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## Democracy

In 1997 James Bohman trumpeted the '*The Coming of Age of Deliberative Democracy*' and certainly over the last fifteen years, deliberative democracy has become an increasingly dominant strand of democratic theory. It has begun to dominate the literature from enthusiasts and critics and has developed into a mature and complex theory with a diversity of strands and tendencies, gaining popularity and credence as a critique of existing democracy, as a normative force and as an ideal to be approximated. The principle aim of the chapter is to highlight this diversity brought about by an ever-increasing collection of strands that are becoming ever more disparate (Saward, 2000a: 5). These strands and tendencies are not entirely exclusive as key features are shared and many crossovers can be identified, making deliberative theory deep, complex and muddled. Hopefully, the chapter will clearly set out the lines of conflict and agreement.

A secondary aim is to demonstrate the relevance of deliberative theory to key problems faced by democratic theory in general. The theory itself retains many classical elements of democracy as in many respects it reinvents a participatory model of democracy derived from Athenian Democracy (Dryzek, 2000: 2). Inspiration is taken from some of the most influential democratic theorists over the ages such as Aristotle, John Stuart Mill, Jean-Jacques Rousseau, John Dewey and Hannah Arendt. Therefore, as well as being one of the most provocative and contentious contemporary democratic theories, it provides a great insight into many of the classic, perennial and contemporary issues most pertinent in democratic theory.

Both aims will be achieved by considering six broad questions essential to gaining an understanding of deliberative democracy. These are:

1. What is deliberative democracy?
2. What is so good about deliberative democracy?
3. What is the nature of public reason?
4. Is deliberative democracy a model of democracy?
5. Can deliberative democracy enhance political equality?
6. Can deliberative democracy be institutionalised?

### 1. Defining Deliberative Democracy

Although democracy essentially means 'rule by the people', it has always been a contested concept and interpreted in many different ways through its long history. In essence, the theory of deliberative democracy is making 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.

As its title suggests there are two key elements; 'democracy' and 'deliberation.' The democratic part is collective decision-making through the participation of all relevant actors. The deliberative strand is the making of the decisions through the give-and-take of rational arguments (Elster, 1998: 8). The ideal of deliberative democracy is best represented in Jürgen Habermas' counterfactual procedures termed 'the ideal speech situation' (ISS). Here communication is undistorted, as all participants are free and equal with no power discrepancies and unconstrained from subjection, self-delusion and strategic activity. All views are aired in an unlimited discourse, creating open

participation aimed at rational consensus (Habermas, 1990: 56-58), where the ‘unforced force of the better argument’ is decisive (Habermas, 1996a).

The deliberative strand can 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’ (Bohman, 1996: 27). Through deliberative interaction and communication and therefore the consideration of those with differing preferences, existing preferences can be transformed and new preferences formed. Jon Elster sums up preference transformation as the defining mark of deliberative democracy: ‘The transformation of preferences through rational deliberation is the ostensible goal of arguing’ (Elster, 1998: 6). Therefore in order for deliberation to have taken place, communication between participants must induce ‘reflection upon preferences in non-coercive fashion’. This deliberation is democratic if these reflective preferences influence collective decisions and all have had an opportunity to participate equally (Dryzek, 2000: 2). However, people will not only adapt preferences because of good reasons, as in the ISS, but also due to other factors such as the provider of the information and the manner in which it is provided.

Nevertheless, deliberative theorists believe that preferences will adapt to reason and conceive preferences as being exogenous, formed during the political process rather than prior to it. In contrast, many other democrats and social choice theorists share the prevalent liberal conception, that perceives preferences as endogenous and unchanging. They think deliberative theorists confuse evidence of changing preferences with a change in the available ‘choice set’ on a particular decision (Miller, 1993: 90; Dryzek, 2000: 32). Whether preferences are exogenous or endogenous is essentially an empirical question. The results from deliberative opinion polls in the USA, UK, Australia and Denmark indicate that preferences will change when citizens participate in democratic deliberation (Fishkin and Luskin, 2000: 23; *Issues Deliberation Australia*, 1999b; Andersen and Hansen, 2001). This is certainly not conclusive empirical evidence, but the increasing volume of results from deliberative opinion polls and citizen juries does indicate that preferences are exogenous and counter empirical evidence must be provided to suggest differently.

This broad conception of the two components of democratic deliberation is then accepted by most within the tradition; however there are still some key disputes that need to be addressed.

## **2. Justifications of Deliberative Democracy**

One of the most significant divides within deliberative democracy derives from alternative justifications. There have always been various justifications of democracy, which advocate ‘basic political values’ and then illuminate how democracy promotes these values (Christiano, 1996: 15) and deliberative theorists are no different. 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 model of deliberative democracy will suffice because deliberative democracy can best promote these ‘basic political values.’

i) *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 ...', (at least in comparison to purely aggregative models of democracy where decisions are reached without debate because citizens just choose to vote for an outcome). Deliberative democracy can therefore help to overcome inequalities between citizens with respect to information and rationality (Festenstein, 2002: 103).

No participant can predict what all participants' opinions would be or know all the information relevant to a decision (Benhabib, 1996: 71). Through debate participants' preferences will be revised in light of perspectives and information of which they were previously unaware and that would not be present in purely aggregative mechanisms (Manin, 1987: 349). They also have 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.

However, it seems impossible for all relevant and available information to be perfectly disseminated to all citizens in modern complex societies (although in the ISS this would be the case) 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 dilemma 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.

ii) *The epistemic justification*

In this justification, deliberative democracy is good because it is the best method of producing good decisions. If another model of democracy, or even an undemocratic method, were a more reliable method, deliberative democracy would be unnecessary (Estlund, 1997: 183). 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 or the common good (Bohman, 1998: 403; Festenstein, 2002: 99). One of the key problems with this justification is how do we know that deliberative democracy does produce decisions that promote the common good? If we could test that it does then that would mean there is another method for identifying the common good. Moreover, it is also reliant upon there being a 'real truth' about the common good (Festenstein, 2002: 99-100). Finally, 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 the decision (Estlund, 1997: 175) and there is no incentive to compromise one's position: 'Participants may insist that the public good was quite satisfactorily expressed in their own original proposals, with supporting reasons, or by some other view which emerged' (Festenstein, 2002: 100).

iii) *The fair procedure justification*

This justification is opposed to the epistemic one, claiming there is no external good by which to judge decisions. Rather, the resulting decisions in deliberative democracy will be 'just' because they are derived from the fair procedures in which all have been able to participate equally, regardless of what the actual decision is (Cohen, 1989). It is evident that all get to participate equally in a vote, 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 improves 'the quality of preferences, opinions and reasons'. This then takes the proceduralists towards either the prudentialist or epistemic approach and is also a peculiar use of the term 'fair' because fairness is usually equated with impartiality (Festenstein, 2002: 102-103). This justification also 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 (Estlund, 1997: 197). 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 (Estlund, 1997: 178; Festenstein, 2002: 103).

### **3. The Nature of Public Reason**

Reasons are the currency of deliberative democracy, and public reason has always played a central but contested role in debates about democracy. A survey of the current debates on the nature and role of public reason in deliberative democracy illuminates the key areas of contestation on the concept. These are central to many models of democracy as well as further demonstrating the various tendencies that are developing in deliberative democracy itself. Three main questions will be considered. Can public reason be produced privately or only collectively? Whether the reasons offered need to be compelling to all to be public? Is a consensus likely and desirable?

i) *Collective or private deliberation?*

Democratic deliberation is generally considered to be a joint, collective activity yet following in the Rawlsian tradition, both Robert Goodin and Adolf Gundersen envisage democratic deliberation as being desirable and possible outside of collective debate. John Rawls and his followers favour individual deliberation, which is structurally different as it contains no dialogue, no give-and-take of reasons, and no influence between actors (Rawls, 1993: 227).

Goodin suggests deliberative democracy can be a solo affair, providing others are made 'imaginatively present' through individuals conducting 'a wide ranging debate within their heads.' Nevertheless, he 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 (Goodin, 2003: 63-64).

Gundersen advocates 'dyadic' deliberation in his 'Socratic model'. Groups could still assemble to make collective decisions, but communication between them would always be dyadic with 'serial one-to-one encounters' (Gundersen, 2000: 98). According to Gundersen, the first advantage of dyadic deliberation over collective

deliberation is that it is easier to institutionalise (Gundersen, 2000: 98). 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 does claim dyadic deliberation is normatively superior to the collective alternative. He suggests that 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 it would mean the monopolisation of debate between two people (Gundersen, 2000: 98-100). 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. Furthermore, Gundersen 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 (Gundersen, 2000: 101). 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 or with excessive respect, for whatever reason. This of course can occur in collective deliberation, but others would be present and would hopefully challenge the 'esteemed figure' with reasons. Two people may find it very hard to respect deliberative procedures because of the disrespect they feel towards each other, but these feelings may be calmed by the presence of other participants debating. The main problem is that dyadic deliberation cannot generate public reason in the same manner as collective deliberation.

Here we see the quasi-Marxist element in the theory of deliberative democracy. Elster, in *The Market and the Forum* (1997), 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 (Elster, 1997: 10) and need to be justified to the rest of the polity because the agents are not just deciding for themselves (Brennan and Lomasky, 1993: 33-34). If private, this deliberation does not open people up to the arguments of others, or force people to defend their choice.

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 (Bohman, 1997: 26). 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 (Rawls, 1993: 227; for a critique see Benhabib, 1996: 75 and Dryzek, 2000: 15). Therefore, individual citizens must consciously adopt public reason, rather than it being generated by the presence of others (Rawls, 1997: 15; for a critique see Dryzek, 2000: 15). 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. Collective deliberation will therefore encourage people to focus on public values if their arguments are to persuade people of the validity of

their ideas (Elster, 1997: 12; Miller, 1993: 82; Benhabib, 1996: 72). Included in the process of collective deliberation will be those who would be disadvantaged from these selfish preferences, and so could not possibly justify their prejudices to these people.

ii) *Universal or specific reasons?*

Collective deliberation then seems to have greater normative potential than private deliberation. However, it still does not guarantee the generation of public reason as defined. Rather than offering reasons that are convincing to all, people may offer reasons that are aimed at a majority, or the largest minority. (This is of course dependent upon there being an established majority that is apparent to the participants and as preferences will change during deliberatively democratic debate, this majority may change during the process). One suggested solution is that deliberative democracy should lead to a result 'that enjoys the widest possible support', not just majority support (Miller, 2000: 152). Perhaps finding reasons that all can accept is too stringent a demand, given the fact of pluralism.

Furthermore, 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 (Femia, 1996: 378-81). Therefore 'the force of an argument is always relative' (Manin, 1987: 353; Dahl, 1994, p. 31) and if rational arguments are to persuade an agent of a new belief, it must start by appealing to their present beliefs (Christiano, 1997: 260). 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 (Gaus, 1997).

iii) *The Possibility of Consensus*

Due to the potential of deliberative democracy to generate public reason with participants trying to find reasons that are convincing to all, Joshua Cohen in '*Deliberation and Democratic Legitimacy*' and Habermas believe that a consensus would eventually be achieved (Cohen, 1989: 23; Habermas, 1996a: 17-19). 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 (Cohen, 1989).

However, a key democratic requirement of the ideal of deliberative democracy is that all should be included in the debate. More participants often leads to more opinions, making agreement harder to achieve, especially if some of these are previously unheard (Knight and Johnson, 1994: 289). 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 (Fearon, 1998: 57; Knight and Johnson, 1994: 286; Christiano, 1997: 249; Weale, 2000: 2; Mansbridge, 1980: 65; Budge, 2000: 203). 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. In modern cosmopolitan societies there are people from very different cultures who are unlikely to reach a consensus (Christiano, 1997: 249; Weale, 2000: 2). It seems unlikely that consensus will be achieved, which Cohen and Habermas do accept (Cohen, 1998: 197; Habermas, 1996a: 304-305 & 1996b: 18), but both still maintain that consensus should still remain the 'ideal guiding discussion' (Miller, 1993: 81; Bohman, 1996: 35-36).

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 (Young, 1996:127). 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 (Mansbridge, 1980: 32; Gambetta, 1998: 21; Gould, 1988: 18; Young, 1996:126). 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 (Young, 1997: 399).

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 (Dryzek, 2000: 38; Przeworski, 1998: 142; Johnson, 1998: 177). This means that the deliberative ideal of democracy loses some of its critical edge against aggregative models of democracy, which further raises the question of whether deliberative democracy can be considered a model of democracy.

#### **4. The Deliberative Model of Democracy**

For some, if deliberative democracy cannot reach a consensus and voting is still required to make a decision, this is evidence that it is not distinct and separate from aggregative models (Saward, 2000b: 67-68; see also Squires, 2002: 133-134).<sup>1</sup> Whether this argument is accepted depends upon how one defines a 'model of democracy.' C.B. Macpherson suggests that a 'model' should explain structural relations and have a normative element, which offers a 'model of man' and an 'ethically justificatory theory' (Macpherson, 1977: 2-6). With regard to explaining structural relations, public reason is absent in a purely aggregative model and consequently, a deliberative model would produce differing structural relations and requires different forms of participation due to the differences between public and private deliberation outlined above. With respect to having a distinctive explanatory or normative approach, a purely aggregative model views the source of legitimacy as citizens' predetermined preferences and a deliberative model sees the formation of these preferences as the source of legitimacy, which therefore leads to differing normative and empirical claims.

Furthermore, deliberation and aggregation are not elements present in all conceptions of democracy; Habermas (1996b) has suggested in the past that collective deliberation could lead to consensus and William Riker (1982: 5) and Rousseau (1968) have perceived democratic arrangements purely dependent on voting without any collective deliberation. Consequently, a purely aggregative model of democracy is not a

mythical construct set up as a straw man by deliberative democrats. It is true that liberal democracies do not presently approximate the aggregative model of democracy as collective deliberation does occur in certain circumstances, through the media for example. Nevertheless, this does not mean the aggregative model does not exist as a theoretical construct. Neither does it rule out the deliberative model being a model, because as Macpherson realised new models develop as a critique of previous models, and are suggested as a 'corrective' or 'replacement'. However, this critique only need to be upon part of the preceding model and can therefore embody 'substantial elements of an earlier' model (Macpherson, 1977: 8). Therefore, it seems that despite some form of deliberation and voting existing in many conceptions of democracy, it still can be useful, meaningful and enlightening to highlight the empirical and normative differences between these models in relation to democratic forms and structural relations.

## 5. Political Equality in Deliberative Democracy

The normative claims made by deliberative democrats have been challenged by those concerned with its ability to achieve political equality because it 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, 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 (Young, 1996:123-25), who are also likely to speak more in discussion and gain undue influence not based upon the quality of their reasons (Sanders, 1997: 365-366). 'Insidious prejudices' are also highlighted as a reason why the arguments of minority social groups will not be 'heard' and that these prejudices will go unnoticed and therefore will not be countered by reasons offered in deliberation (Sanders, 1997: 353).

Instead of deliberative democracy, Iris Marion Young in '*Communication and the Other*' (1996), 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 they are more amenable to the particularity of participants. 'Greeting' deals with how participants provide recognition amongst each other 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 deliberation criticised. Just as some people are better at forming, expressing and understanding rational argument than others, 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

(Benhabib, 1996: 82; Dryzek, 2000: 67; Miller, 2000: 156-157; Gutmann and Thompson, 1996: 137).

## **6. Institutionalising Deliberative Democracy**

One of the most pertinent critiques levelled against deliberative democracy and most forms of direct or participatory democracy, is that it is an irrelevant, utopian theory and a counterfactual ideal because it is unachievable in modern complex societies (Zolo, 1992; Femia, 1996; Miller, 2000: 143; Benhabib, 1996: 84). The first obstacle of complexity is that modern societies are very plural, making deliberative democracy unlikely, as it decreases the chance of reaching consensus on a common good, due to 'intractable conflicts'.<sup>2</sup> The second aspect is that modern societies are too big and involve too many people to make democratic deliberation possible with its reliance on discussion (Bohman, 1996: 2). To have all citizens deliberate together seems to be an empirical impossibility.<sup>3</sup> These factors are intensified by the third aspect of complexity, the need for technical or professional expertise, because modern decisions are also thought to require high demands of expertise and present trends of increasing division of labour and new technologies has meant citizens are incapable of participating directly in making decisions (Bohman, 1996: 151-152; Femia, 1996: 362). The fourth and final aspect of complexity is the inequality of deliberative skills in society. A deliberative democracy could therefore effectively lead to rule by elites (Bohman, 1996: 3). These are significant obstacles for the institutionalisation of deliberative democracy:

The facts of complexity seem to present deliberative democracy with a Weberian dilemma: 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).

Nevertheless, many deliberative theorists believe that these problems can be overcome, providing there is an appropriate institutional design and a myriad of mechanisms have been advocated, again illustrating the diversity of deliberative democracy. These include constitutional issues, political parties, citizen juries, deliberative opinion polls and civil society. For Bohman it is these considerations of feasibility and institutionalisation now present in deliberative democracy that demonstrates that it has matured and "‘come of age’ as a practical ideal' (Bohman, 1997: 422).

### *i) Constitutional Issues*

Many deliberative theorists believe that deliberative democracy should only be employed when forming the constitution, suggesting this would lead to a constitution that all could accept (Rawls, 1993:137). However, this would mean that deliberative democracy would not be employed for specific decisions, which is a huge step away from the deliberative ideal. Others see the constitution as a useful tool to ensure decisions are made deliberatively. In the context of the USA, Joseph Bessette, argues that the American Constitution ensures Congress' decisions are commensurate with public reasons (Bessette 1994). This means decisions are made by elites and therefore excludes many from participating in deliberation and 'ties deliberation to a needlessly thin conception of democracy' (Dryzek, 2000: 3) and therefore fails to approximate the deliberative ideal closely.

ii) *Political Parties*

The fulcrum of modern democracy, political parties, has been seen as the appropriate location because they are essential to setting the agenda for debate. Realistic democratic deliberation requires a reduction of possibilities to be discussed and parties do this effectively by raising well-defined issues for debate (Manin, 1987: 357; Budge, 2000: 198). They also focus on the common good, therefore escaping the narrow, local, sectional and issue-specific interests that deliberative democracy is attempting to eliminate (Cohen, 1989: 31). This requires the democratisation of political parties around the norms of deliberation (Manin, 1987: 357), something that has long been considered impossible due to the inevitability of hierarchy (Michels, 1959). 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 (Barber, 1984, p. 136; Dryzek, 1990: 37; Bohman, 1996: 187-8).

iii) *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. They can both be seen as mechanisms 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' (Fishkin and Luskin, 2000:18-20). In citizen juries the number assembled is ten to twenty while in deliberative opinion polls it is a more representative several hundred. The concern for citizen juries is a lack of a genuinely representative sample, meaning that another jury with a different sample could produce an entirely different decision (Fishkin and Luskin, 2000: 20-1). For deliberative opinion polls the problems are ensuring small minorities are not excluded (Smith, 2000:31) and mediating debate between much bigger 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 (Fishkin and Luskin, 2000: 21; Smith, 2000:33); however, they still have been excluded from putting forward their own arguments and 'their representatives' are not open to recourse. 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 (Smith, 200: 33). Finally, in citizen juries the result is recommendations for decisions and the deliberative opinion poll, is as exactly as the title suggests, an aggregation of post deliberative preferences with no collective decision reached.

iv) *Civil Society*

The final method of institutionalisation to be considered is probably the most radical, and 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’ (Fraser, 1992: 110). 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 (Habermas, 1996a: 363-364; Warren, 2001: 212), which can mean complete marginalisation for some associations (Fraser, 1992: 120). Moreover, decisions are still being made separately from where the deliberation is occurring: ‘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’ (Squires, 2002: 142).

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 (Habermas, 1996a: chapter 8). 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 (Bohman, 1996: 179).

Following the recent rejuvenation of associational democracy (Hirst, 1994; Cohen and Rogers 1995), decentralisation of powers to voluntary associations to fulfil various functions, has been advocated (Warren, 2001; Perczynski 2000; Elstub, 2004). The associations can then make their own decisions, but this requires them to be internally deliberatively democratic. Currently they are hierarchical, with little participation from their members in their decisions. It also requires citizens to devote a lot of time to politics, which they may not be inclined to do and can exclude citizens affected by the decisions who are not members of the association.

## **7. Conclusion**

Starting from a broad agreement that democracy requires participation in debate because preferences are exogenous and must be justified to others, the theory of deliberative democracy becomes riddled with dispute about nearly all its other elements. It is divided over the appropriate justification from the prudentialists, epistemics and proceduralists, which all have some difficulties. Despite disagreement persisting it was suggested deliberation should be collective rather than dyadic or solo if the full benefits of public reason are to be enjoyed. 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. Likewise consensus was accepted by most to be 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. Finally, there are extensive disagreements over whether deliberative democracy 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.

It is perhaps because deliberative democracy has developed this breadth and depth that it has come to dominate discussions on democracy and because it addresses recurring questions that have confronted democracy over time, such as the meaning, most appropriate justification and most suitable institutional design. It is possibly greater attention to this last aspect that has increased the theory's credibility and this still remains its most significant challenge. This though is still just one of the many problems facing the theory of deliberative democracy, and disagreement within the theory will persist, but long may the debate continue.

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## Endnotes

<sup>1</sup> Saward has further suggested that deliberative democrats have 'overdrawn' the distinction between deliberative and aggregative models of democracy, because citizens can deliberate in private prior to voting (Saward, 2000b, p. 68). Hopefully the discussion above has demonstrated the vital differences between private and collective deliberation.

<sup>2</sup> This does not affect the agonistic strand of deliberative democracy, as it does not aim to achieve consensus.

<sup>3</sup> As discussed earlier, Gundersen (2000: 98) favours a dyadic approach to democratic deliberation, and one of the reasons for this is that it is more realistic than collective deliberation because it is easier to institutionalise because of the problems of size. However, it was argued earlier that Gundersen's dyadic model misconceives the ideal of democratic deliberation due to its interpretation of public reason and consequently, has a lack of normative value.

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### **Questions for Discussion**

- Which of the three justifications considered provides the best grounding for a theory of deliberative democracy?
- Is the theory of deliberative democracy too utopian or can it be institutionalised in a meaningful way?
- What type of representation would be most compatible with the norms of deliberative democracy?
- Would deliberative democracy reduce or increase political equality?