POLITICAL THEORY

Deliberative Democracy

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Deliberative democracy is the model of democracy which holds that legitimate political decisions should come from the reasoned discussion of free and equal citizens, and not merely from the counting of votes or the bargaining of interests. In this view, the heart of democracy is not the moment of voting but the process by which people come to their opinions: how they listen to others, give reasons for their positions, test them against opposing arguments and, if convinced, change their minds. A decision is democratic, for the deliberative thinker, when those who are bound by it have had a fair chance to take part in the discussion that produced it, and when the reasons offered can be accepted by all as fair.

The model arose in the 1980s and 1990s, when many political theorists felt that both the liberal-representative and the participatory models had left something out. The representative model, in its elitist form, treated politics as a market in which voters choose among rival leaders according to their given preferences, while participatory theory stressed taking part but said little about the quality of what is said and decided. Deliberative theory shifts the question from who takes part, and how many, to how people reason together. It draws its force from an old idea of public reason, found in Aristotle’s notion of practical wisdom, in Kant’s idea of public use of reason and in Mill’s belief in free discussion, and it has been developed in modern times by Jürgen Habermas, John Rawls, Joshua Cohen, Amy Gutmann, Dennis Thompson, John Dryzek and Iris Marion Young. It has been tested in practice through citizens’ assemblies, deliberative polls and similar forums in many countries. For students of political theory, it is important because it offers a different answer to the question that runs through all the models: what makes a democratic decision legitimate?

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1. Meaning and definitions of deliberative democracy

Meaning. The word *deliberation* means careful and open-minded weighing of reasons before making a choice. Deliberative democracy is a form of democratic government in which free and equal citizens, or their representatives, justify their decisions to one another by giving reasons that are accessible and acceptable to all, with the aim of reaching conclusions that are binding for the time but open to challenge in the future. The emphasis is on discussion, justification and mutual respect.

Key ideas in the concept. Deliberation has several elements. It requires reason-giving, that is, a person who makes a claim must support it by arguments and not by force, threat or mere assertion. It requires openness, so that participants are ready to listen to others and to change their views. It requires equality, so that everyone has the same chance to speak and be heard, regardless of wealth, status or power. It requires publicity, since the reasons must be given in public and must be capable of being accepted by those who are bound by them. It also requires the aim of reaching agreement or at least a reasoned result, though it does not insist that unanimity will always be reached.

Deliberation and aggregation. Deliberative theorists separate two pictures of democracy. In the aggregative picture, which belongs to the elitist and pluralist models, democracy takes the preferences of individuals as given and adds them together through voting and bargaining, so that the majority prevails. In the deliberative picture, preferences are not taken as fixed but are formed and changed through public discussion, and the democratic task is to reach decisions that can be justified by reasons. The first resembles a market, and the second resembles a forum.

Scholar	Definition or view in brief
Jürgen Habermas	Legitimate law rests on the agreement of all citizens in a discourse in which the only force is that of the better argument.
John Rawls	Citizens in a deliberative democracy justify the use of political power to one another through public reason, acceptable to all as free and equal.

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Joshua Cohen	Deliberative democracy is an association whose affairs are governed by the public deliberation of its members, who treat each other as equals.
Amy Gutmann and Dennis Thompson	Deliberative democracy affirms the need to justify decisions made by citizens and their representatives, who should give mutually acceptable reasons.
Bernard Manin	Legitimacy comes from the process of forming the will, and not from the will already formed; deliberation is the source of legitimate decisions.
John Dryzek	Deliberative democracy means collective decision-making in which communication that induces reflection on preferences in a non-coercive manner is the main process.
Iris Marion Young	Inclusive democratic communication must include greeting, rhetoric and narrative as well as argument, so that all groups can speak.
James Fishkin	Deliberative democracy combines political equality with careful deliberation, and a microcosm of the public can deliberate in conditions of equality and information.

Habermas. Jürgen Habermas, in *Between Facts and Norms* (1992, English translation 1996) and earlier in *The Structural Transformation of the Public Sphere* (1962), gave deliberative democracy its main philosophical base. He held that the norms of a free society are legitimate only if they could be accepted by all those affected in a rational discourse. Such a discourse, in his “ideal speech situation”, would be free of coercion, open to everyone, and ruled only by what he called the force of the better argument. He placed this process in the public sphere, the space of civil society, media and associations, in which citizens form opinions that are then passed on to the formal institutions of the state.

Rawls. John Rawls, in *Political Liberalism* (1993) and *The Law of Peoples* (1999), introduced the idea of public reason. In a society marked by reasonable disagreement over religion, morality and the good life, the political use of power must be justified by reasons that all citizens, as free and equal, can reasonably accept, and not by the doctrines of any single religion or philosophy. He called this the criterion of reciprocity. Public reason applies mainly to the discussion of constitutional essentials and basic justice in the legislature, the courts and the election campaigns.

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Cohen. Joshua Cohen, in his essay “Deliberation and Democratic Legitimacy” (1989), set out an ideal deliberative procedure in which participants are committed to resolving problems of collective choice by reasoned discussion and regard the outcome as legitimate if it comes from such discussion. He held that members are formally and substantively equal, so that the existing distribution of power and resources does not shape their chances to contribute. In his view this procedure is the main source of legitimacy.

Gutmann and Thompson. In *Democracy and Disagreement* (1996) and *Why Deliberative Democracy?* (2004), Amy Gutmann and Dennis Thompson stressed that deliberation is necessary because citizens face moral disagreement which voting alone cannot settle. They set out principles of reciprocity, publicity and accountability, and held that citizens should seek terms of cooperation which others can accept, even if they disagree. They also supported the practice of *economy of moral disagreement*, where participants seek an accommodation that keeps the maximum of mutual respect.

Dryzek. John Dryzek, in *Deliberative Democracy and Beyond* (2000), argued that deliberative democracy should be understood in a broader way than the liberal constitutional framework of Rawls and Cohen. He emphasised the importance of discussion in civil society and in the public sphere, and the way in which the various discourses of society influence the state. He also called for deliberation to be critical and open to challenge, and in his later work he developed the idea of a deliberative system, in which different sites of discussion work together.

Young. Iris Marion Young, in *Inclusion and Democracy* (2000), accepted the idea of deliberation but warned that the usual ideal of reasoned argument may exclude groups who do not speak in the style of the educated and powerful. She suggested that democratic communication should also include greeting, rhetoric and storytelling, which allow marginalised people to bring their experience into the discussion, and she pointed to the need for a politics of difference.

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Fishkin. James Fishkin, in *Democracy and Deliberation* (1991) and *When the People Speak* (2009), designed the deliberative poll, in which a random sample of citizens is given balanced information, discusses issues in small groups with trained moderators, questions experts and politicians, and records their views before and after. He argued that this method shows what the public would think if it were informed and had time to reflect, and he linked it to the combination of political equality and thoughtful deliberation.

2. Origins and development

Ancient roots. The Athenian assembly and council set a model of public speech and debate, and Aristotle in the *Politics* wrote that the many, when they meet together, may be better judges than a few individuals, which many take as an early argument for collective deliberation. The Greek idea of *bouleusis*, or deliberation, formed part of the study of practical reasoning. Roman republican thinkers such as Cicero valued oratory and debate in the senate and the assembly. In India, the debates in the early *sabhas*, the Buddhist councils and the *shastrarth*, or formal debate between scholars of different schools, show a long tradition of reasoned argument, which Amartya Sen has called the argumentative tradition of India.

Early modern and liberal sources. The Enlightenment gave the ideal of public reason and a free public sphere. Kant argued that the freedom to make public use of one’s reason is needed for enlightenment. Edmund Burke described Parliament as a deliberative assembly. J. S. Mill, in *On Liberty* (1859), held that truth is discovered only through the free clash of opinions and that those who know only their own side of a case know little of that. Mill also saw representative assemblies as places of talk and debate, and believed that the process of discussion improves the quality of decisions. The framers of the American Constitution, among them Madison, hoped that the Senate and the system of representation would refine popular opinion through deliberation.

Twentieth century foundations. Hannah Arendt’s writing on the public realm and on the power of acting and speaking together, John Dewey’s view of democracy as a form of communication and shared inquiry, and Habermas’s theory of communicative action in the

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1980s laid the ground. In *The Public and Its Problems* (1927), Dewey argued that democracy requires the improvement of the methods and conditions of debate, discussion and persuasion. The critique of the elitist and pluralist theories and the dissatisfaction with public choice, which treated politics as the sum of self-interest, helped to create a demand for a more ethical account of democracy.

The deliberative turn. The term *deliberative democracy* was first used by Joseph Bessette in 1980, in a study of the American Congress. During the 1980s and 1990s, the work of Habermas, Rawls, Cohen, Manin, Gutmann, Thompson, Dryzek and Fishkin made it a main field of political theory, a development often called the deliberative turn. The phrase was widely used after the publication of collections such as *Deliberative Democracy* edited by James Bohman and William Rehg (1997) and Jon Elster (1998).

The empirical turn and institutional experiments. From the late 1990s, writers turned from philosophical ideals to the design and testing of deliberative forums. Fishkin ran deliberative polls from 1994, beginning in Britain, and later in many countries including China, Bulgaria and Japan. British Columbia (2004) and Ontario (2006-07) set up citizens' assemblies on electoral reform. Ireland held a Constitutional Convention in 2012-14 and a Citizens' Assembly in 2016-18, which led to referendums on same-sex marriage and abortion. Iceland, Estonia, France, with its Citizens' Convention for Climate in 2019-20, and others have followed. At the same time, deliberation has been studied in juries, parliaments, courts and online forums.

The systemic turn. Recent writing, led by Jane Mansbridge, John Parkinson and others, has moved from looking at single forums to considering the whole deliberative system, in which many sites, such as legislatures, courts, the media, civil society, protest movements and small citizens' forums, share the work of deliberation. In *Deliberative Systems* (2012), edited by Parkinson and Mansbridge, the quality of the whole system is judged, so that an imperfect forum can still contribute usefully to the larger process.

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3. Features of deliberative democracy

- **Reason-giving and public justification.** Every claim made in political discussion must be supported by reasons that others can understand and evaluate. A decision is not justified merely because many people want it; it must be defended by arguments. This is the core of the model, and it turns politics into an exchange of reasons in place of a trial of strength.
- **Equality of participants.** In a deliberation, each person has the same right to speak, to be heard and to question others, and the influence of wealth, rank or office must be set aside. In an ideal forum, as in Habermas's ideal speech situation, only the force of the better argument counts. In real life, special rules and moderators are used to protect equality.
- **Inclusion of all affected.** All those who are affected by a decision, or their representatives, should have an opportunity to take part, and no voice or perspective should be shut out. Young stressed that excluded groups must be brought in by specific measures, such as separate spaces for marginalised persons or support to speak.
- **Preference transformation.** Unlike the aggregative view, which takes preferences as fixed, the deliberative model expects that discussion will change views. Participants learn new facts, hear different experiences and revise their opinions. Studies of deliberative polls regularly report shifts in opinion and an increase in knowledge after discussion.
- **Orientation to the common good.** In deliberation, participants are expected to justify their claims by reference to what is good for the community and not only by private interest. A speaker who says only "this is good for me" has little to offer others, and must show that the claim fits a wider notion of fairness. This does not mean that interests are ignored but that they are put in a form that others can accept.
- **Reciprocity and mutual respect.** Participants must treat each other as free and equal persons whose views deserve a hearing, and must offer terms which others can reasonably accept. Gutmann and Thompson made reciprocity the central principle, and it helps in dealing with moral disagreement in a civil manner.

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- **Openness, publicity and transparency.** The reasons must be given in public, or at least be capable of being made public, so that they may be tested and criticised. Secret bargains and hidden motives are opposed to the deliberative ideal.
- **Absence of coercion and manipulation.** Deliberation requires that no participant be forced, bribed or deceived. This excludes threats, propaganda and the exploitation of fear or emotion that avoids reasoned discussion, though deliberative writers differ about the place of emotion and rhetoric.
- **Provisional and revisable outcomes.** The conclusions of a deliberation are binding for the time being but open to later challenge, because new arguments or facts may arise. This ensures that decisions remain connected to continuing public discussion and that minorities keep the chance to argue again.
- **Relation to legitimacy.** The model makes the legitimacy of decisions depend on the quality of the process by which they were reached, and not only on the numbers supporting them. Those who lose a decision are more likely to accept it if they were heard and the reasons given were fair.
- **Wide scope of sites.** Deliberation is not limited to the legislature. It takes place in the public sphere, civil society, courts, local bodies, the media, workplaces, and small forums set up for the purpose, and the whole network of these sites forms a deliberative system.
- **Complement to other models.** Deliberative democracy is a theory of how decisions should be made and justified, and may be joined with representative or participatory institutions. It is thus more a way of improving the quality of democracy than a separate system of government.

4. Theoretical foundations

Habermas: communicative action and discourse ethics. Habermas distinguished between strategic action, in which people try to get others to do what they want by influence or pressure, and communicative action, in which they seek mutual understanding by giving reasons. Discourse ethics holds that a norm is valid only if all those affected could accept it in a discourse free from distortion. In political terms, he held that law and the state

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are legitimate only when citizens can see themselves as the authors of the laws to which they are subject, and he described a two-track model: informal opinion formation in the public sphere and formal decision-making in parliaments and courts. He called his approach a procedural one, because it locates legitimacy in the procedures of communication and not in any fixed values.

Rawls: public reason and reasonable pluralism. Rawls started from the fact of reasonable pluralism, that in free societies citizens will always hold different but reasonable religious, philosophical and moral doctrines. Political power must therefore be justified by reasons which all can accept as free and equal. Public reason demands that on constitutional essentials and questions of basic justice, citizens do not appeal to the whole truth of their comprehensive doctrines but to political values that can be shared, such as freedom, equality and fair cooperation. He allowed in his later work that religious reasons may be introduced into public debate if, in due course, they are supported by proper public reasons, which he called the proviso. The idea of the overlapping consensus completes this account.

Cohen: the ideal deliberative procedure. Cohen listed the features of an ideal deliberative procedure: it is a continuing association with independent members; the members share a commitment to settle matters by public deliberation and regard deliberative institutions as the source of legitimacy; the association is pluralistic; members consider the deliberative procedure as essential; they recognise one another as having deliberative capacities. He saw the procedure as aiming at a rationally motivated consensus, in which reasons are found persuasive to all, and he maintained that if this is not reached, voting by majority may be used, with the vote still based on the results of deliberation.

Gutmann and Thompson: moral disagreement and reciprocity. These writers gave special attention to the problem of disagreement over deep moral questions such as abortion or affirmative action. They maintained that, as such disagreement is permanent, citizens should seek fair terms of cooperation through a process of mutual justification. Their three principles were reciprocity, publicity and accountability, and they added the basic liberty and opportunity as substantive principles. In their view, deliberation allows citizens to

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see which disagreements are really moral and which are based on mistakes of fact, and to find a middle ground.

Manin and the source of legitimacy. Bernard Manin, in his essay “On Legitimacy and Political Deliberation” (1987), argued that legitimate law comes not from the will of individuals already formed, but from the process of forming the will through general deliberation. He criticised the view that the sum of fixed preferences forms the basis of legitimacy, and pointed out that no one has complete knowledge of all possible solutions until a full discussion has taken place.

Dryzek: discursive democracy. Dryzek pointed out that liberal constitutionalist versions of deliberation put too much weight on the state and on consensus. He argued that conflict, dissent and contestation among discourses in civil society are essential and that deliberation should be understood as a critical and open-ended process. He also defended the view that nature and the environment may be brought into democracy through the discourse of ecological concerns.

Young: communicative democracy and difference. Young maintained that a theory of deliberation which gives priority to calm, dispassionate argument may favour those groups whose manner of speech is considered standard, and may overlook the points of view of women, racial minorities and the poor. Her remedy was to widen the forms of communication so as to include greeting or public acknowledgement, rhetoric and narrative, and to accept that the participants may differ in social position and experience, while seeking to understand perspectives rather than to merge them. She argued that structural inequalities must be addressed for real deliberation to take place.

Sunstein and the dangers of group polarisation. Cass Sunstein, in *Why Societies Need Dissent* (2003) and *Going to Extremes* (2009), reported studies which show that groups of like-minded persons who discuss a problem tend to move to more extreme positions than the average of their starting views. This finding warns that discussion is not by itself a guarantee of good outcomes, and that diversity of views and careful design are needed.

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Fishkin and the problem of scale. Fishkin pointed out a trilemma among political equality, mass participation and deliberation: a political system can usually achieve only two of the three in a large society. A national referendum gives equality and mass participation but little deliberation, as most voters have no incentive to inform themselves, while face-to-face assemblies provide deliberation but only for the few. His deliberative poll, based on a random sample, secures equality and deliberation, and the sample's results are taken as the people's considered opinion.

5. Forms and practices of deliberation

Deliberation takes place at many levels, from informal talk among citizens to formal debate in parliament. In recent decades, a number of designed forums have been created to bring ordinary citizens into structured discussion. They are often called mini-publics, a term used for small groups of citizens, selected to be a rough microcosm of the larger public, who deliberate on an issue and make recommendations. Robert Dahl suggested the idea of a minipopulus of about a thousand persons, chosen by lot, to deliberate on a policy question.

Form	Selection of participants	Main features	Examples
Deliberative poll	Random sample, usually 200 to 400	Opinion poll before and after discussion, briefing materials, small groups, expert panels	Fishkin's polls in Britain, China, Bulgaria, Japan
Citizens' assembly	Random selection, often 100 or more, stratified to reflect the population	Meets over many weekends, learns from experts, deliberates, and recommends or votes	British Columbia 2004, Ontario 2006-07, Ireland 2016-18
Citizens' jury	Random selection, 12 to 24 persons	Hears witnesses for a few days and gives a verdict or report	Jefferson Center in the United States; Germany

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Planning cell	Random selection, in groups of about 25	Several cells work independently on the same problem, and results are merged	Peter Dienel's *Planungszelle* in Germany
Consensus conference	Selected lay panel of 10 to 20	Questions experts on a technical issue and drafts a report	Danish Board of Technology
Deliberative day	All citizens invited, paid for a day	Large-scale discussion before an election	Proposal of Ackerman and Fishkin

Deliberative polls. A deliberative poll starts by surveying a random sample of the population. The members are invited to a meeting of a weekend or longer, given balanced briefing material in advance, divided into small groups led by trained moderators, and given the chance to put questions to panels of experts and politicians. At the end, they answer the same questionnaire. The difference between the first and the last answers shows how opinion changes with information and reflection. Polls have been held in many countries on subjects as diverse as local planning, health, energy, the euro and constitutional questions. Reports show that participants usually gain knowledge and that many change their views, though the effect on actual policy has varied.

Citizens' assemblies. A citizens' assembly is a large body of randomly selected citizens who meet over a long period to study a question, listen to experts and stakeholders, and make recommendations. The British Columbia Citizens' Assembly on Electoral Reform (2004) recommended the single transferable vote, which was put to a referendum and fell short of the required majority. The Irish Convention on the Constitution (2012-14), which had both citizens and politicians, and the Citizens' Assembly (2016-18), led to referendums that changed the constitution on same-sex marriage in 2015 and on abortion in 2018. France's Citizens' Convention for Climate (2019-20) of 150 members proposed measures to reduce emissions. These cases show that mini-publics can deal with controversial moral and technical questions and build public confidence, though governments are not always bound to accept their recommendations.

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Citizens' juries and planning cells. Citizens' juries, begun by Ned Crosby in the United States in the 1970s, and planning cells, designed by Peter Dienel in Germany, use small randomly selected groups to examine local or policy problems. The jury hears evidence from witnesses and cross-examines them, then reports. Planning cells run several groups in parallel and combine their reports. They are used for city planning, environmental disputes and health policy.

Deliberation in legislatures and committees. The classical site of deliberation is the legislature. Parliamentary committees, which hear witnesses, examine bills in detail and report, are often more deliberative than the floor of the House, since members of different parties can discuss in a less partisan manner. The quality of legislative deliberation depends on the rules of debate, the time allowed, the freedom of members to speak and vote and the willingness to listen. Studies such as the Discourse Quality Index of Steenbergen, Bächtiger and others measure the standard of debate in parliaments.

Deliberation in courts and constitutional bodies. Courts are also treated as deliberative institutions, since judges are required to give reasoned opinions and to answer the arguments of the parties and of each other. Rawls described the Supreme Court as the exemplar of public reason. The practice of written reasoned judgments, dissents and the use of precedent make judicial decisions open to public criticism. Constitutional courts, in this view, enrich democratic deliberation by forcing the legislature to justify its laws in terms of principle.

The public sphere, media and civil society. In Habermas's account, a vital part of deliberation takes place in the informal public sphere, among citizens, associations, newspapers, universities, social movements and the media. Opinions formed here influence the legislature. The condition of the media, therefore, strongly affects deliberation. Concentration of ownership, paid news and sensational reporting reduce its quality, while a free and diverse press and good public broadcasting improve it. Social media have widened access but also brought problems of misinformation, echo chambers and polarisation.

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Online and digital deliberation. Digital platforms are used to hold online consultations, discussions and crowdsourcing of policy proposals. Examples include Taiwan's vTaiwan process, which uses the Pol.is tool to map opinions and find areas of agreement on matters like online regulation, and the e-consultations of the European Union. Online forums make participation easier but pose questions of the digital divide, anonymity and moderation.

Deliberation in international and local settings. Deliberative methods have been used in neighbourhood councils, school boards, village assemblies and at the global level in discussions among states and civil society groups, as in the world citizens' assembly proposals. In India, the *Gram Sabha*, public hearings and social audits give room for deliberative discussion at the local level, as is noted for the Indian case.

6. Conditions and design of good deliberation

Deliberation does not happen by itself, and the experience of forums shows that its quality depends on design. There must be balanced and accurate information given to all participants, so that discussion is based on facts. Skilled moderators are needed to see that all have a turn to speak and that dominant persons do not control the discussion, and rules that protect respect and stop interruption help the quieter members. The group should be diverse, with a mix of views, since homogeneous groups tend to become more extreme. There must be time, as thoughtful discussion cannot be hurried. The forum must have a clear link to decision-making, since participants lose interest if their recommendations are ignored. Finally, wider conditions of equality and freedom matter: a society with great differences of income, education and status, or with an unfree press, will find it hard to practise true deliberation. Writers such as Fung have shown that the design of a forum, in its selection of participants, its method of communication and its link to power, can be adjusted to different purposes.

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7. The Indian perspective

The argumentative tradition. Amartya Sen, in *The Argumentative Indian* (2005), has pointed out that public debate and reasoned disagreement have a long history in India. The *Upanishads* record dialogues, the Buddhist councils under Ashoka and the earlier assemblies discussed matters of doctrine and discipline, the *shastrarth* tradition arranged public debates between scholars of different schools, and the Mughal emperor Akbar held discussions among representatives of various faiths at the *Ibadat Khana* at Fatehpur Sikri. Sen holds that this heritage of heterodoxy and public reasoning supports the growth of democracy in India, and that Ashoka's edicts, with their call for restraint in speech and respect for the sects of others, are an early statement of tolerance in public debate. Critics add that these debates were often confined to men of the upper castes and that the argumentative tradition coexisted with strong social exclusion.

The Constituent Assembly as a deliberative body. The Constituent Assembly debated for nearly three years, from December 1946 to November 1949, holding eleven sessions over 165 days, on the structure and the values of the Constitution. Its members, drawn from many regions, religions and viewpoints, discussed issues such as fundamental rights, the language of the Union, the nature of federalism, minority safeguards, reservations and the role of the judiciary, and often changed drafts after argument. The Assembly's records are used by courts as an aid to interpretation and by scholars such as Rajeev Bhargava, who called the Constitution a document of moral and political deliberation, and Granville Austin, who studied it as a seamless web of social and political aims. In his closing speech, Ambedkar warned that constitutional morality, which includes respect for discussion and for the process of the Constitution, is not a natural sentiment and has to be cultivated.

Parliament and State Legislatures. The Constitution makes the Houses of Parliament the principal institutions of deliberation, with the freedom of speech in Parliament protected by Article 105 and in State Legislatures by Article 194, and with rules of procedure including question hour, zero hour, motions, and debates on bills and the budget. Committees are an important means of deeper discussion: the departmentally related standing committees, formed in 1993, the Public Accounts Committee and the Joint Parliamentary Committees

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examine laws and expenditure with representatives of parties together, and many hear experts and citizens. In practice, concern has been voiced about the decline of deliberation. The number of sitting days has fallen, with the Lok Sabha meeting for about sixty to seventy days a year in recent years against more than a hundred in the first decades, frequent disruptions occur, a large part of bills is passed with little discussion and with a small share referred to committees, and the anti-defection law has reduced the independence of members. The question of the proper use of money bills and of passing laws by voice vote has also become a matter of controversy.

The judiciary as a forum of public reason. Indian courts regard themselves as deliberative bodies that reason in public and are the guardians of the Constitution. Public interest litigation, which developed from the late 1970s under judges such as P. N. Bhagwati and V. R. Krishna Iyer, allowed citizens and groups to present issues of public concern, and the judgments are reasoned documents open to criticism. In *Kesavananda Bharati* (1973), a bench of thirteen judges gave eleven separate opinions, in a debate that shaped the doctrine of the basic structure. In *Navtej Singh Johar v. Union of India* (2018), the Court spoke of constitutional morality, in preference to prevailing social morality, as the standard of judgment. Some scholars, such as Upendra Baxi, have called the Court’s activity a form of deliberation in the public sphere, while others, among them critics of judicial overreach, hold that it replaces the choices of elected bodies.

Local bodies, Gram Sabhas and social audits. The *Gram Sabha* is meant to be the basic forum of deliberative decision-making in villages, where the plans, the budget, the list of beneficiaries and the accounts are discussed in the open meeting of all adults. The laws on social audit under the Mahatma Gandhi National Rural Employment Guarantee Act, the *jan sunwai* of the MKSS and the public hearings on environmental clearance are devices in which officials must answer reasons and records before the people. Research by Rikhil Bhavnani, Esther Duflo, Raghabendra Chattopadhyay and others has shown differences in the topics raised in the *Gram Sabha* depending on who sits as leader. The Kerala *Gram Sabhas* during the People’s Plan Campaign in 1996 and later, which set priorities after discussion, are the best-known examples of structured local deliberation. A number of

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studies, however, show that the *Gram Sabha* is weak where caste domination, lack of information and non-attendance prevail.

Deliberation in plural India. India's society is divided by language, religion, caste, region and class, and the question of how to arrive at common decisions across these divisions is central. Rajeev Bhargava has described the Indian model of secularism as one of principled distance, in which the state keeps a flexible distance from religions in order to protect equality and freedom, and this is itself a result of public argument. Conflicts over personal laws, reservation, language policy, the Citizenship Amendment Act and the farm laws repealed in 2021 have shown both the need for deliberation and its difficulty, since decisions on some of these were taken without wide public discussion and led to protest. Scholars of Indian politics, among them Partha Chatterjee and Ashis Nandy, have drawn attention to the role of political society and of non-elite forms of argument and protest, which do not follow the model of rational discourse but are still an important part of democratic dialogue.

Public consultation in law-making. The Pre-Legislative Consultation Policy of 2014 requires ministries to place draft bills in the public domain for at least thirty days with an explanation of their effects, but compliance has been uneven. The Law Commission and the Second Administrative Reforms Commission have called for wider consultation, and public committees on matters such as the Right to Information Act and the Lokpal Bill involved civil society members. The Telecom Regulatory Authority of India and other regulators issue consultation papers and hold open houses before making rules, which is a form of public reason-giving. The Right to Information Act, 2005, itself provides the information needed for informed discussion.

The media and the public sphere in India. India has a very large and varied press and television, with strong traditions of debate, but concerns are noted. Many prime-time television programmes encourage loud clashes and not reasoned argument, ownership is concentrated, paid news was found by the Press Council in 2010 to be a serious practice, and social media have been used for misinformation, hate speech and rumour. Habermas's concept of the public sphere is thus used by Indian scholars to ask how far such conditions

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allow a real exchange of reasons.

Assessment. India has strong foundations for deliberation: a tradition of public argument, a Constitution made after open debate, constitutional protection of free speech, active courts, a lively civil society and legal rights to information and to hearings. Against this, there are weaknesses in the working of legislatures, the polarising effect of party competition and media, deep social inequalities which limit equal participation, and the lack of deliberative mini-publics at the national level. The task is to strengthen deliberation within existing institutions, through effective committees, pre-legislative consultation, better media and active *Gram Sabhas*, and to experiment with citizens' forums, as some local bodies and civil society groups have begun to do.

8. Importance and limitations of deliberative democracy

Importance and merits

- **Improves the quality of decisions.** When citizens and representatives must give reasons and answer objections, errors are exposed, relevant facts and different views are brought in, and the final decision tends to be better informed. A public discussion of a dam, a school policy or a health plan can reveal harms and alternatives that a bare vote would not.
- **Strengthens legitimacy.** Those who lose a vote are more likely to accept the result when they have been heard and the reasons for the decision are fair and public. This is useful in divided societies, where mere majority rule may be felt as domination.
- **Handles deep disagreement in a civil way.** On questions of morality, religion and identity, where agreement is unlikely, deliberation provides a way to find mutually acceptable terms, or at least to understand the reasoning of the other side. The Irish citizens' assemblies on same-sex marriage and abortion are cited as examples.
- **Transforms narrow preferences.** The need to justify one's claims to others pushes people to look beyond immediate self-interest. Studies of deliberative polls report that participants become better informed, more tolerant and more public-spirited after

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discussion.

- **Educates citizens and builds civic capacity.** Taking part in reasoned discussion develops skills of listening, arguing and compromise, and a sense of efficacy, in a way that is similar to the educative effect stressed in the participatory model.
- **Reduces the role of money, manipulation and slogans.** When decisions are tested by reasons in public, appeals based only on money, personality, fear or propaganda carry less weight. The model offers a standard by which manipulative politics can be criticised.
- **Combines equality with thoughtful opinion.** Through random selection, mini-publics give an equal chance to ordinary citizens, and the deliberative process gives them the information to make a considered judgment. This answers the complaint that public opinion is shaped by ignorance and by campaign managers.
- **Gives voice to minorities and the marginalised.** When designed with care, deliberation provides a forum where minority views are put and have to be answered by reasons, and where the experience of excluded groups can inform the majority. Young's inclusive model is directed to this end.
- **Supports rational public policy on complex issues.** Subjects such as climate change, genetic technology or pension reform need time and expert evidence. Citizens' assemblies and consensus conferences allow ordinary people to engage with such questions and give legitimate guidance to governments.
- **Revitalises democracy and trust.** By giving citizens a greater role in considered judgment, deliberative forums can counter cynicism about politics and give a sense that the system listens. The renewed interest in citizens' assemblies in Europe expresses this hope.

Limitations and criticisms

- **Exclusion of those who do not speak in the dominant style.** Young and other critics argue that the ideal of reasoned and dispassionate argument favours educated, articulate and often male and upper-class persons, while the experience of the poor, women and

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minorities, expressed in stories or anger, may be discounted as unreasonable.

- **Unequal power and resources.** Deliberation assumes that participants are equal, but in unequal societies power operates inside the discussion. Nancy Fraser, writing on the public sphere, argued that Habermas's ideal overlooks the way in which subordinated groups are excluded and have to form their own counter-publics.
- **Impracticality at large scale.** Face-to-face discussion cannot involve millions of people. Mini-publics deliberate for the few, but the rest of the public does not, and their recommendations may be little known. This is Fishkin's trilemma, and it limits the claim that deliberative democracy is a practical form of government for a nation.
- **Group polarisation and conformity.** Sunstein found that discussions among like-minded persons may push them to extremes, and that dominant opinions can silence dissenters. Without diversity and good moderation, deliberation can make errors worse.
- **Time, cost and slowness.** Well-run deliberation requires time, money, skilled facilitators and expert materials. It is hard to apply to the daily work of government, to emergencies or to a very large number of decisions.
- **Uncertain link with power.** Many forums are advisory only. If governments can ignore their results, the exercise becomes a way to give legitimacy to decisions taken elsewhere, as in the criticism of tokenism. British Columbia's recommendation was not adopted, and the French climate convention's proposals were only partly implemented.
- **The ideal of consensus and the problem of conflict.** Critics such as Chantal Mouffe argue that politics is basically about conflict and power, and that deliberative theory, by seeking rational consensus, hides the unavoidable antagonism between opposed political positions. She proposes agonistic pluralism, in which adversaries respect each other but do not expect agreement.
- **Cognitive demands and elitism.** Some critics, such as Ilya Somin, hold that citizens are too poorly informed and that the cost of deliberation is too high, while others fear that deliberation will favour the experts who prepare the briefing material and set the agenda. The choice of facilitators, experts and framing of questions can shape the results.

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- **Representativeness of mini-publics.** A small randomly chosen group cannot truly speak for all, and those who accept an invitation may be different from those who refuse. Critics ask by what authority a mini-public can replace the elected legislature, which has a clear electoral mandate.
- **Risk of deliberation without decision.** Endless discussion can postpone action, and in situations of urgent injustice or inequality, activists sometimes argue that protest and pressure are more appropriate than talk, as Iris Young also noted.

9. Critical analysis

The appeal of deliberative democracy lies in its moral and practical promise. It answers the question that aggregative theories leave aside: why should a minority accept a decision that goes against its wishes? Its reply is that they should accept it when it has been reached by a fair process of reasoning in which they had a voice and to which they received a reasoned response. It also reminds us that democracy is a matter of how opinions are formed as well as how they are counted, and it provides a standard by which the quality of public debate in any country can be judged. For these reasons it is widely seen as one of the most important developments in democratic theory in the past generation.

Yet its critics have raised serious doubts. One line of objection concerns exclusion and power. Feminist and critical writers, among them Young, Fraser and Sanders, argue that the standard of rational discussion has a hidden bias and that deliberation in an unequal society reproduces the dominance of the privileged. The reply of the defenders is that deliberative theory has been revised to take account of this, through attention to inclusion, to the plural forms of speech and to the role of counter-publics, but the problem remains that equality in the forum cannot be fully separated from equality in society. Agonists such as Mouffe raise another objection: they see conflict as the essence of politics. For them, the hope of rational consensus conceals the interests and passions that move political life. Deliberative thinkers answer that they do not require unanimity and that deliberation can clarify and civilise disagreements. Empirical research adds a further doubt, since it shows that discussion does not always improve thinking, and that results depend on the setting, as Sunstein’s research

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on polarisation indicates.

The relation of the model to representative and participatory democracy is also a matter of discussion. Deliberative democracy does not replace elections and parties but asks that they be more reasoned, and many writers think that mini-publics should advise rather than replace legislatures. In contrast to the participatory model, which stresses the amount and the spread of involvement, the deliberative model stresses the quality of discussion, and it can be satisfied by a small sample of citizens, as with random selection. This has led some critics to ask whether deliberative democracy is too elitist or too limited in participation, and has led some supporters to combine the two ideas, as in Fung and Wright's empowered participatory governance and in the use of citizens' assemblies to feed into referendums.

The recent systemic approach offers a promising answer to some of these criticisms. It holds that no single institution can be fully deliberative, and that the test should be the quality of deliberation in the whole system, including the legislature, courts, media, civil society and mini-publics. Seen in this way, even partisan debate or protest may contribute to the deliberative system, if it helps to bring neglected issues and perspectives before the public. This approach also gives a way to apply the idea to large and plural societies such as India.

In the Indian context, the idea has deep resonance in the argumentative tradition, in the Constituent Assembly and in the reasoned judgments of the Supreme Court, but it is tested by hurried legislation, polarised media and deep social hierarchy. The lesson is that deliberation is not just a method but a culture, which requires institutions that protect free speech and equal standing, information that is open to all, and a willingness to listen. As a theory, deliberative democracy is best regarded as an ideal against which actual democracies are measured and improved, and as a necessary complement to voting and participation in the pursuit of a more reasoned and just politics.

10. Authors and books for UGC NET

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Author	Book or work	Main idea
Jürgen Habermas	*The Structural Transformation of the Public Sphere* (1962); *Between Facts and Norms* (1992)	Public sphere; communicative action; legitimacy through discourse
John Rawls	*Political Liberalism* (1993)	Public reason; reasonable pluralism; overlapping consensus
Joshua Cohen	"Deliberation and Democratic Legitimacy" (1989)	Ideal deliberative procedure
Bernard Manin	"On Legitimacy and Political Deliberation" (1987)	Legitimacy from the formation of will
Amy Gutmann and Dennis Thompson	*Democracy and Disagreement* (1996); *Why Deliberative Democracy?* (2004)	Reciprocity, publicity and accountability
John Dryzek	*Deliberative Democracy and Beyond* (2000)	Discursive democracy; role of civil society and contestation
Iris Marion Young	*Inclusion and Democracy* (2000)	Inclusive communication; difference and narrative
James Fishkin	*Democracy and Deliberation* (1991); *When the People Speak* (2009)	Deliberative polling; trilemma of equality, participation and deliberation
Cass Sunstein	*Going to Extremes* (2009)	Group polarisation
Chantal Mouffe	*The Democratic Paradox* (2000)	Agonistic pluralism; critique of consensus
Nancy Fraser	"Rethinking the Public Sphere" (1990)	Subaltern counter-publics
Jane Mansbridge and John Parkinson (eds.)	*Deliberative Systems* (2012)	Systemic approach to deliberation
James Bohman and William Rehg (eds.)	*Deliberative Democracy: Essays on Reason and Politics* (1997)	Collection of essays
Jon Elster (ed.)	*Deliberative Democracy* (1998)	Essays on deliberation and constitution-making

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Archon Fung	*Empowered Participation* (2004)	Deliberative design in local governance
Robert Dahl	*Democracy and Its Critics* (1989)	Minipopulus; limits of scale
Hannah Arendt	*The Human Condition* (1958)	Public realm; speech and action
John Dewey	*The Public and Its Problems* (1927)	Democracy as communication and shared inquiry
Amartya Sen	*The Argumentative Indian* (2005); *The Idea of Justice* (2009)	Public reasoning in India; democracy as public reason
Rajeev Bhargava	*The Promise of India's Secular Democracy (2010)*	Constitutional deliberation; principled distance
Granville Austin	*The Indian Constitution: Cornerstone of a Nation* (1966)	Constituent Assembly debates

11. Practice questions

Long answer questions

1. Define deliberative democracy and discuss its main features.
2. Examine the contributions of Habermas and Rawls to the theory of deliberative democracy.
3. Discuss the main forms of deliberative practice, such as deliberative polls, citizens' assemblies and citizens' juries.
4. Evaluate the merits and limitations of deliberative democracy.
5. Examine the place of deliberation in the Indian political system, with reference to the Constituent Assembly, Parliament, the courts and local bodies.
6. "Deliberative democracy shifts attention from the counting of votes to the giving of reasons." Discuss.

Medium answer questions

1. Distinguish between the aggregative and deliberative views of democracy.

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2. Explain Habermas’s ideal speech situation.
3. Explain Rawls’s idea of public reason.
4. Discuss Iris Young’s criticism of deliberative democracy.
5. What is a deliberative poll? Explain its working.
6. Explain Fishkin’s trilemma.

Short answer questions

1. What is deliberative democracy?
2. What is meant by reciprocity?
3. What is a mini-public?
4. What is group polarisation?
5. What is agonistic pluralism?
6. What is a deliberative system?

Very short answer questions

1. Who wrote *Between Facts and Norms*?
2. Who designed the deliberative poll?
3. Who wrote *The Argumentative Indian*?
4. Which country held citizens’ assemblies on same-sex marriage and abortion?
5. Who is associated with the idea of agonistic pluralism?

Objective questions

1. The idea of public reason is most closely associated with: (a) Habermas (b) Rawls (c) Dahl (d) Schumpeter
2. The ideal speech situation was described by: (a) Habermas (b) Mouffe (c) Young (d) Sunstein
3. The deliberative poll was developed by: (a) Cohen (b) Dryzek (c) Fishkin (d) Manin

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4. Group polarisation in deliberation was studied by: (a) Sunstein (b) Gutmann (c) Thompson (d) Bohman
5. The book *Inclusion and Democracy* was written by: (a) Nancy Fraser (b) Iris Marion Young (c) Chantal Mouffe (d) Carole Pateman
6. Assertion (A): Deliberation may reproduce social inequality. Reason (R): Participants with greater education and confidence may dominate the discussion. (a) Both A and R are true and R explains A (b) Both are true but R does not explain A (c) A is true but R is false (d) A is false but R is true
7. Which of the following is a principle stressed by Gutmann and Thompson? (a) Reciprocity (b) Sovereignty (c) Hegemony (d) Elitism
8. Match: (i) Habermas (ii) Rawls (iii) Mouffe (iv) Fishkin with (a) Public reason (b) Deliberative polling (c) Communicative action (d) Agonism. (a) i-c, ii-a, iii-d, iv-b (b) i-a, ii-b, iii-c, iv-d (c) i-b, ii-c, iii-d, iv-a (d) i-d, ii-a, iii-b, iv-c

Analytical prompts

1. A government sets up a citizens' assembly of randomly chosen persons to advise on a controversial law, but is not bound by its recommendations. Analyse the value and the limits of such an assembly.
2. A television debate is marked by shouting and interruptions. Examine it in the light of the conditions of deliberation.
3. Compare the views of Habermas and Mouffe on consensus and conflict in democratic politics.
4. Can deliberative democracy work in a society marked by caste and gender hierarchies? Discuss.

Key takeaways

- Deliberative democracy holds that legitimate decisions come from reasoned discussion among free and equal citizens and not only from voting or bargaining.

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- It separates the aggregative view, which adds up given preferences, from the deliberative view, in which preferences are formed and changed through public discussion.
- Habermas, Rawls, Cohen, Manin, Gutmann and Thompson, Dryzek and Young are its main theorists, and Fishkin developed deliberative polling.
- Its main features are reason-giving, equality, inclusion, openness, reciprocity, freedom from coercion and revisable outcomes.
- Practical forms include deliberative polls, citizens' assemblies, citizens' juries, planning cells, consensus conferences, legislative committees, courts and online forums.
- In India, deliberation can be traced to the argumentative tradition, the Constituent Assembly, parliamentary committees, reasoned judgments and the Gram Sabha, though the working of legislatures and media is a concern.
- Critics point to exclusion of unequal groups, group polarisation, problems of scale, time and cost, weak links to power and the neglect of conflict.
- The systemic approach, which judges the whole network of forums and not a single body, is an important recent development.

Further reading

1. Jürgen Habermas, *Between Facts and Norms*
2. John Rawls, *Political Liberalism*
3. Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?*
4. John Dryzek, *Deliberative Democracy and Beyond*
5. Iris Marion Young, *Inclusion and Democracy*
6. James Fishkin, *When the People Speak*
7. James Bohman and William Rehg (eds.), *Deliberative Democracy: Essays on Reason and Politics*
8. Jon Elster (ed.), *Deliberative Democracy*
9. Jane Mansbridge and John Parkinson (eds.), *Deliberative Systems*

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10. Cass Sunstein, *Going to Extremes*
11. Chantal Mouffe, *The Democratic Paradox*
12. Archon Fung and Erik Olin Wright (eds.), *Deepening Democracy*
13. Graham Smith, *Democratic Innovations*
14. Jon Elster, *Securities Against Misrule*
15. Amartya Sen, *The Argumentative Indian*
16. Amartya Sen, *The Idea of Justice*
17. Rajeev Bhargava, *The Promise of India's Secular Democracy*
18. David Held, *Models of Democracy*
19. Rajeev Bhargava and Ashok Acharya (eds.), *Political Theory: An Introduction*
20. O. P. Gauba, *An Introduction to Political Theory*

Frequently asked questions

1. What is deliberative democracy? It is a model of democracy in which decisions gain legitimacy from reasoned public discussion among free and equal citizens, who give reasons for their views and are ready to change them. It stresses the process of forming opinions and not only the counting of votes.

2. How does deliberative democracy differ from participatory democracy? Participatory democracy emphasises the amount and the spread of citizens' involvement in decisions, while deliberative democracy emphasises the quality of the discussion, in which reasons are given and tested. The two may be combined, but a small randomly chosen group can be deliberative without being widely participatory.

3. What is public reason? Public reason, in Rawls's theory, is the use of reasons that all citizens, as free and equal, can reasonably accept, in discussing basic questions of justice and constitutional essentials in a society that has many different religious and moral views.

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4. What is a citizens' assembly? It is a body of randomly selected citizens, chosen to reflect the population, who meet over a period to learn about an issue from experts, deliberate and make recommendations. Ireland, British Columbia and France have used such assemblies on constitutional and policy questions.

5. What are the main criticisms of deliberative democracy? Critics say that it favours those who speak in the dominant style, that it overlooks inequalities of power, that it cannot be applied on a large scale, that discussion can increase polarisation, and that its search for consensus ignores real conflict. Supporters answer that careful design and a systemic approach can meet many of these problems.

6. Is there deliberative democracy in India? India has many deliberative elements, such as the debates of the Constituent Assembly, parliamentary committees, reasoned court judgments, Gram Sabhas, social audits and public hearings. Their quality varies, and concerns about reduced parliamentary debate, loud media discussion and social inequality show the need for strengthening them.

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Tag: Deliberative Democracy

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