

*Symposium: Toward More Realistic Models of  
Deliberative Democracy*

**Disentangling Diversity in Deliberative Democracy:  
Competing Theories, Their Blind Spots  
and Complementarities\***

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**I**N the last decade deliberative democracy has developed rapidly from a “theoretical statement” into a “working theory.”<sup>1</sup> Scholars and practitioners have launched numerous initiatives designed to put deliberative democracy into practice, ranging from deliberative polling to citizen summits.<sup>2</sup> Some even advocate deliberation as a new “revolutionary political ideal . . . about how political actors should behave here and now.”<sup>3</sup>

Deliberative democracy has also experienced the beginning of an empirical turn, making significant gains as an empirical (or positive) political science. This includes a small, but growing body of literature tackling the connection between the normative standards of deliberation, how well they are met, and the empirical consequences of meeting them.<sup>4</sup> This trend has, for instance, included the use of methods and frameworks borrowed from other fields, such as political and social psychology. Such studies suggest that cases approaching ideal deliberation are rare, but that group interaction sometimes works surprisingly well according to such ideals.<sup>5</sup>

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<sup>1</sup>Chambers 2003.

<sup>2</sup>Fung 2003.

<sup>3</sup>Fung 2005, p. 297.

<sup>4</sup>Risse 2000. Luskin et al. 2002. Holzinger 2001. Hajer and Wagenaar 2003. Steiner et al. 2004. Ulbert and Risse 2005. Parkinson 2006. Neblo 2000. Esterling et al. 2007. Thompson 2008.

<sup>5</sup>Ryfe 2005. Reykowski 2006.

Deliberative democracy has also been influential in other fields. Adopting a deliberative hue is becoming increasingly popular in areas outside deliberative democracy. Rational choice scholars, for example, have tried to subsume deliberation under the rubric of their “cheap talk” program.<sup>6</sup> Comparative institutionalists have also begun to explicitly refer to deliberation.<sup>7</sup>

This emerging multidisciplinary should be strongly welcomed. However, with otherwise disparate actors—philosophers, practitioners, and empirical researchers—embracing as well as critiquing deliberation as a political ideal and a logic of action, we think that some conceptual clarifications are in order lest disparate researchers dissipate their energies in an ironic lack of communication.

The rapid proliferation of the term deliberation involves the danger of concept stretching.<sup>8</sup> In many cases it is not clear whether some commentators on deliberative democracy merely refer to any kind of communication, or to deliberation in the sense of systematically weighing rational arguments. Some references to deliberation appear to involve nothing more systematic than merely talking. Other deliberationists hold firmly to Habermasian communicative action as the standard of deliberation. This dual tendency to construe deliberation both too broadly and too narrowly can lead to serious confusion.

Thus, the first goal of this article is to organize the emerging diversity in deliberative theory. Although in practice the positions we present fall more or less in between the two types, for illustrative purposes we simplify the task by distinguishing between two broad ideal-types. Type I deliberation is rooted in the Habermasian logic of communicative action, and embodies the idea of rational discourse, focuses on deliberative intent and the related distinction between communicative and strategic action, and has a strong procedural component. In this view, deliberation implies a systematic process wherein actors tell the truth, justify their positions extensively, and are willing to yield to the force of the better argument. The ultimate goal of type I deliberation is to reach understanding, or consensus.

Type II deliberation generally involves more flexible forms of discourse, more emphasis on outcomes versus process, and more attention to overcoming ‘real world’ constraints on realizing normative ideals. At its limit, type II deliberation is defined broadly to include “all activities that function as communicative influence under conditions of conflict” (Warren 2007). Whatever the hue, type II deliberation involves a shift away from the idea of purely rational discourse toward a conception of deliberation that incorporates alternative forms of

<sup>6</sup>See, e.g., Austen-Smith and Feddersen 2006.

<sup>7</sup>See, e.g., Gerring et al. 2005 and Schmidt 2008. Gerring et al. (2005, p. 570) state that: “Centripetal institutions . . . foster a positive-sum view of political power. Government is viewed as creating power, enhancing the ability of a political community through its chosen representatives to *deliberate*, reach decisions, and implement those decisions.”

<sup>8</sup>Steiner 2008.

communication, such as rhetoric or story-telling. Moreover, the sincerity criterion, is often relaxed (if not abandoned).

Empirical observation in type II has been linked to realistically achievable, but still normatively promising, outcomes that seek to build on established deliberative norms (such as intersubjective rationality<sup>9</sup>) as well as reconciling deliberation with other, sometimes competing, conceptions such as preference-structuration<sup>10</sup> and a synthesis of erstwhile competing conceptions—for example, accommodating both plurality and consensus via meta-consensus<sup>11</sup> as a deliberative outcome. Empirical observation in type I has sought to identify what Habermas has called “the particles and fragments of an existing reason” among the normal operations of power.<sup>12</sup>

We argue that both type I and type II deliberation retain a number of non-trivial normative and empirical blind spots. On one hand, type I deliberation has been accused of paying insufficient attention to pluralism and difference, as well as being exclusive and disciplinary to disadvantaged groups; similarly, the rarity of consensus is often highlighted. Type I empirical research struggles with the problem of identifying authentic deliberation—that is, how to properly separate communicative from strategic action in concrete research.

Type II deliberative theory, while being more open to alternative forms of communication, suffers from the risk of becoming so broad as to admit communicative distortions and forms of coercion and manipulation that are problematic from a type I perspective. Moreover, it may precipitously abandon fundamental regulative principles—such as the sincerity norm—which may govern any discourse, even if they are never fully achieved in reality; and empirically, the process leading to Type II’s normatively promising outcomes is not well understood, raising questions about whether means and ends link up in a satisfying way.

To address these blind spots, we argue that type I and type II deliberation might be integrated in such a way as to complement each other, both in normative and empirical terms. Type I deliberation represents a “counterfactual ideal” whose advocates can usefully learn normatively promising yet realistic insights from real world deliberative processes. Similarly, scholars committed to type II deliberation might benefit from (re-)connecting with type I standards and investigate whether the process leading to better outcomes can also retain some form of rational warrant and procedural legitimacy.

We propose a *sequential approach* whereby debates and communication processes are partitioned in to smaller sequences.<sup>13</sup> This approach holds prospects for integrating different forms of communication while at the same time relaxing

<sup>9</sup>Niemeyer and Dryzek 2007.

<sup>10</sup>Dryzek and List 2003.

<sup>11</sup>Dryzek and Niemeyer 2006.

<sup>12</sup>Steiner et al. 2004. Neblo 2000.

<sup>13</sup>See Goodin 2005.

the idea that each moment of the communicative process must fully embody rational discourse; rather, alternative forms of communication may spur reflexivity, rationality and desired outcomes, and if there are elements of rational discourse in at least one sequence, this may qualify as “good enough” deliberation. Nonetheless, such an integrative approach requires that we find ways to get a better empirical handle on the problems of sincerity and substantive argument quality. Below, we shall offer sketches of a sophisticated measurement approach suggesting how such problems might be addressed in future empirical research.

In sum, combining these two programs and addressing their blind spots will strengthen the deliberative enterprise, while simultaneously pushing the study of deliberation towards a *via media*: not one of under-specification, where almost every communicative activity is considered “deliberative,” but also not one of over-specification where deliberative practice becomes so far removed from the demanding presuppositions of discourse that researchers lose empirical traction.

## I. TWO TYPES OF DELIBERATION

What is deliberation? Beyond the bedrock agreement that democratic process should involve *communication about*, rather than merely *aggregation of* (fixed), preferences, there is not much consensus about how deliberation is best conceptualized. We have already identified two stylized views of deliberative democracy that we label simply type I and type II deliberation.<sup>14</sup> We shall focus on each type in turn, highlighting their defining characteristics and canvassing their normative and empirical blind spots (see Table 1).

### A. TYPE I DELIBERATION

Type I deliberation is primarily characterized by the Habermasian logic of communicative action (as exhibited in his *Theory of Communicative Action*<sup>15</sup>). Here, deliberation is conceived of as a logic of action oriented toward reaching common understanding (*verständigungsorientiertes Handeln*). As Habermas puts it:

<sup>14</sup>We resist neologisms for these deliberative types to avoid terminological complexity to an already jargon-laden subject. For those who prefer substantive labels, we suggest “neo-Habermasian” for type I deliberation and “extra-Habermasian” for type II deliberation. Type I is labelled “neo-Habermasian” because it refers to Habermas’s moral theory as exhibited in the *Theory of Communication Action* rather than his mature political theory (e.g., *Between Facts and Norms*). Type II is labelled “extra-Habermasian” because many proponents of this deliberative approach have developed their ideas in opposition to the ideals of communicative action (e.g., Young 2002, p. 40). Ironically, in his mature political theory, Habermas’s position has evolved from type I to type II as well.

<sup>15</sup>Habermas 1981.

Table 1. *Two Types of Deliberation*

	Type I Deliberation	Type II Deliberation
Focus	Deliberative process	Deliberative institutions and outcomes
Deliberative Process	Rational, communicative discourse including justification rationality and force of the better argument Sincerity/truthfulness	All forms of communication (including rhetoric, emotional discourse, or story-telling, etc.) Sincerity criterion relaxed or abandoned
Deliberative Outcome	Rational consensus on validity claims	Not generally specified. Possibilities include: <ul style="list-style-type: none"> <li>• preference structuration</li> <li>• meta-consensus</li> <li>• intersubjective rationality</li> </ul>

I speak of communicative actions when the action orientations of the participating actors are not coordinated via egocentric calculations of success, but through acts of understanding. Participants are not primarily oriented toward their own success in communicative action; they pursue their individual goals under the condition that they can co-ordinate their action plans on the basis of shared definitions of the situation.<sup>16</sup>

Habermasian discourses have a strong procedural component, crystallizing in the idea of the “ideal discourse.” In this regard, Habermas draws from Cohen’s conception of an ideal deliberative procedure,<sup>17</sup> which consists of the following principles:

- no one with the competency to speak and act may be excluded from discourse;
- all have the same chances to question and/or introduce any assertion whatever as well as express their attitudes, desires, and needs;
- no one may be prevented, by internal or external coercion, from exercising these rights;
- all have the right to question the assigned topics of conversation;
- all have the right to initiate reflexive arguments about the very rules of the discourse procedure and the way in which they are applied or carried out; and
- discourse must be public.<sup>18</sup>

Rational discourse means that participants adopt an orientation toward common understanding and are sincere or “truthful” (*wahrhaftig*): they should

<sup>16</sup>Habermas 1981, p. 385 (our translation).

<sup>17</sup>Habermas 1992, pp. 370–2.

<sup>18</sup>Cohen 1989, p. 23. See also Benhabib (1996, p. 70) and Chambers (1995, p. 233).

not use arguments in a purely opportunistic fashion to “dupe” the audience but really “say what they mean and mean what they say.” They should listen to diverse standpoints and respond to them in a respectful way, practice empathy, and systematically reflect upon and evaluate their interests and needs from the point of view of their generalizability. Most importantly, they must be open to persuasion by the “unforced force of the better argument.”<sup>19</sup> In order to make sense of this process as rational, participants have to presume (provisionally) that, in principle, they could reach a consensus. As Cohen put it in his classic statement: “Outcomes are democratically legitimate if and only if they could be the object of free and reasoned agreement among equals.”<sup>20</sup> Or, in Young’s account: “The goal of deliberation is to arrive at consensus.”<sup>21</sup>

Thus, the type I program distinguishes deliberation from other forms of communication. Mere talk, conversation, or information-sharing do not directly qualify as deliberation, because they lack standards of rational justification. Even more importantly, they also lack the precondition of focusing on disagreements over validity claims. It is precisely when the background agreement on truth, truthfulness, and rightness which enables “mere talk” to coordinate social actions breaks down that deliberation becomes necessary. “Everyday talk”, for instance, is frequently consensual from the beginning. Moreover, discourse proper should be unconstrained, non-coercive and non-distorted. Concretely, “[t]his requirement . . . rules out domination via the exercise of power, manipulation, indoctrination, propaganda, deception, expressions of mere self-interest, threats (of the sort that characterize bargaining), and attempts to impose ideological conformity.”<sup>22</sup> Hence, deliberation that boils down to purely strategic communication—as in cheap talk models<sup>23</sup>—would not qualify as type I deliberation. For Habermas, then, the terms discourse and deliberation are evaluative-descriptive concepts in that they demarcate empirical categories, but they do so in a way that is intrinsically approbative.<sup>24</sup>

Habermas acknowledges that his model of deliberation describes an ideal type. Rather than Panglossian optimism of which he is often accused, he readily concedes that “rational discourses have an improbable character and are like islands in the ocean of everyday praxis.”<sup>25</sup> This improbability, however, does not preclude researchers from employing ideal deliberation as an evaluative benchmark. The task is made tractable by the conditions established by the ideal type, permitting us to recognize accreted reason already operative in our everyday practices, and to judge “excellent,” “bad,” “better” or “good enough” deliberation for some purpose.<sup>26</sup>

<sup>19</sup>Habermas 1983, p. 132.

<sup>20</sup>Cohen 1989, p. 22.

<sup>21</sup>Young 1996, p. 122.

<sup>22</sup>Dryzek 2000, p. 2.

<sup>23</sup>Austen-Smith 1992. Austen-Smith and Feddersen 2006.

<sup>24</sup>Skinner 1974.

<sup>25</sup>Habermas 1996, p. 323.

<sup>26</sup>Neblo 2005.

Empirical expressions of type I deliberation already exist. Indeed, the type I program has served as the reference point for much initial empirical research on deliberation.<sup>27</sup> For example, the *Discourse Quality Index* (DQI) is an attempt to operationalize the essentials of the Habermasian logic of communicative action and type I deliberation.<sup>28</sup> It measures the quality of deliberation with seven indicators. Although the indicators are categorical, the objective of the DQI is to tap an underlying continuum of deliberation that ranges from the complete violation of Habermas' discourse ethics to ideal speech acts. The seven indicators are:

- (1) participation;
- (2) level of justification (do speakers just forward demands or do they give reasons for their positions, and how sophisticated are such justifications?);
- (3) content of justifications (do speakers cast their justifications in terms of a conception of the common good or in terms of narrow group or constituency interests?);
- (4) respect toward groups (do speakers degrade, treat neutrally, or value groups that are to be helped?);
- (5) respect toward demands (do speakers degrade, treat neutrally, value, or agree with demands from other speakers?);
- (6) respect toward counterarguments (do speakers degrade, ignore, treat neutrally, value, or agree with counterarguments to their position?); and
- (7) constructive politics (do speakers sit on their positions or submit alternative or mediating proposals?).

The DQI has also met with considerable support from Habermas who writes that the DQI captures "essential features of proper deliberation."<sup>29</sup> The application of these methods to deliberation to date has tracked instances of effective deliberation both in the political and civic sphere. Particular conditions under which something approaching ideal deliberation is achieved have been identified, as have mechanisms whereby deliberation can improve democratic practice.<sup>30</sup> Yet there remain a number of questions regarding the applicability and measurement of ideal deliberation.

## B. BLIND SPOTS OF TYPE I DELIBERATION

Type I deliberation has a number of normative and empirical blind spots. At the normative level, difference democrats and pluralists have raised several well-known objections. Sanders and Young allege that deliberative theorists' focus on rational, dispassionate discussion creates a stifling uniformity and

<sup>27</sup>See, in addition to the debate in the *Zeitschrift für Internationale Beziehungen* from 1994 onwards, Risse (2000) and Steiner et al. (2004).

<sup>28</sup>Steenbergen et al. 2003.

<sup>29</sup>Habermas 2005, p. 389.

<sup>30</sup>Steiner et al. 2004. Neblo 2006.

constrains deliberation.<sup>31</sup> According to Sanders, many (usually) disadvantaged people do not engage in idealized forms of deliberation, which suits only a privileged few. Both Sanders and Young stress the need to admit wider forms of communication—such as testimony, storytelling, or rhetoric—to avoid these constraints.

At the empirical level, deliberation is criticized for its utopian irrelevance and potential for harm. Difference democrats and postmodernists reject the possibility of a public sphere where power is equalized to the degree that it cannot trump deliberation, and where a rational consensus can be realized. In their view, the Habermasian model of communicative action is unable to acknowledge the ineradicable dimension of antagonism that the pluralism of values entails.<sup>32</sup> Furthermore, an extreme Schumpeterian position advanced by Posner is that the public is generally too confused, inconsistent, and ignorant for deliberative democracy to succeed.<sup>33</sup> Many psychologists are similarly skeptical about whether people really possess the requisite abilities for making rational discourse work.<sup>34</sup>

Social psychologists versed in such phenomena as “groupthink” claim that deliberative democrats fail to consider, let alone actively exclude the possibility of such outcomes.<sup>35</sup> Along these lines, some critics have speculated that deliberation might widen political divisions instead of narrowing them and lead to the polarization of opinions.<sup>36</sup>

At the macropolitical level, Shapiro argues that deliberative models ignore the reality that “politics is about interests and power” and not “understanding” and the “better argument.”<sup>37</sup> Moreover, Johnson finds that actual political discourse is of fundamentally different character than ideal deliberation.<sup>38</sup> Referring to Mannheim and his pessimistic view regarding German interwar politics, Johnson notes that in politics parties frequently seek to challenge one another at a quite fundamental, even “existential” level. They do not just attack their opponent’s values, interests, or preferences, but the broader understandings and commitments—in short, the worldviews—that sustain them. These observations point to a potential weakness in connecting deliberative ideals with macropolitics. Approaching this phenomenon from a different perspective Blaug observes a disconnect between the macropolitical analog of ideal deliberation in the form of the “public sphere” and the real world either in the form of empirical observations or institutional prescriptions.<sup>39</sup>

<sup>31</sup>Sanders 1997. Young 2001.

<sup>32</sup>E.g., Mouffe 1999.

<sup>33</sup>Posner 2004a; 2004b.

<sup>34</sup>Rosenberg 2002.

<sup>35</sup>Janis 1972. Hart 2007.

<sup>36</sup>Sunstein 2003.

<sup>37</sup>Shapiro 1999, p. 36.

<sup>38</sup>Johnson 1998, pp. 165 ff.

<sup>39</sup>Blaug 1997.



While there may be some distance to go in connecting type I deliberation to the institutional/macropolitical level, at the interpersonal level, claims of utopian irrelevance or Jacobin perversity are less sustainable. Certainly the desire to deliberate seems to exist among citizens at much higher rates than previously thought.<sup>40</sup> And, although Mattson cautions against strict adherence to type I ideals, there also exists evidence of the capacity to deliberate in ways that approximate these ideals. However, any genuine rebuttal of the above criticisms of type I deliberation hinges on the ability to provide definitive empirical evidence for Habermasian standards of deliberation. Put differently, empirical researchers need to demonstrate that participants really engage in rational discourse as well as identify the institutional settings in which this occurs.

Here we confront the key empirical blindspot. A pervasive challenge is the problem of measuring sincerity because it is extremely difficult to determine an actor's true orientation, as these are intra-psychic processes, which are difficult to verify, sometimes even to oneself.<sup>41</sup> As Young lucidly observes, people can be manipulated by argumentative discourse: "many academics are very good at adopting a stance of controlled and measured expression that commands authority, transcending the dirty world of interest and passion."<sup>42</sup> With respect to the DQI, speculation about truthfulness might introduce significant (and possibly systematic) measurement error, and for this reason Steenbergen et al. do not include this category in their empirical research.<sup>43</sup>

Indeed, several components of the DQI are affected by the difficulty in measuring truthfulness, raising doubts whether a given deliberative exchange functions according to the philosophical model. We illustrate this problem for two key components of the DQI's attempt to operationalize the type I model: *justification and respect plus force the better argument*.

*Level of Justification.* For Habermas, ideal discourse has no content that can be specified in advance. What constitutes a good reason or a bad argument can only be judged from the point of view of the participants themselves. On the deliberative model, no justification can claim *force a priori*. Reasoning and evidence must be submitted to the criticism of all participants. However, empirical tractability necessitates *a priori* codes to assess justificatory content. Thus, there appears to be an unbridgeable gap between the third-person perspective of the scientist, and the first-person perspective of the participant. Hence, familiar hermeneutic problems would seem to preclude getting much leverage on measuring levels of justification.

However, the hermeneutic problem presses less forcefully when judging the formal properties of arguments and justification (as opposed to their content). So

<sup>40</sup>Mattson 2002. Neblo et al. 2008a.

<sup>41</sup>See Holzinger 2001, p. 251. Even Habermas (2007, p. 421) admits that attitudes of actors (especially those in the political sphere) are frequently "opaque."

<sup>42</sup>Young 2002, p. 64.

<sup>43</sup>Steenbergen et al. 2003.

we can at least measure whether an argument is *accessible* to rational criticism. Thus, DQI codes only assess whether the speaker provides supporting evidence (not whether it is compelling evidence), and links the evidence to his or her conclusion (not whether the connecting warrants are substantively persuasive).

Although it is surprisingly easy to get high levels of agreement (i.e., high inter-coder reliability) on these formal measures,<sup>44</sup> as opposed to the quality of the content, this strategy presents at least three limitations. First, formal properties are an indirect measure of justification, and hence less reliable. All else being equal, a formally sound argument is (theoretically) more likely to prove persuasive, but (in practice) it does not automatically follow that mere use of justificatory language *will* persuade. Justification is a necessary, but insufficient, condition for persuasiveness. Thus, our formal measure can serve as a proxy for substantive justification, even when the justification is relatively poor.<sup>45</sup>

Second, compounding this general problem, DQI is ambiguous with respect to the quality of reasons, but not the volume of justification, links, and supporting evidence. All of these lead to higher coding, but may not constitute good deliberation. For example, a clever speaker might use unnecessarily elaborate arguments precisely to cover weaknesses in the main argument, overwhelming his audience with evidence and complex argumentation—something surely familiar to academics. This possibility raises an important issue for coding levels of justification. Clearly, it is important for coders to carefully take the context of the debate into account.

The third, obverse problem involves communicative short-cuts and ‘economies of speech’, such that the relationship between reasons, evidence, and conclusions are not made explicit. In such cases speakers reasonably leave out elements of an argument, since they may be so obvious that it is unnecessary to state them<sup>46</sup>, something the audience understands implicitly. This is particularly true in ordinary, everyday discourses, as Goodin notes:

We merely gesture toward arguments, expecting others to catch the allusions, rather than belabouring points. We talk principally in terms of conclusions, offering in ordinary discussion only the briefest argument-sketch describing our reasoning leading us to those conclusions. We do so precisely so as not to belabour the point needlessly.<sup>47</sup>

*Respect.* It is not enough that participants justify generalizable arguments. Deliberative theory also requires that they consider the arguments and demands

<sup>44</sup>The ratio of inter-coder agreement for the level of justification ranged between .73 and .97. Cohen’s kappa, which controls for inter-coder agreement by chance, ranged from .62 to .97. These statistics indicate good to excellent inter-coder reliability.

<sup>45</sup>In statistical terms, the errors will be “heteroskedastic,” in that the confidence that we have in our inference will vary across conditions—i.e., we can be fairly confident about judgements of low quality (because formal validity is necessary for high quality), and less so about judgements of high quality (because it is insufficient).

<sup>46</sup>Angell 1964, pp. 368–9.

<sup>47</sup>Goodin 2006, p. 253.

of others with respect, and be prepared to submit to the “unforced force of the better argument.”<sup>48</sup> Disrespect is usually quite easy to ascertain. Disrespect involves speech acts that explicitly degrade other actors, and/or their demands and arguments.

Measurement difficulties increase when actors show “surface” respect. Thus, it is important to consider the context in which a respectful statement is made. Seemingly respectful formulations can also be used with irony or sarcasm. In a debate in the British House of Commons, a Conservative MP argued against quotas for women. A female Labour MP, in a flattering way, agrees that quotas lower standards, and in support of her agreement she refers to quotas for men as practiced for centuries.<sup>49</sup> Considering the context, it is clear that the statement was meant sarcastically, showing no respect at all.

While researchers can address sarcasm and canned locutions using context knowledge, other subtleties are more difficult to manage. It is possible to appear open to and reflective toward different positions, just as discourse theory would suggest. However, putatively respectful speech can also reflect social pressure to *appear* deliberative.

Specific contexts can greatly magnify such pressures. For example, second chambers frequently institutionalize particularly strong norms of civility and reflexivity that turn deliberation into appropriate behavior in which speakers are simply acting out pre-given norms of appropriateness, rather than engaging in authentic deliberation.<sup>50</sup> Such situations abound in real world deliberation, making it difficult for empirical researchers to separate type I deliberation from standard norm-governed, sociological explanations. Questions like these cannot be resolved in a simple fashion, and require sophisticated measurement approaches as well as theoretical guidance from normative theorists. We shall return to this issue below.

### C. TYPE II DELIBERATION

The body of work that we group together under Type II deliberation does not directly repudiate the type I agenda so much as shift emphasis from an ideal conception of the political to the phenomenological. Moreover, it is less a fully coherent program than a series of interdependent departures from the narrow type I model of rational discourse. But, taken together, these strands exhibit a number of features that we believe constitute a distinguishable approach in deliberative theory.

Early statements of this program include Gutmann and Thompson, Dryzek, and Young who have been more recently joined by a number of researchers with

<sup>48</sup>Habermas 1983, p. 132.

<sup>49</sup>Debate of February 27, 1998 on government priorities with regard to women’s issues.

<sup>50</sup>Loomis 1990. Müller 2004.

a focus on empirical evaluation and verification of the deliberative process.<sup>51</sup> Following from these, type II deliberation represents an attempt to address a number of normative and empirical blind spots of the type I program. This includes a desire to broaden the scope for admissible forms of speech. As Dryzek states:

Some deliberative democrats, especially those who traffic in public reason, want to impose narrow limits on what constitutes authentic deliberation, restricting it to arguments in particular kinds of terms; a more tolerant position, which I favour, would allow argument, rhetoric, humour, emotion, testimony or storytelling, and gossip.<sup>52</sup>

In a similar vein, Young challenges “an identification of reasonable public debate with polite, orderly, dispassionate, gentlemanly argument.”<sup>53</sup> She advocates a more “agonistic model” of the democratic process putting a strong prime on greeting, rhetoric, and narrative. Scholars in type II deliberation might thus admit claims cloaked in confrontational language or barely concealed sarcasm, conceding that this very mode of delivery may go hand in hand with the nature of the point that is being made, or necessary to communicate to a particular audience. It may also be necessary because of their position or status<sup>54</sup> and may actually help to build a more authentic picture of the person and their position and help to avoid misunderstanding and short-circuit the Kantian problem highlighted earlier, rendering evaluation more tractable.

Furthermore, Mansbridge et al. argue that while deliberative democracy has traditionally been defined in opposition to self-interest, the latter must have a place in deliberative models: “Including self-interest in deliberative democracy reduces the possibility of exploitation, introduces information that facilitates reasonable solutions and the identification of integrative outcomes, and also motivates vigorous and creative deliberation. Excluding self-interest from deliberative democracy is likely to produce obfuscation.”<sup>55</sup> More concretely, Mansbridge et al. think that self-interest can serve as information on the common good: “If self-interest is not part of the process of exploration and clarification, the chances increase greatly of a group’s adopting a version of the common good that does not take everyone’s interests into account.” Hence, the authors also see fair bargains such as “fully cooperative compromises” or “integrated solutions” (where there is agreement on one outcome, but for different reasons) as legitimate outcomes of deliberative processes.

Finally, Markovits argues that deliberative theory would do well to relax the sincerity requirement considerably since it oversimplifies human psychology by ignoring the possibility of multiple and complexly related intentions while at the

<sup>51</sup>Gutmann and Thompson 1996. Dryzek 2000. Young 2002.

<sup>52</sup>Dryzek 2000, p. 48.

<sup>53</sup>Young 2002, p. 49.

<sup>54</sup>Yack 2006, p. 423.

<sup>55</sup>Mansbridge et al. 2009.

same time denigrating alternative forms of speech.<sup>56</sup> Thompson, too, holds that students of deliberative democracy should not worry about sincerity or truthfulness: “actual arguments are what matter, not motives.”<sup>57</sup> In Thompson’s view, the key is that deliberators present their arguments in terms that are accessible to the relevant audience, respond to reasonable arguments presented by opponents, and manifest an inclination to change their views or cooperate with opponents when appropriate. This requires some trust, and actions that demonstrate trust, but no special window into the motives or inner life of actors.<sup>58</sup>

In light of such concerns, Warren proposes to broaden the scope of deliberative research as follows:

Thus, from the point of view of democratic institutions and systems, we should be more interested in the outcomes of communication than communicative intent. If angry demonstration is necessary to persuade others that they should notice unpleasant facts, that is a contribution to deliberation—although the initial intentions may not be “deliberative.” Likewise, strategic and hypocritical communications may induce a dynamic of communicative influence that produces deliberative outcomes (Elster, 1998). Institutionalizing deliberative democracy turns, in part, on structuring incentives in such a way that communicative utterances that are not necessarily deliberative in intention are captured to produce dynamics that are deliberative in function. Deliberative institutions should not depend upon, or be defined by, the deliberative intentions of participants. Rather, we should be interested in deliberative functions of institutional norms, rules, and constraints.<sup>59</sup>

Warren specifically criticizes the normative orientation of type I deliberation, arguing that in polarizing coercive power and strategic intent versus communicative ideals, type I approaches to deliberation have been handicapped in analyzing incentives that promote—or stifle—deliberative action. He suggests that a new program must analyze incentive structures following from the problems as well as the institutional forms within which they are addressed. He combines this with a call for the development of “middle level” theory to avoid generalizing from single cases, while simultaneously seeking to identify the attributes of the cases that produce desired outcomes.<sup>60</sup>

In sum, the type II program dispenses with the narrow preconditions for deliberation that are (arguably) exclusionary to all but a few, broadening the deliberative program this way, deliberative democrats can also build bridges to difference democrats. As well as being potentially more palatable to a wider set of scholars, type II deliberation’s standards are less remote from typical deliberative practice relative to type I deliberation’s. Type II is typically more problem-driven and empirically grounded, rather than theory-driven—although

<sup>56</sup>Markovits 2006.

<sup>57</sup>Thompson 2008, p. 504.

<sup>58</sup>Dennis Thompson, personal communication.

<sup>59</sup>Warren 2007, p. 278.

<sup>60</sup>See also Fung 2003.

there may be an interplay between the two where the normative claims are treated as hypotheses to be explored and tested, maintaining an openness to modifying the theory where necessary.<sup>61</sup>

It is important to note that in his mature political theory (e.g., *Between Facts and Norms*), Habermas has started to incorporate a number of ideas as exhibited in type II deliberation.<sup>62</sup> First, the demanding presuppositions of communicative action get weakened and shunted into institutional channels. Second, one need not reach an actual consensus, so acceptable outcomes include legitimate bargains and compromises. Third, Habermas is very clear that all forms of communication “count” going into a process and are legitimate *objects* of deliberative consideration. But the “work” of deliberation involves sorting out the claims with defensible cognitive content, and this ultimately involves notions of *justification* and *rational discourse* that gesture back to his account in *The Theory of Communicative Action* and *Discourse Ethics*. It is one thing to assess the implicit moral claims behind an angry protest movement, and it is quite another to try to conduct such an assessment in the form of an angry protest. As such, Habermas’s political theory goes in direction of a middle-ground position between type I and type II deliberation. We shall detail the empirical implications of such a position at the end.

Despite its real-world orientation and antagonism to some of the strongest ideals of communicative action, type II deliberation also entails a concrete normative program. But it is a program linked to an empirical project less grand than Habermas’s reconstruction of practices of argumentation in modernity (though perhaps it is not so remote from Habermas’s more concrete reconstruction of constitutional democracy in *Between Facts and Norms*). As such, scholars subscribing to type II deliberation hold that the normative project is open and ongoing. The goal is to identify theoretically promising standards that can be achieved in the real world.

And it is not only deliberative norms that are the target of the type II scholar. There has been a good deal of work attempting to reconcile deliberative ideals with other normative frameworks. This has included attempts to bridge and reconcile deliberationists, social choice theorists, and difference democrats. For example, Dryzek and List have sought to reconcile deliberative democracy and social choice, suggesting that deliberation might constitute a remedy for the predicted arbitrary, unstable, and chaotic outcomes identified by social choice theorists.<sup>63</sup> They argue that, firstly, deliberation can make individuals aware of the dimensions of the issue that are at stake. Second, deliberation can multiply dimensions and options that increase the chances for stable and non-arbitrary agreement or make it easier for actors to strike a bargain. And finally, deliberation can curb strategic action: as there are certain kinds of positions that

<sup>61</sup>Rosenberg 2005.

<sup>62</sup>Habermas 1992; 1996.

<sup>63</sup>Dryzek and List 2003.

cannot withstand deliberative scrutiny. As a result deliberation can induce preference structuration. This, in turn, may facilitate the disaggregation of a non-single peaked dimension into two or more single-peaked dimensions, thus making cycles in decision-making less of a threat.

Similarly, Dryzek and Niemeyer have sought to reconcile the ideal of consensus and pluralism favoured by difference democrats.<sup>64</sup> Rather than prescribe what they refer to as simple consensus (in the form of unanimous agreement), they argue in favor of *metaconsensus*. In short, metaconsensus (like preference structuration) refers to a set of agreed forms of deliberative outputs (acceptable domain of preferences) that are the product of a similarly metaconsensual (mutually acceptable) domain of supporting values and beliefs that are agreed as legitimate and worthy of consideration by all, even if not all individuals come to actually agree with them or their implications. The result is a consensus that is acceptable to pluralists and difference democrats as well as conducive to producing tractable political outcomes in a way that is theoretically promising. The implications of metaconsensus are normative, but it is an idea that emerged from careful observation of real world deliberation.<sup>65</sup>

A related normative concept drawn from empirical observation of deliberation is that of intersubjective rationality, which is measured in the form of intersubjective consistency.<sup>66</sup> Intersubjective comparison of the relationship between values and beliefs (combined under the term subjectivity) and concomitant preferences reveals a strong increase in a relationship between the two as a result of authentic deliberation. To the extent that there is metaconsensus on all the relevant considerations, this result reflects a situation where any given pair of deliberators with similar values and beliefs will also have similar preferences; the converse also being the case where there is consistent disagreement. As with metaconsensus, this dispenses with the ideal of consensus in favor of a form of consistency where, although individuals might disagree, a strong consistency suggests that they have at least considered the relevant domain of issues, values, facts, etc., and constructed their positions accordingly. Such outcomes suggest a form of intersubjective communication and, although consensus is not assured, at least there is a high degree of confidence the outcome is the result of reflection that at least takes into account the viewpoints of others.

It is important to note that Dryzek and Niemeyer do not conceive of these deliberative ends in a procedural void. They argue that a procedural-outcome collision can be avoided if procedure and outcome are connected at the foundational level. For example, the procedural ideal here involves reflecting on the issue at hand from a shared perspective and articulating good reasons to co-deliberators in a public context. Reasoning from the standpoint of all involved

<sup>64</sup>Dryzek and Niemeyer 2006.

<sup>65</sup>Niemeyer 2004.

<sup>66</sup>Niemeyer and Dryzek 2007.



forces “a certain coherence upon one’s own views”<sup>67</sup>—a coherence that is embodied in outcomes such as intersubjective rationality. Similarly, Mansbridge et al. make a strong case that truly deliberative procedures—including non-coercion, mutual respect, careful listening, and even truthfulness—should be part of “deliberative negotiations” and precede outcomes such as fair bargains.<sup>68</sup>

These ideas that we label type II have also arisen in the light of empirical blindspots of the type I program. For example, Steiner et al., whose empirical endeavours set out to explicitly measure and endorse type I deliberation, have adopted elements of type II deliberation.<sup>69</sup> Their partial conversion has arisen in the face of practical difficulties of separating strategic from communicative action due to an inability to satisfactorily measure sincerity—making it difficult to distinguish between genuine deliberation and more strategic forms of communication. The line of defense offered by Steiner et al. is to argue that deliberative quality—measured by the DQI—matters for outcomes, thus, reducing the problem of measuring sincerity. They have also focused on institutional incentives that drive—or stifle—deliberative action and shifted the focus from deliberative intent to deliberative context.

Risse faced similar problems when analyzing deliberative processes in multilateral negotiations and has developed strikingly similar answers to Steiner et al.<sup>70</sup> He finds that:

While, analytically speaking, arguing and reason-giving as modes of communication have to be strictly separated from ‘bargaining’, empirical research demonstrates that arguing and bargaining usually go together in reality. Pure arguing in terms of deliberative and truth-seeking behaviour occurs as rarely as pure bargaining in terms of the exchange of demands, threats, promises and the like. Rather, pure arguing and pure bargaining represent opposite ends of a continuum whereby most of the actual communicative processes take place somewhere in between.<sup>71</sup>

Confronted with such empirical difficulties, Risse, Müller and their project collaborators reformulated their type I-inspired deliberative lens from the *process* of communication to the *context* of the negotiations. As Deitelhoff and Müller admit, this shift “was accompanied by a relaxation of certain characteristics of communication action.”<sup>72</sup> The concept of arguing was decoupled from actor’s orientations. In the context of a new research design, arguing turns into a mode of communication that is shaped primarily by certain contextual factors. Habermas proposes a similar way to address the problem of deliberative intent or truthfulness. Referring to legal discourses he argues that court procedures are so firmly institutionalized that the institutional setting makes arguments count,

<sup>67</sup>Benhabib 1996, p. 72.

<sup>68</sup>Mansbridge et al. 2009.

<sup>69</sup>Steiner et al. 2004.

<sup>70</sup>Ibid.

<sup>71</sup>Risse 2004, pp. 289-299.

<sup>72</sup>Deitelhoff and Müller 2005, p. 177.



regardless of the (strategic) intentions of the parties involved.<sup>73</sup> Put differently, the mode and intention of interaction is inscribed in the institutional context itself, disposing of the need to tackle the sincerity question, and rendering Type I deliberation more plausible.

#### D. BLIND SPOTS OF TYPE II DELIBERATION

Type II deliberation has the potential advantage of broadening the deliberative program, being rooted in theory closer to the ground than type I deliberation, and of building bridges to critics of the deliberative project. Nonetheless, it also has a number of blind spots. One danger is that almost every communicative act may qualify as “deliberative” (at least in function), leading to the problem of concept stretching.<sup>74</sup> Rhetorics, storytelling, humor, or even threats may indeed be part and parcel of inclusive and successful deliberative processes involving preference transformation. Type I scholars would contend that these forms of communication are legitimate objects of (or inputs to) deliberation, but should not be conceptually confused with deliberation proper.

Whether type I or not, many deliberative democrats would agree that there are at least some normative and procedural boundaries that would demarcate whether a particular communication qualifies as deliberation per se. Labeling manipulative speech or cheap talk, for instance, as deliberation—as Austen-Smith and Feddersen<sup>75</sup> do—meets with the resolute resistance of most deliberative democrats.<sup>76</sup> Dryzek, who we have identified above as an important exponent of relaxing the normative boundaries of deliberation, still points to dangers inherent in admitting all possible forms of communication.<sup>77</sup> Rhetoric, for instance, can be coercive when deployed by demagogues and emotional manipulators.<sup>78</sup> Manipulation aside, constrained deliberation may be desirable for reasons endogenous to a particular deliberative context where group norms may constrain the range of acceptable stories. Habermas has made a similar point from the other direction—i.e., that discourse theory sets up normative standards that might be better served under non-ideal conditions by sometimes implementing first order practices that do not appear discursive on the surface.

Unconstrained deliberation is also in danger of being directionless, or worse, pointless. As Thompson holds, the essential aim of deliberation “is to reach a binding decision. From the perspective of deliberative democracy, other purposes—such as learning about issues, gaining a sense of efficacy, or developing a better understanding of opposing views—should be regarded as instrumental

<sup>73</sup>Habermas 2007, p. 418.

<sup>74</sup>Sartori 1970. Steiner 2008.

<sup>75</sup>Austen-Smith and Feddersen 2006.

<sup>76</sup>Even Warren (2007, p. 278) clearly states that “we should not refer to manipulative speech as ‘deliberation.’ ”

<sup>77</sup>Dryzek 2000.

<sup>78</sup>Goodin 1980. Edelman 1985.

to this aim.”<sup>79</sup> In this regard, alternative forms of communication may not transcend collective choice problems: people tell stories or testify, and then what? While Habermasian discourses are subject to the same objection, they at least embody the (theoretical) idea that participants may transfigure their narrow self-interest via rational argument.

More problematic for “anything goes” is that completely abandoning the two ideals of rational consensus and sincerity may come at the price of any residual claim of benefits ascribed to deliberation. Both ideals may be constitutive—or regulative—of deliberative processes. If we did not think that we were offering better and worse arguments on behalf of some policy, it is difficult to see why deliberative democracy should have a much stronger claim on us than aggregative democracy. As to sincerity or truthfulness, it is hard to understand why I should feel respected by living under laws generated by a process which traffics in polite lies.<sup>80</sup>

Interestingly, rational choice and game theorists also have a specific interest in sincerity. They demonstrate that even under benign conditions, strategic incentive problems arise that result in a biased articulation of all relevant information and arguments.<sup>81</sup> Therefore, “the impulse behind the game-theoretic analysis of deliberation is to ‘earn’ the sincerity by reconstructing it as equilibrium rather than assuming it by default. . . . Unless we understand the conditions under which the incentives in deliberative environments encourage agents to be sincere or fully revealing, as opposed to insincere or withholding information, we cannot hope to offer a coherent (stable) normative argument for institutional design.”<sup>82</sup>

As to rational consensus, Bächtiger found that, as an empirical matter, actors must have a certain willingness to find a rational consensus in order to make productive and creative deliberation happen.<sup>83</sup> While this deliberative process did not lead to a rational consensus at the end (but to a deeper and almost unanimous compromise as advocated by Richardson<sup>84</sup>), the idea of potentially achieving rational agreement was a strong driver of a creative and constructive political process.

Finally, type I scholars would object that an extreme variant of the Type II program, with an almost exclusive focus on deliberative institutions and outcomes, runs into complementary difficulties by inverting type I proceduralism.

<sup>79</sup>Thompson 2008, pp. 502–503.

<sup>80</sup>Neblo 2007. For a preliminary attempt to work around these problems empirically, see Neblo et al. 2008b.

<sup>81</sup>In cases of non-common veridicality—i.e., not all participants would agree as to which arguments are persuasive and which are not—speakers will often have incentives to avoid making provable arguments, and in equilibrium, astute listeners will discount the arguments that she hears. Landa and Meirowitz (2009) conclude: “The incentive to lie in the ‘cheap talk setting’ has a counterpart as an incentive to refrain from providing arguments in settings with provable arguments.”

<sup>82</sup>Landa and Meirowitz 2009.

<sup>83</sup>Bächtiger 2005.

<sup>84</sup>Richardson 2002.

For example, how are we to determine what counts as a “communicative outcome”—e.g., whether the unforced force of the better argument has carried the day—completely divorced from a communicative orientation and process? For that matter, it is not clear how we are to boot-strap ourselves into putatively transformative institutions without deliberative socialization of the sort that would allow people to produce such institutions via higher-order deliberation, steer and maintain them effectively once produced, and fill in the large normative gaps that necessarily blunt institutional mechanisms will inevitably leave open. While it is certainly desirable to offload as much of our deliberative burden onto institutions as possible, there are good reasons to think that they will only take us so far.

Austen-Smith and Feddersen construct an example that attempts to demonstrate a common good outcome under conditions that contradict a process of ideal deliberation.<sup>85</sup> They present a formal model from which they derive that talking adds nothing to the collective rationality of the outcome because individual incentives for strategic misrepresentation preclude informative signaling, even when everyone wants the same outcome (in their case, to convict only the guilty and acquit only the innocent). In their example, jury members 1 and 2 are cautious and wish to have at least three pieces of evidence of guilt to convict; jury member 3 is less concerned about making a mistake and considers two pieces of evidence of guilt as sufficient to convict.

The question is under what conditions the jury members are willing to share information with regard to the guilt or innocence of the defendant. It is assumed that each juror “privately receives an inconclusive, but informative, piece of evidence (a signal) concerning the truth”<sup>86</sup>. If everyone wants the same outcome, then when would anyone have an incentive to misrepresent their private information? Assume that members 1 and 2 have each procured one piece of evidence of guilt. Now it is member 3’s turn to reveal his or her private information about guilt or innocence. The information speaks for innocence, which puts member 3 in a difficult situation. Being truthful and revealing this information, the defendant would not be convicted since members 1 and 2 need *three* pieces of guilt to convict. Such an outcome, however, is contrary to the preference of member 3 for whom *two* pieces of evidence of guilt are sufficient to convict. Since member 3 has only the motivation to attain his preference, the rational strategy according to the model is to lie and to declare that his private information is evidence of guilt.

Notice that it is quite possible to interpret jury member 3’s lie as motivated by sociotropic preferences—i.e., that he is aiming to achieve the common good as he defines it. This common good is a strict judicial system that prevents guilty defendants from going free. For this jury member, three pieces of information of

<sup>85</sup>Austen-Smith and Feddersen 2006.

<sup>86</sup>Ibid., p. 209.

guilt are too demanding, allowing many guilty defendants to be acquitted. Thus, in his view of the common good, it would be a bad outcome if under the conditions of the model the defendant would be acquitted. Therefore, he lies about the content of his private information.

First, it is not clear that the jury example above actually constitutes a blow to deliberative democracy in favor of the common good. By withholding his particular piece of evidence, juror 3 is imposing his own idea of the common good—that the balance of probabilities is sufficient to convict, thus avoiding too many criminals escaping punishment—on the remaining two jurors, with neither their knowledge nor their consent. The outcome is a situation where deliberation is precluded regarding the very foundational issues that Rawls sees as the proper role of deliberative democracy.<sup>87</sup>

Moreover, it follows from the Gibbard-Satterwaite theorem,<sup>88</sup> that there are many situations where lying and strategic misrepresentation can lead to Pareto inefficient outcomes. For instance, if the dominant strategy for everyone is to submit false preferences, then the (unique) Nash equilibrium is a suboptimal payoff for all players. As Dryzek and List point out: “If such a situation can occur, the Gibbard-Satterwaite theorem clearly poses a significant challenge to democracy.”<sup>89</sup>

There are other examples where common good and normatively desired outcomes have occurred even though the procedure has not been conformed to type I standards of deliberation. However, on closer inspection it is not clear that these outcomes are really a product of processes that strongly depart from ideal deliberation—even if they are not strictly a product of the ideals outlined by Habermasian communicative action.

One such example can be found in the context of Schimmelfennig’s conception of “rhetorical action”<sup>90</sup> in which actors are not prepared to change their own beliefs or to be persuaded by the “better argument” but only seek to effectively justify their own standpoint.<sup>91</sup> Argument matters here, but only in the sense that actors may fall into “rhetorical traps” forcing them to change their positions in a purely strategic way. Focusing on the Eastern enlargement of the European Union, Schimmelfennig convincingly shows how the supporters of the enlargement were able to justify their preferences on the grounds of the Community’s traditional pan-European orientation and its liberal constitutive values and norms and to shame the “brakemen” into acquiescing in enlargement. By argumentatively “entrapping” the opponents of an EU commitment to Eastern enlargement, they brought about a collective outcome that would not

<sup>87</sup>Rawls 1993.

<sup>88</sup>The Gibbard-Satterwaite theorem states that all non-dictatorial decision making procedures can potentially be manipulated through strategic voting.

<sup>89</sup>Dryzek and List 2003, p. 5.

<sup>90</sup>One might interpret Schimmelfennig’s examples as a special case of Riker’s (1986) concept of heresthetics.

<sup>91</sup>Schimmelfennig 2001.

have been expected given the constellation of power and interests. While this outcome reflects change of positions and may be applauded by Europeanists, the process leading to it is deficient from a type I vantage point. If participants are virtually coerced into the outcome and adapt their positions in a purely strategic way, the criterion of voluntary agreement with no external or internal coercion is clearly violated.

It is, however, possible to interpret this example in ways that might be, at least partly, reconcilable with type I deliberation, to the extent that such events may reflect a process of *elenchus* rather than rhetorical entrapment. One can imagine the case in which argumentation proceeds to the point in which the brakemen can no longer (reasonably) defend the indefensible such that the ‘forceless force’ of good argument prevails. Note here that a dishonest ‘brakeman’ does not necessarily get in the way of a good outcome, so long as there are sufficient arguments brought to bear that expose a given instance of insincerity. This situation may be less dependent on the truthfulness of statements made by protagonists as much as the ability of the remainder of the group in their efforts to subject the claims to some test of reasonableness. In other words, it may not be the ‘truth-giving’ behavior of individual participants that is important so much as the ‘truth-seeking’ potential of the group as whole.

However, what if the brakemen are actually being authentic in their opposition to the rest of the group? Would rhetorical entrapment still serve the common good? Take for example an individual who is against large scale immigration for environmental reasons where the resource base of a country is under heavy pressure. If that person finds him- or herself as part of a deliberating group who is emphatically pro-migration on the grounds of human rights, the environmentalist might be reluctant to state his or her point in case they are subjected to charges of racism.<sup>92</sup>

Here we have a more clear-cut example of deliberative failure, but the underlying problem leading to the misrepresentation of positions is not so much one of strategic insincerity as a lack of metaconsensus: an unwillingness to view alternative perspectives as legitimate. The underlying problem rests not only with the unwillingness of the environmentalist to stick to her views in the absence of any reasonable alternative argument; the problem here is an incapacity of the group to engage productively with these alternative views, irrespective of the nature of the language that they are couched in. The solution may not lie so much in the sincerity of actors as the willingness to engage with alternative views.

Our brief excursion above into examples that are supposed to support ‘anything goes’ deliberation in fact suggest that a kind of ‘deliberative capacity’ or desire to understand, explore and ‘get to the heart of the matter’ may in fact lie at the foundations of deliberation. *It is the precise nature of these processes that need to be empirically examined.*

<sup>92</sup>See Morris (2001) for a formal model of such phenomena.

*Table 2. Blindspots of Type I and Type II deliberation*

	Type I Deliberation	Type II Deliberation
Normative	<ul style="list-style-type: none"> <li>• Potentially exclusionary to marginalized groups</li> <li>• Potentially utopian</li> </ul>	<ul style="list-style-type: none"> <li>• Concept-stretching</li> <li>• Coercive elements of alternative forms of communication</li> <li>• Lose sincerity and rational consensus as regulative of discourses</li> </ul>
Empirical	<ul style="list-style-type: none"> <li>• Need for a sharp operational distinction between strategic and communicative action</li> </ul>	<ul style="list-style-type: none"> <li>• Open question what drives deliberative outcomes</li> </ul>

Indeed, at the empirical level, scholars in type II have rarely opened the black box of the process leading to their normatively promising outcomes. Metaconsensus and intersubjective rationality are empirically tractable. However, although plausible, their relationship to particular deliberative processes (type I or otherwise) is yet to be empirically explored. There may in fact be certain causal pathways leading to these desired outcomes, such as strategic manipulation, conformity pressures, shaming, or simple cue taking. Systematic empirical research is needed to explore the role of these diverse causal pathways in producing particular outcomes, including metaconsensus and intersubjective rationality.

Glimpses from existing research suggest that linking process rationality to deliberative outcomes might be productive. In an experimental study, Schneiderhan and Khan found that actors engaging in deliberation arrive at different decisions than those who think on their own or “just talk.”<sup>93</sup> The more reasons provided within each group, the more likely participants were to change their position; similarly, the more inclusive—or respectful—groups were, the more likely participants were to change their position. Setälä et al. also find similar, albeit weaker, results in the case of meta-consensus.<sup>94</sup> In any case there is much to be learned continuing to extensively examine the results of deliberative processes in light of both the extent to which they hold up to normative claims and the settings and processes that give rise to particular types of outcomes.

Table 2 presents a visual summary of the foregoing discussion.

### III. TOWARD A SYNTHESIS

While type I and type II deliberation form distinguishable approaches in deliberative democracy, our discussion shows that there is often a strong overlap

<sup>93</sup>Schneiderhan and Khan 2008.

<sup>94</sup>Setälä et al. 2007.

between the two deliberative programs. This is as it should be. Given the fact that both of these ideal-typical versions have non-trivial normative and empirical blind spots, we think that a complementary engagement between the two programs may be productive. Let us sketch out the middle ground more clearly, and how such a complementary program might be advanced.

First, scholars in type I deliberation might agree that in the real world, rational consensus is too remote a goal to provide empirical traction. In a recent article, Habermas describes the concept of a “working agreement”<sup>95</sup> to fill the conceptual gap between compromise and discourse.<sup>96</sup> As such, researchers in type I deliberation might find empirical and normative guidance for evaluating possible outcomes in applied deliberation by focusing on aspects of the more ground-level type II program.

Second, scholars of type I deliberation must also investigate how seemingly canonical argumentation can implement exclusive and disciplinary elements in practice. Thus, truly inclusive and successful deliberation may involve “non-rational” elements such as story-telling, personal experiences, humor, or rhetorics. Neblo also argues that such alternative communicative forms do not constitute a fundamental division in deliberative theory.<sup>97</sup> Most arguments for admitting testimony, story-telling and the like begin from concrete questions of institutionalization in which “all else” is expressly unequal. And here, Habermas explicitly countenances moving away from the abstract ideal to accommodate the realities of human psychology, institutional design, and patterns of social inequality.

On the other hand, scholars trafficking in type II deliberation may recognize the importance of particular elements of the type I program such as the sincerity norm and rational consensus. To be sure, these ideals may never be achieved in the real world, but similar to non-rational elements of deliberation, they may still constitute driving forces of deliberative processes.

In any case, it is clear that the type II program must be sensitive to potential distortions in the deliberative process. Dryzek has long argued that “letting in” every form of communication can be problematic. Following Miller,<sup>98</sup> he proposes two tests which are strikingly similar to type I standards of deliberation. First, any communication that involves coercion or threat of coercion should be excluded; second, any communication that cannot connect the particular to the general should be excluded as well. While alternative forms of communication may be crucial components to overcome exclusionary and disciplinary aspects of rational discourses, they are incomplete and can involve coercive and manipulative aspects. As Dryzek holds: “When it comes to rhetoric, emotions must in the end be capable of rational justification . . . They need not necessarily

<sup>95</sup>Erikson 2003.

<sup>96</sup>Habermas 2007, p. 433.

<sup>97</sup>Neblo 2007.

<sup>98</sup>Miller 1999.

be subordinated to rational argument, but their deployment makes sense only in a context where argument what is to be done remains central.”<sup>99</sup> Thus, so Dryzek argues, these forms should only be admitted conditionally. Similarly, Young holds that “[she does] not offer practices of greeting, rhetoric, and narrative as substitutes for argumentation. Normative ideals as democratic communication crucially entail that participants require reasons of one another and critically evaluate them. These modes of communication, rather, are important additions to argument in an enlarged conception of democratic engagement.”<sup>100</sup>

But what would such an integrative approach—comprising elements of both type I and type II program—look like in practice? One possibility is to adopt a *sequential approach* whereby debates and communication processes are partitioned in smaller sequences.<sup>101</sup> Indeed, such a sequential approach is intrinsic to the current Habermasian approach which has partially evolved from a type I position into a type II position; it is also intrinsic in Dryzek’s and Young’s statements on the relationship between alternative forms of communication and rational argument.

Similar to Goodin, we would expect that different sequences fulfill different deliberative virtues.<sup>102</sup> For instance, alternative forms of communication could occur in earlier stages of communicative processes to counteract power inequalities and to generate social comfort among the participants. In this regard, Dryzek has developed the idea of *deliberative capacity* for application to macropolitical transnational settings as entailing both an “authentic” and “consequential” dimension.<sup>103</sup> Authenticity is most applicable to the micropolitical level of interpersonal deliberation and implies a process where the group demonstrates “reflection in noncoercive fashion, connect particular claims to more general principles, and exhibit reciprocity”.<sup>104</sup> It appears that capacity can be best conceptualized as an emergent property of the deliberative group as a whole.

What certainly appears to be important at this stage is the need to incorporate alternative communicative forms into deliberation than currently admitted by type I deliberation; but that there should still be some demarcation of permissible boundaries. Admissible speech acts should reference the goals of deliberation and/or its preconditions, which, in fact, most (but not all) such arguments for alternative forms do. From our analysis, for example, story-telling would be in the purview of deliberation to the extent that it served at least one of the following goals:

<sup>99</sup>Dryzek 2000, pp. 167–8.

<sup>100</sup>Young 2002, 79.

<sup>101</sup>See Fung 2003, p. 348. Goodin 2005.

<sup>102</sup>Goodin 2005.

<sup>103</sup>Dryzek 2007.

<sup>104</sup>Ibid., p. 6.



- 1) it provided relevant information, perspectives, or implicit arguments that would otherwise be lost to the deliberative community;
- 2) it serves to level the playing field by providing a forum for contributions from people who might be otherwise unjustly disadvantaged in communicating their needs, wants, interests, or perspectives; or
- 3) it builds deliberative capacity by engendering trust, inclusion, respect, or in other ways helps to meet the preconditions of effective deliberative participation.

Ideally, once deliberative capacity is established such inputs would then be integrated into canonical forms of argument in later sequences, involving a systematic weighing of counterarguments and proposals and a connection of particular perspectives to more generalizable interests. Put differently, the sequential process should be directed and become “integrative” at some point (at least partially).<sup>105</sup> Here, we differ from Goodin’s sequential approach which assumes that the “whole” of the process can never be manifested in full at any point in that sequence. Following Thompson, however, we think that the diverse communicative inputs “are still to be coordinated to create a recognizable deliberative system.”<sup>106</sup>

Our sequential approach is both more and less demanding. On the one hand, it does not expect that every sequence lives up to type I standards of deliberation. Quite to the contrary, it conceives of alternative forms of communication as potentially beneficial for deliberative outcomes. On the other hand, it would call the process truly deliberative only when there are “deliberative drifts”<sup>107</sup> with at least one sequence fulfilling type I standards of deliberation comprising argumentative rationality, reflexivity, and sincerity. As such, we expect pure cases of type I deliberation to be rare, but important events in a deliberative process.<sup>108</sup>

However, adopting such a sequential approach and reconciling the two types of deliberation, we still need to address the empirical blind spots of type I deliberation, in particular the problems of measuring substantive argument strength and sincerity. To be sure, we do not imply “hypersincerity”<sup>109</sup> in that actors always “must mean what they say and say what they mean.” As such, we would also not want to automatically ban strategic communication—including “deliberative lies”<sup>110</sup>—from the realm of deliberative democracy. But in line with the sequential approach sketched above, we would still expect actors to adopt proper type I standards in at least one communicative sequence. Moreover, we also agree with the view that deliberation’s effect on respect and consecutive

<sup>105</sup>Thompson 2008, p. 515.

<sup>106</sup>Ibid.

<sup>107</sup>McLaverly and Halpin 2008.

<sup>108</sup>Reykowski 2006.

<sup>109</sup>Markovits 2006.

<sup>110</sup>Goodin 2008.

actions can bring us closer to deliberative ideals, regardless of the motives of the participating actors. But both from an empirical and theoretical vantage point, that may not be fully sufficient. First, actions (and outcomes) may have multiple determinants, making it crucial for empirical researchers to identify relevant causal pathways (argumentative vs. coercive, for instance). Second, as mentioned before, rational choice scholars emphasize that even in benign environments, the potential for strategic misrepresentation and withholding relevant information is non-trivial. This is compounded by the problem that actors may see through egocentric intentions of a speaker but still consent to what the speaker says (and change their preferences accordingly);<sup>111</sup> this tends to spoil the construction of a straightforward link between the deliberative procedure and outcomes. As such, deliberative research may not dispense of an independent test of sincerity or truthfulness.

Empirically, there may be no perfect way to do so. But researchers can still make an effort. First, certain forms of coercion such as threats and promises can often be read off of the transcripts of deliberation. In addition, under some conditions, processes such as polarizing information cascades and social conformity pressures can, in principle, be detected in empirical research. For example, Neblo uses individual level measures of propensity to conform to test for conformity, and multiple deliberating groups to test for group polarization versus univalent shifts in aggregate opinion.<sup>112</sup>

Second, we could turn the problem of truthfulness over to the deliberating group themselves, which could involve either or both of two strategies. This first strategy involves using perceptions of truthfulness from the participants' point of view, which could be more formally developed as part of a measure of deliberative capacity using a perception-based DQI. Here, the degree of justification rationality or respect is evaluated by the participants themselves, on the same scale as the original DQI. The judgments made by each deliberant can be assessed for their reliability (i.e., do independent judges agree), and even for their validity. For example, one could sample members of the audience and ask them to reconstruct the argument to see if they do so in the same way as the coders. In our experience, such judgments are not as difficult as they might seem in the abstract, though more philosophical reflection and empirical research on how, and the conditions under which they can be made, is obviously warranted.

However, the participant perspective is insufficient under conditions of gross ideological domination. In such cases, error might be so massive, and so systematic, as to require external critique. We think that combining the evaluations of external (and philosophically trained) coders and the evaluations

<sup>111</sup>Greve 1999. According to Greve, this also contradicts Habermas's assumption that the open declaration of egocentric intentions leads to their performative failure.

<sup>112</sup>Neblo 2006.

of discourse participants could provide crucial hints about truthfulness. The more the two evaluations converge, the more confident we would be that we have detected instances of sincere—or strategic—deliberation.

A third strategy involving deliberants follows from our observations in relation to the Schimmelfennig's example cited earlier in which it is the inquisitive or "truth-seeking" behavior of the remainder of the group and willingness to engage with/interrogate the claims of others that is at least as important as the level of "truth-giving." In this case an empirical approach could measure the extent to which claims are (respectfully) challenged and the basis of the challenge. Using the immigration/racism example cited earlier this would involve assessing whether pro-immigration deliberants challenged the anti-immigration environmentalist to elaborate his position, rather than jumping to conclusions. This could be important: failure to capture truth seeking empirically and in deliberative theory would be analogous to a justice system that is based purely on utterances without explicit provision for cross-examination. In sum, to the extent that there was inquisitiveness in the deliberative processes, it may perform a regulatory function on truthfulness in much the same way in which an ideally functioning investigative news media regulates the behavior of potentially strategic political representatives: the tendency to make strategic claims is regulated to the extent that they would be subjected to close scrutiny. This also calls for analyzing deliberation as an interactive or iterative process. We need to closely investigate whether and how discourse participants respond to each other's speech initiatives, seeking justification and evaluating the truthfulness of claims.

#### IV. CONCLUSION

In this article, we have argued that the booming literature on deliberation is accompanied by increasing diversity in conceptualizing deliberation. To clarify what is at stake in the current debate on deliberative democracy, we distinguished between two broad ideal-types (with most concrete examples falling in between): type I deliberation which focuses on rational discourse and on process; and type II deliberation which includes alternative forms of communication and takes a prime focus on deliberative institutions and outcomes. The two types are also indicative of the way that the deliberative paradigm has evolved in the past decades. Habermas is a good example of this: he began with a very abstract reconstruction of practical reason in *The Theory of Communicative Action*, worked out its somewhat more concrete implications in developing his theory of *Discourse Ethics*, and then became even more concrete and institutionally oriented in developing his theory of law and democracy in *Between Facts and Norms* (which is not to say that this book is "concrete" in any absolute sense of the term). As such, no current deliberative philosopher would defend the easy caricature of a brittle, purely

type I approach. But the crucial question remains: how much rational discourse and how much procedural legitimacy should deliberative democracy require? Or, conversely, how much and in what ways should alternative forms of communication be incorporated into the theory?

Our argument is a distinctly middle-ground and synthetic one, albeit one with a clear tendency to re-establish the value of rational discourse procedures. On the one hand, we acknowledge that the type I program can stifle diversity and puts too demanding normative and cognitive burdens on discourse participants. On the other hand, we have argued that a type II program (especially in its radical variant) should be sensitive to dangers inherent in alternative forms of communication and not rashly abandon type I procedural standards—such as rational consensus and the sincerity criterion—that may be regulative of any productive deliberative process. In order to reconcile type I and type II deliberation in practice, we propose a “sequential” but directed approach where alternative forms of communication could occur in earlier stages of communicative processes to counteract power inequalities and to further “deliberative capacity-building.” Such inputs would then be integrated into canonical forms of argument in later sequences, involving a systematic weighing of counterarguments and proposals and a connection of particular perspectives to more generalizable interests.

While the building blocks of such a middle-ground program are already identifiable at a theoretical level, such a program needs to be translated into empirical research as well. Concretely, we need to explore linkages between different forms of communication—rational discourse vs. alternative forms of communication—and desired deliberative outcomes. For instance, we need to explore whether and how type II ideals such as preference structuration, metaconsensus and intersubjective rationality are empirically related to type I process standards such as justification rationality or respectful debate. This will require, on the one hand, the development of more sophisticated measurement instruments. The new measurement instruments should analyze communication in a way that incorporates type I concepts of deliberation and the insights of critics that emphasize the importance of the non-rational, more socio-emotional elements of communication (e.g., story-telling and rhetoric). On the other hand, they should also take an in-depth look at interactive processes, that is, whether and how different communicative inputs are taken up. Only on these grounds will it be possible to get an empirical hold of a sequential approach as sketched above.

In sum, the goal of our article is to push the study of deliberation towards a *via media*: not one of under-specification, where almost every communicative activity is considered “deliberative,” but also not one of over-specification where the presuppositions of communicative action become so remote from deliberative practice as to lose empirical traction, or to move in an elitist direction, losing its democratic and emancipative character.

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