater equality between participants than in collective deliberation because power in dyadic relationships is easier to challenge verbally and exit is also easier.<sup>63</sup> This claim may be true in some cases, but certainly not in all. There are certain dyadic relationships where it is harder to challenge power verbally and exit is even harder than in collective debate; it seems to depend upon context. For example, a dyadic relationship may be dominated by one of the participants if the other holds them in high esteem, with excessive respect, or is intimidated and fearful of them. This of course can occur in collective deliberation, but other participants would be present to challenge the esteemed or feared figure with reasons. Alternatively, two people may find it very hard to respect deliberative procedures because of the mutual disrespect they

feel towards each other, but these feelings may be calmed by the presence of other participants debating.

The main problem though is that dyadic deliberation cannot generate public reason in the same manner as collective deliberation. Elster suggests that pure aggregation of preferences (and the argument could be applied to private deliberation) confuses the type of behaviour that is apt in the market place and the forum. In the market the consumer can be sovereign because the different choices will only affect the consumer. This is not the case when making collective political decisions, as many of the citizens' preferences may be defective<sup>64</sup> and need to be justified to the rest of the polity, as the agents are not just deciding for themselves.<sup>65</sup> If private, this deliberation does not open people up to the arguments of others, or force people to defend their choice. If dyadic, people only hear the reasons of one other at anyone time, and do not hear the exchange of reasons between others, and these could cause change in their own preferences.

If deliberative democracy is to promote public reason and contribute to the normative values outlined it seems apparent that it must be collective and a debate must actually occur. Those who envisage hypothetical debate and solo deliberation are stretching the core of deliberative democracy too far.

*Universal or specific reasons?*

An established assumption, within deliberative democracy, is that deliberators should be critically detached, and offer universal reasons that could convince everyone. For Cohen this is essential if the reasons are to be public.<sup>66</sup> However, this is a very demanding

requirement, especially in plural societies, and in reality, rather than offering reasons that are convincing to all, people may offer reasons that are aimed at a majority, or the largest minority.<sup>67</sup> If this occurs then the reasons are not genuinely public and could even reflect the selfish interests of the majority. One suggested solution is that deliberative democracy should aim to lead to a result ‘that enjoys the widest possible support’, not just majority support.<sup>68</sup>

It cannot be expected that the same reasons will convince all citizens of a certain decision. Psychological research has indicated that reflective preference transformation will be limited because people are unresponsive to reasons that do not support their preconceptions of an issue. This might explain why different people will look at the same piece of evidence and use it to support their own distinct interests.<sup>69</sup> Therefore ‘the force of an argument is always relative’<sup>70,71</sup> and if rational arguments are to persuade an agent of a new belief, they must start by appealing to their present beliefs.<sup>72</sup> Consequently, participants in debate will offer different reasons to persuade different citizens of the need for the same outcome and therefore will not be public in the way envisioned by some deliberative theorists.<sup>73</sup> This does not mean deliberators can offer any reason they think will be convincing to someone as they must, at the very least, not contradict the reasons they have offered to others. Otherwise they would be found to be insincere and willing to say anything to anyone to ensure their preferences prevail in the final decision. This advantage is specific to collective deliberation as in ‘dyadic’ deliberation there would be nothing to ensure this civilising force of hypocrisy.

*Consensus or disagreement?*

Due to the potential of deliberative democracy to generate public reason with participants trying to find reasons that are convincing to all, Cohen<sup>74</sup> and Habermas<sup>75</sup> believe that a consensus would eventually be achieved. They suggest that public reason would mean people taking on board a common interest over their private or selfish interests as arguments must be based on the reasons that a proposal will be good for all and will encourage people to identify with each other and the collective as a whole. If deliberation continued long enough, all would come to agree on the same common interest. However, there are a number of reasons to suggest that consensus would not be achieved.

A key democratic requirement of the ideal of deliberative democracy is that all should be included in deliberation but more participants often leads to more opinions, making agreement harder to achieve, especially if some of these are previously unheard.<sup>76</sup> Debate can also increase disagreement as well as reduce it. A collective could easily have a general agreement on some issue, but a debate could generate a greater diversity of opinions on an issue as it is explored more extensively and deeply.<sup>77,78,79,80,81</sup> It is further suggested that there are a 'plurality of ultimate values.' People believe in totally different ideas of 'the good life' and are therefore too different, making agreement on ultimate values impossible. This factor is magnified in modern cosmopolitan societies where there is a mixture of cultures.<sup>82,83</sup> It therefore seems unlikely that consensus will be achieved, which Cohen<sup>84</sup> and Habermas<sup>85</sup> do accept, but both still maintain that consensus should still remain the ideal guiding discussion.

The agonistic branch of deliberative democracy is not concerned by differences persisting, but rather praises differences as an essential resource for democratic deliberation, without which the deliberative process would be redundant.<sup>86</sup> Agonistics reject the idea that consensus on the common good is the sole aim of deliberation; they fear that the 'common good' might not be common at all, but simply a perpetuation of inequality and that consensus might be achieved due to acquiescence to power rather than being rationally motivated with participants feeling pressurised to conform.<sup>87,88,89,90</sup> It is suggested that dominant social and economic groups are at an advantage because they can put forward their preferences and opinions as 'authoritative knowledge' and their interests as neutral and in the process devalue those with alternative beliefs, preferences and interests.<sup>91</sup> If a consensus is not required or sought then continued disagreement would not be discouraged and therefore less pressure will be exerted on subordinate groups to conform.

It seems, then, that consensus is not possible and perhaps not desirable. If this is the case, it is apparent that in order for decisions to be made deliberation can only ever support the aggregation of preferences and not replace it altogether.<sup>92,93,94</sup>

### *Reasons and rhetoric*

It is suggested that deliberative democracy can contribute to political equality through its generation of public reasoning, because it makes it more difficult for powerful groups to serve their particular interests as deliberation can expose this self-interest that it is in the powerful groups interest to hide and disguise.<sup>95</sup> This assertion is disputed because it is claimed deliberative democracy relies upon forms of communication that

privilege those already dominant, resulting in their gaining unequal influence in the deliberative settings that is not derived from the ‘force of the better argument’ and therefore reinforces rather than reduces political inequality.

Specifically, it is suggested the capabilities required to participate effectively in democratic deliberation are not neutral. For example the language required, the formality of the debate and the rationalism will favour dominant social groups like white middle-class men,<sup>96</sup> who are also likely to speak more in discussion and gain undue influence not based upon the quality of their reasons.<sup>97</sup> Due to ‘insidious prejudices’, which ensure the arguments of minority, social groups will not be ‘heard’; these prejudices will go unnoticed and therefore will not be countered by reasons offered in deliberation.<sup>98</sup> Many of these claims have been disputed, at least to the degree suggested by Young and Sanders.<sup>99,100,101</sup>

Young<sup>102</sup> therefore suggests debate should not privilege the articulation of reasons above other forms of communication. She advocates ‘communicative democracy’, which she suggests will differ from deliberative democracy by favouring greeting, rhetoric and storytelling over rational argument. She argues that this will make communication more compatible with pluralism because these forms of communication are more amenable to the particularity of participants. ‘Greeting’ deals with how participants provide recognition amongst one another and is said to be important as it creates the right atmosphere for deliberation and can indicate a mutual respect. ‘Rhetoric’ is the use of cultural symbols and values, which can provoke and motivate participants, playing a key role in getting issues on the agenda. ‘Storytelling’ or ‘testimony’ is the use of narratives, personal or otherwise, and claimed to be essential,

as people need to share their personal experiences to highlight and demonstrate their specific position.

Many deliberative democrats have accepted that greeting, rhetoric and storytelling could and should play a part in deliberation, but have further responded by highlighting the fact that these communicative aspects are as hierarchical as the rational aspects of deliberation criticised by Young. Just as some people are better at forming, expressing and understanding rational argument than others, so some people will have more talent for greeting, rhetoric and storytelling. Moreover, the people who have talents for these things may be those from the same dominant social groups who are talented arguers.<sup>103,104,105,106</sup> In addition the inclusion of emotions can be hazardous and lead to inequality. For example the ‘emotional culture’ of a deliberating group can lead to inequality in opportunities to participate effectively in debate and silence certain members and therefore emotion in deliberative debate should be present, but contained.<sup>107</sup> Nor can these forms of communication seem to replace the need, or even central role of reason. The justification behind prioritising reason is that preferences should be justified when making collective decisions and although these other forms of communication fulfil important functions conducive to deliberation only reason can achieve this

### *The scope of reason*

There are two different strategies to restrict the range of admissible preferences, based upon Goodin’s<sup>108</sup> distinction between output filters and input filters. Output filters remove certain options through the process of decision-making, while input filters

prevent certain preferences from being considered and entered into the decision-making process in the first place. Input filters resemble Rawls' belief that democratic deliberation should not adapt to pluralism as it stands, but to 'reasonable pluralism.' Output filters reflect a Habermasian line, presuming reasonable pluralism can be achieved through the deliberative process itself and therefore no views should be excluded prior to the deliberative process.

Goodin argues that input filtering is a more efficient way of excluding irrational or misguided preferences entering than output filtering, as they do not enter the decision-making process and so they do not influence participants at any stage. Consequently he suggests preferences should be laundered by elites prior to debate. Gutmann and Thompson<sup>109</sup> are also in favour of input filters to prevent the inclusion of preferences that challenge political equality. Despite being committed to the deliberative theory of democracy, they want to achieve the value of publicity, prior to the deliberation process, obviously being sceptical of its ability to ensure public reason through its internal processes of debate. Similarly Miller<sup>110</sup> and Blaug,<sup>111</sup> believe that certain reasons e.g. racist arguments or violent and coercive threats should be excluded a priori, in order to be in line with the requirements of deliberation that require participants to be free and equal, and to further ensure the deliberative capacities of individuals are not damaged through intimidation. It seems evident that threats of violence and coercion must be ruled out as this would mean that force itself and not the force of the better argument would be successful. The exclusion of reasons, even if they are racist, sexist, sectarian or homophobic etc seems less certain.

Input filtering seems undemocratic, unnecessary, and anti-deliberation. Firstly, input filtering leads to an ever-increasing number of issues excluded from the agenda which can mean that ‘too many issues will form the background framework of public deliberation rather than its subject matter’<sup>112</sup> making deliberative resolution of these key conflicts impossible.<sup>113</sup> Therefore, not only is the deliberative scope reduced, but also the democratic scope of decision-making. Secondly, deliberative democracy can transform preferences by exposing them to reason, new information and encouraging preferences to be justified to the rest of the collective:

‘Politics in the participatory mode does not choose between or merely ratify values whose legitimacy is a matter of prior record. It makes preferences and opinions earn legitimacy by forcing them to run the gauntlet of public deliberation and public judgment. They emerge not simply legitimized, but transformed by the process to which they have been subjected.’<sup>113</sup>

Consequently, Cohen states that; ‘what is good is fixed by public deliberation and not prior to it’ and ‘for this reason the deliberative conception supports protection for the full range of expression, regardless of the content of that expression.’<sup>114,115</sup> Sher agrees, arguing that it is unnecessary to apriorially restrict the agenda as the relevant distinction is between good and bad reasons, not legitimate and illegitimate ones. Not all reasons will carry the same force e.g. racist reasons are inadequate reasons: ‘Indeed, to show that a form of discrimination is illegitimate, the best strategy is publicly to consider, and decisively to refute, the best arguments advanced on its behalf.’<sup>116,117</sup> However, for Goodin, the exclusion of certain opinions is necessary not because they might be successful and present in the final decision (he is confident about the role of public

reason preventing this), but because they are offensive, morally wrong and therefore should not even be discussed.<sup>118</sup>

Even if this is the case, there is the further problem of implementation; if input filtering is to be implemented democratically then all relevant actors should be included. Deliberative democrats could not consistently accept that citizen's pre-political preferences should determine the basis of censorship, which would therefore mean the need for a debate between all these actors, where no reasons could be apriorially excluded. However if elites impose input filters, as Goodin suggests, they could potentially control the agenda, and therefore politics itself,<sup>119</sup> by excluding ideas that they did not like, or that challenged their power just as anti-racist, feminist, pro-homosexual, socialist, environmentalist and libertarian views have been labelled offensive and morally wrong in the past and even today. If we want new and distinctive ideas to be incorporated into the public sphere, then we cannot allow any ideas to be formally excluded as ideas that challenge powerful groups and threaten the status quo could be excluded along with exclusive and prejudiced discourses. Therefore if a deliberative democracy is to hold true to both its deliberative and democratic strands then no reason should be formally excluded from debate and the domain of preferences should be restricted through the process of deliberation itself

### **Institutionalising deliberative democracy**

Democratic principles are 'enacted' through institutional mechanisms<sup>120</sup> and therefore the significance of the theoretical debates over the nature of public reason is clearly highlighted when we consider the institutionalisation of deliberative democracy. Not

that all deliberative democrats believe the theory can or should be institutionalised, perceiving it instead as a critique of actual democratic processes. However, many believe it is a theory that should be approximated and attention to this issue has in turn rapidly increased the diversity of deliberative democracy with a myriad of mechanisms advocated. These include constitutional mechanisms, political parties, citizen juries, deliberative opinion polls, and civil society with each mechanism approximating and enacting different aspects of the ideal in a variety of ways.

### *Constitutional mechanisms*

A key trend in deliberative theory is the belief that deliberative democracy should only be employed when forming the constitution, suggesting this would lead to a constitution that all could accept.<sup>121</sup> However, this would mean that deliberative democracy would not be employed for specific decisions, which is a huge step away from the democratic core of the theory.

Others, such as Madison see the constitution as a useful tool to ensure decisions are made deliberatively in deliberative legislative arenas.<sup>122</sup> Similarly Bessette, argues that the American Constitution ensures Congress' decisions are commensurate with public reasons.<sup>123</sup> The USA's Senate is in fact not even directly elected partly to ensure good deliberation, but rendering it undemocratic.<sup>124</sup> Elkin<sup>125</sup> further questions its deliberative capacities, with a focus on the public interest lost due to representatives asserting the interests of their home districts or pressure groups. In such arrangements decisions are made by elites and therefore excludes many from participating in deliberation and therefore 'ties deliberation to a needlessly thin conception of democracy'<sup>126</sup> and

therefore fails to approximate the deliberative ideal closely provoking Warren to discount advocates of such mechanisms as not being deliberative theorists.<sup>127</sup> This mechanism therefore does not have a sufficient level of citizen participation to approximate deliberative democracy

For Dryzek by limiting deliberation within and/or about constitutional structure, liberal constitutionalists fail to acknowledge that structural economic forces and their accompanying ideologies and discourses, generated in a capitalist economy, and not just constitutions, will determine the nature of, and distort, deliberation. Moreover, only some of the distortions created by inequality can be overcome by legal and constitutional arrangements. Consequently, he suggests it is necessary to radically reform the current liberal state and generate alternative venues for deliberation, where more radical and critical discourses can develop.<sup>128</sup>

### *Political parties*

Political parties have been seen as an appropriate location because they are essential to setting the agenda for debate in contemporary democracies. Realistic democratic deliberation requires a reduction of possibilities to be discussed and parties do this effectively by raising well-defined issues for debate.<sup>129,130</sup> Advocates of this institutional method see deliberative democracy as promoting universal reasons and political parties are thought to be good at this as they focus on the common good and therefore escape the narrow, local, sectional and issue-specific interests that these deliberative democrats are attempting to eliminate.<sup>131</sup>

However, in order to ensure a good level of citizen participation political parties must be democratised around the norms of deliberation,<sup>132</sup> something that has long been considered impossible due to the inevitability of hierarchy.<sup>133</sup> There is also the problem that in general elections, parties would be granted power by citizens who may not have good reasons to support their vote as it would be based on pre-political preferences that had not ‘run the gauntlet’ of ‘genuine’ democratic deliberation.<sup>134,135</sup>

### *Representation by lot*

A rejuvenation of the Athenian method of representation by lot is the focus for those advocating deliberative opinion polls and citizen juries. Their goal is to strike a balance between the competing choice of rule by deliberative elites or non-deliberative masses. A random sample of the population is selected to achieve a ‘deliberative microcosm’ of the population, with each citizen having an equal chance of being selected. The sample then discusses a key issue for several days, as well as cross-examining ‘experts.’<sup>136</sup> These participants are disengaged from the issue and therefore not partisan, and are consequently meant to offer ‘universal’ reasons in the debates. In citizen juries the number assembled is ten to twenty while in deliberative opinion polls it is a more representative several hundred. The concern with citizen juries is a lack of a genuinely representative sample, meaning that another jury with a different sample could produce an entirely different decision.<sup>137</sup> For deliberative opinion polls the problems are ensuring small minorities are not excluded<sup>138</sup> and mediating effective debate between big groups.

A significant problem for both institutional mechanisms is that the preferences of the rest of the population will still be pre-deliberative as they have not participated in the debate and the likelihood is that they will not accept the resulting decisions. This is perhaps partially overcome through extensive and varied media coverage of the meetings,<sup>139,140</sup> however, they still have been excluded from putting forward their own arguments and ‘their representatives’ are not open to recourse. This is probably why in citizen juries the result is recommendations for decisions and the deliberative opinion poll is, exactly as the title suggests, an aggregation of post deliberative preferences with no collective decision reached, which means the democratic core of the theory is not maintained. Furthermore, the organisers or facilitators also have excessive control, which could lead to manipulation of the deliberative process as they get to set the agenda by selecting the issues for debate and by selecting the experts to provide information.<sup>141</sup>

### *Civil society*

The final method of institutionalisation to be considered envisions citizens participating in collective deliberation through membership of voluntary associations and social movements in civil society. These organisations communicate between each other forming public spheres, ‘the space in which citizens deliberate about their common affairs, and hence an institutionalised arena of discursive interaction.’<sup>142</sup> This deliberation can potentially influence the opinions of other organisations and the state, and help set the agenda for legislation.

However, communication in the public sphere can often deviate considerably from the deliberative ideal due to inequalities of resources between voluntary associations such as money and number and type of members,<sup>143,144</sup> which can mean complete marginalisation for some associations.<sup>145</sup> Moreover, decisions are still being made separately from where the deliberation is occurring and ‘unless a direct link can be established and maintained between informal deliberation and formal decision-making the decisions made cannot realistically benefit from the legitimacy generated by the deliberation alone.’<sup>146</sup>

To overcome this problem Habermas advocates ‘two tracks’ of deliberative decision-making, the first in the informal arenas of the public sphere and the second in formal institutions.<sup>147</sup> Parliament would still remain the central focus for decision-making, but would make decisions in accordance with the norms of democratic deliberation and be supported by decentred deliberation in the public sphere. The problem remains that participants in the public sphere will have influence in deliberation but no power to decide, which would still be the privilege of elites located at the centre.<sup>148</sup> Decentred deliberative forums, which gather representatives from various voluntary associations, with decision-making powers have been proposed as a solution.<sup>149,150</sup> A potential danger of such methods is said to be the co-option of civil society by the state, which would cause its deradicalisation and a decrease in the range of opinions included in deliberation in the public sphere.<sup>151</sup>

Following the recent rejuvenation of associational democracy,<sup>152,153</sup> decentralisation of powers to voluntary associations to fulfil various functions, has been advocated.<sup>154,155,156,157,158</sup> The associations can then make their own decisions, but this

requires them to be internally deliberatively democratic. Currently most voluntary associations are hierarchical, with little participation from their members in their decisions. It would also require citizens to devote a lot of time to politics, which they may not be inclined to do and could exclude citizens affected by the decisions who are not members of the association.

## **Conclusion**

Deliberative democracy is an increasingly popular, used and applied theory, which has led to increasing contestation and diversity within the theory. While supporters of deliberative democracy should welcome much of this, as it increases the theory's vitality and relevance, they should also be cautious about embracing all interpretations of the term as this could lead to the eradication of a core necessary to ensure the theory does not become meaningless and redundant. This core should always be broad and flexible and currently includes:

- the making of collective decisions
- involving the participation of relevant actors (the more equal this participation the more democratic)
- through the consideration and exchange of reasons
- aimed at the trans(formation) of preferences

The contests in the theory considered here include the appropriate justification between the prudentialists, epistemics and proceduralists, which all have some difficulties, but deliberative democracy can encompass this disagreement, but the diversity of views of

the nature of public reason seem more significant. Those who suggest that deliberation could be hypothetical, solo or dyadic are stretching the core excessively as deliberation should be collective if the full benefits of public reason are to be enjoyed and if it is to be meaningfully distinguished from purely aggregative conceptions of democracy.

There is further discord over whether public reasons should be universal, appealing to all, but it was concluded that inevitably reasons would be context and agent specific, even if this is not ideal. Similarly consensus is considered unachievable, especially in plural societies, but agonistics further rejected its desirability. Further dissension came from communicative democrats who contested the content of deliberation itself. They appreciated that a sole focus on reason could disadvantage certain participants, but failed to recognise the same failings in their own recommendations. Inevitably though the exchange of reasons is an essential element of deliberative democracy, and is part of its core. Contestation is also occurring over the scope of reasons, with many wanting to eliminate prejudiced and exclusive reasons apriorially from debate. Inevitably this exclusion would have to be done undemocratically and could lead to new and challenging discourses also being excluded. It was therefore argued that deliberative democrats should have faith in the preference transforming processes of public deliberation and therefore embrace the inclusion of all reasons. Finally, there are extensive disagreements over whether deliberative democracy should and can be institutionalised, and a variety of methods were considered, each with their own advantages and disadvantages and some much closer to the ideal of deliberative democracy than others, but with each promoting different aspects of the deliberative core.

It is perhaps because deliberative democracy has developed this breadth and depth that it has come to dominate discussions on democracy. Currently the idea of deliberative democracy still retains a core meaning, and is still fluid enough to enable most of the diversity highlighted here. The danger is that the diversity will increase to such a level that it will lose this core and become excessively versatile and devoid of meaning. This is not to say that the idea of deliberative democracy is fixed or that it ever could be or should be as it must continue to adapt to changing empirical circumstances and generate innovative and interesting responses to these and perennial problems and contestation and adaptability are required to achieve this.

Deliberative democracy is unfinished business and, like democracy, business that will never be finished. No theory of democracy should ever be seen as finalised product<sup>159</sup> and therefore deliberative democracy should never be seen as ‘complete’, but some boundaries to valid uses and interpretations of it must also be maintained to retain relevance and meaning.

## Notes

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