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Deliberation after Consensus: Introduction to the Symposium

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Deliberation after Consensus: Introduction to the Symposium

Abstract

This editorial introduction presents an overview of the themes explored in the symposium on Deliberation after Consensus. For all the talk of its obsolescence and irrelevance, the concept of consensus still remains centrally contested through generations of deliberative democracy scholarship. In face of criticism for being neither empirically feasible nor normatively desirable, some deliberative theorists have moved away from consensus-oriented teleology and argued in favor of other legitimate outcomes of deliberations. Other theorists have resisted this move, claiming that the aim of deliberation implies that consensus should remain as a regulative ideal for deliberative outcomes. Engaging with these debates about the role of consensus in theories of deliberative democracy, this symposium brings together a selection of innovative, original research articles that raise novel questions about the role consensus could and should play in democratic deliberation and in a deliberative democracy. This introduction offers an overview of the debate over consensus drawing on the notion of successive generations of deliberative democracy research. Our aim is to demonstrate that the view of consensus has changed during generations of deliberative scholarships, but also that some scholars still defend the normative importance of the meaning of consensus once developed by the first generation. Consequently, there are tendencies of both change and continuity in the debate over consensus in deliberative theory. We conclude this introduction by providing a brief synopsis of each paper.

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Keywords

deliberative democratic theory, consensus, systems approach, pluralism

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Deliberation after Consensus: Introduction to the Symposium

For all the talk of its obsolescence and irrelevance, the concept of consensus still remains centrally contested through generations of deliberative democracy scholarship. Critics have long argued that the ideal of rational, unanimous agreement is both practically impossible, given the circumstances of value pluralism and deep disagreement, and politically perilous, as it may serve to oppress marginalized ideas, interests or identities or suppress antagonisms (Little 2007; Mouffe 1995; Young 2001). In response, proponents of deliberative democracy sought to develop more feasible and desirable notions of legitimate outcomes, such as meta-consensus, deliberative disagreement, or even majority voting – leading some to claim that deliberative democratic theory “has moved away from a consensus-centered teleology” (Chambers 2003, p. 321). Other proponents of deliberative democracy, however, resist the move away from consensus and question why we should engage in public, deliberative discourse at all, unless we could and should seek to rationally persuade one another (Bächtiger et al. 2010; Martí 2017; Neblo 2007). In short, there is anything but consensus among deliberative scholars about the status of consensus in deliberative democratic theory.

Engaging with these debates about the role of consensus in theories of deliberative democracy, this symposium brings together a selection of innovative, original research articles that raise novel questions about the role consensus could and should play in democratic deliberation and in a deliberative democracy. How can citizens through their collective deliberation produce decisions that are consistent, integrated and intentional in a pluralistic society? Furthermore, if a group manages to reach a rational consensus, unlikely as it may seem, would their agreement really undermine the epistemic quality of their future deliberations, or can people who agree deliberate meaningfully? Is consensus, if treated as an ideal aim rather than just one possible outcome among many, actually detrimental to idea of deliberation as oriented toward mutual understanding? By addressing these issues, the papers in this symposium challenge existing views and offer novel insights not only on the notion of consensus, but also on its broader role in deliberative democratic theory.

This introduction serves to situate the papers in relation to current debates in deliberative democratic theory. In order to provide context, we draw on the notion of successive generations of deliberative democracy research (Bohman 1998; Chambers 2003; Elstub 2010; Elstub et al. 2016; Thompson 2008). Just as biological generations, successive generations of scholarship tends to be intimately related, and one generation may live alongside its descendants and engage in dialogue with them. They represent, then, successive waves of scholarship rather than distinct generations of scholars, as some proponents and critics of deliberative democracy have contributed to numerous debates over the years.

Hence, we here aim to survey how four consecutive generations of deliberative scholarship have employed the contentious concept of consensus. While the first generation of deliberative democracy scholarship, which mainly worked in normative ideal theory, produced strong ideals of consensus which successive generations have sought to modify if not outright abandon, its work still serves not only as a point of departure, but also offers critical reflection on successive modifications, alternatives and oppositions. Engaging with external criticism, the second generation of deliberative scholarship explored the limitations of consensus-oriented deliberation in a pluralist society. With the empirical turn in deliberative democracy research (Thompson 2008), the third generation raised another set of questions about the feasibility and desirability of consensus and its alternatives. Finally, the fourth generation of scholarship on deliberative democracy (Elstub et al. 2016) urged for a return to conceptualizing deliberative democracy on a mass scale (Chambers 2017), rather than as deliberation in discrete forums, which introduced new questions on how democratic deliberation at the level of components contribute to the participatory, ethical and epistemic qualities of the overall deliberative system. The papers included in this symposium relate, in different ways, to all four generations of scholarship and their disagreements about the role of consensus in deliberative democratic theory.

Four Generations of Deliberative Theorizing on Consensus

The first generation of normative theorists of deliberative democracy, who spelled out the ideal conditions of deliberative democracy as a normative theory, presented strong notions of rational consensus as the aim of deliberation (Cohen 1989; Habermas 1996; Rawls 1971, 1996). On this view, consensus on the common good is *possible*, since participants are expected to revise their preferences in light of universal public reasons, and also *desirable* and preferable to alternatives such as bargaining or preference aggregation, since consensus makes decisions uncoerced. Consequently, in this view, reaching a substantive agreement is something which deliberators should seek to achieve or something that is likely to result if deliberation is conducted in the right way.

One way of arguing for the centrality of consensus is to connect it to the reason-giving requirement – i.e., the moral requirement that you are obliged to justify your claims to other persons, especially if you want your claims to result in collectively binding decisions that might, ultimately, be coercively enforced, since coercing persons without justifying the coercion is disrespectful. Given how broadly accepted the reason-giving requirement is, it is unsurprising that it is sometimes considered to be a common ground for theories of deliberative democracy (Thompson 2008, p. 498). If we accept that there is a requirement to give reasons, then, the argument goes, it follows that the goal is to reach consensus, since by giving reasons intended to justify positions to others, you aim to persuade others to hold your view. Hence, “to justify something is,

implicitly, to raise a claim that consensus should be based on the arguments of which the justification consists” (Friberg-Fernros & Schaffer 2014, p. 101). Accordingly, the claim that deliberators need to seek consensus seems hard to avoid for deliberative theorists.

Still, the first generation’s strong normative notion of consensus is one of the key issues critics brought up. Critics argue that consensus is both impossible to attain and a dangerous political ideal (Markell 1997; Valadez 2001). Given that modern, liberal and democratic societies are characterized by a pluralism of values, beliefs, and opinions, some of which may even be incommensurable, how could people ever reach the aim of consensus? Moreover, whether consensus is feasible or not, striving towards reaching it may serve to oppress and exclude certain groups’ interests, ideas or identities (Young 2001). Some critics even warn that seeking to eradicate all political antagonism while aiming for a universal consensus is “the real threat to democracy” (Mouffe 1995, p. 1537).

The critiques against both the desirability and the feasibility of consensus led the second generation of scholarship to rethink the role of consensus in deliberative democratic theory. Some abandoned consensus altogether as the ultimate goal of deliberation. Rather, they suggested, the goal of deliberation could simply be “the greater dissemination of relevant knowledge and information” (Elstub 2010, p. 296) and the legitimation of decisions could be achieved without unanimity of opinions. Other contributions in the second generation replaced or complemented substantive, rational consensus with less demanding ideals, such as *meta-consensus* (Niemeyer & Dryzek 2007), i.e., agreement on how to conceptualize the issue, but not necessarily on how to resolve it; or *incompletely theorized agreement* (Sunstein 1994), where participants agree on the outcome, but not on the fundamental, abstract principles justifying it. As alternative notions of successful outcomes, some theorists proposed notions such as plural agreement or moral compromise, “which merely requires continued cooperation in public deliberation, even with persistent disagreements” (Bohman 1996, p. 89) or deliberative disagreement, where citizens seek to resolve their differences in a way that is mutually justifiable, but continue to disagree about basic moral principles (Gutmann & Thompson 1996, p. 73). Even Habermas (1996, p. 165ff) – often a target of criticisms of rational consensus – cedes that short of consensus, bargaining and compromise may be acceptable outcomes if they can be legitimated in moral discourse. Hence, the second generation scholarship brought the hope that by revising the ideal of consensus along these lines – i.e., by making deliberation both more feasible under real-world circumstances and more respectful for peoples’ moral disagreements – deliberative democracy would not only be compatible with pluralism but well-equipped to deal with it.

The relaxation of the ideal of consensus in deliberation also paved the way for the third generation of deliberative scholarship, which, in contrast to the second generation, extensively studied how deliberation could be institutionalized in practice, in real life, and turned its attention to empirical considerations in more systematic ways (Elstub 2010, p. 298; Thompson 2008). Empirical research on democratic deliberation in real-world setting such as parliaments and assemblies or in experimental situations such as deliberative polls and micro-publics was less concerned with ideal theory and could botanize among the revisionist potential outcomes of deliberation suggested by the second generation of deliberative scholarship. In this way, the theoretical concerns with consensus receded into the background of attention.

However, some deliberative theorists have questioned how well this revisionist view of consensus actually fits with deliberative theory. The objections against the ideal of consensus are not a reason for abandoning it as an ideal, they argue, because even if we do not literally need to believe that we will reach consensus in every, or even most circumstances, it can still operate as a regulative ideal that guides deliberation and that is constitutive of deliberative processes (Bächtiger et al. 2010, p. 49). Put differently, without consensus as a regulative ideal, if “we are really just trafficking in our personal prejudices with no hope of reasonable persuasion, then deliberation hardly has a strong claim on us over standard models of aggregative democracy” (Neble 2007, p. 536). Consequently, the original argument of first-generation deliberative scholarship in favor of the ideal of consensus, grounded in the reason-giving requirement, is, on this view, still binding and there are trade-offs for deliberative theory in revising or abandoning it. Some third-generation scholarship has taken its point of departure in first-generation ideal theory rather than in second-generation revisionism, but nevertheless focuses on deliberation in real-world circumstances. For instance, the Discourse Quality Index (Bächtiger et al. 2005; Steenbergen et al. 2003; Steiner et al. 2004) seeks to operationalize a Habermasian ideal of deliberative democracy, including measures of deliberative success derived from a strong notion of rational consensus, in order to empirically assess the quality of deliberation in parliaments and other real-world settings.

Other criticisms suggest that deliberative theorists should pay more attention to how consensus, to the extent that deliberants reach it as a matter of fact, could have detrimental effects on the quality of their subsequent deliberation. Deliberative theorists have long argued that a key reason why deliberation produces more robust, legitimate and epistemically grounded outcomes is that it includes heterogeneous points of view into the deliberative process. However, the better a group attains the ideal of rational consensus on an issue, the worse its future deliberations on that issue will be, since deliberation will have turned the rationality-promoting heterogeneity of views into agreement. Here, critics have pointed to the risks of conformism, argumentative stagnation and

confirmation bias (Friberg-Fernros & Schaffer 2014; Mercier & Landemore 2012). Yet rather than abandoning the ideal of consensus, such negative effects might need to be avoided through institutional design.

While third-generation scholarship more or less adopted a revisionist view of consensus, the fourth generation of deliberative research – the so-called systems approach to deliberative democracy (Parkinson & Mansbridge 2012) – has in certain respects moved even further away from the first-generation emphasis on substantive rational consensus. That is, proponents of the systems approach have not necessarily objected in principle to consensus as an ideal, but seek to shift focus from democratic deliberation in discrete institutions and forums to deliberative democracy on a larger, mass scale (Chambers 2009), and, obviously, the likelihood of realizing consensus decreases “as the group of those participating increases” (Chambers 2012, p. 64). Similar to the second generation, the fourth generation emphasizes thus practical feasibility constraints, but their broad concern is how to institutionalize democratic mass governance at the scale of the polity as a complex political system. In this context, how to make deliberation feasible given the fact of value pluralism is but one of several challenges.

Yet, similar to some first-generation normative theorizing that was sidelined by the empirical turn, the fourth generation entails a return to system level thinking about deliberative democracy. This has somewhat mixed implications for the status of consensus. Habermas, for one, has often conceptualized deliberative democracy in similar large-scale terms, whether linking formal democratic decision-making to discourses taking place in the public sphere (Chambers 2017) or sketching models of democratic legitimation in transnational governance at multiple levels (Schaffer 2015). Fourth-generation systemic accounts similarly are concerned with how to connect the deliberations going on in the various parts of the system with one another and with the system as a whole. A key argument is that less deliberative, or even non-deliberative, action in one component part may still have positive effects in terms of deliberative quality for the system as a whole, and vice versa. In some circumstances, non-deliberative pressures generated by money or protests may serve just as important functions as the “forceless force of the better argument” by promoting inclusiveness and the circulation of information (Parkinson & Mansbridge 2012, pp. 18–19). Consequently, by considering the interaction of individual institutions and processes as a system, the fourth generation appreciates greater diversity with regard to how people are communicating, compared to earlier generations. In this respect, by accepting non-deliberative interactions, i.e., interactions that are not governed by the reason-giving requirement, the systems approach further downplays the role of consensus compared to earlier generations.

On the other hand, even as the systems approach accepts that greater diversity at the component level can promote deliberative quality at the systems level, it may need to find some role for a modified consensus ideal at the systems level. It may not include any substantive, rational agreement, but presumably a system that produces some kind of coherence in its policy outputs and cohesion among both the people and the component parts of the system would be preferable, *ceteris paribus*, to a system that fails to produce such outcomes. Hence, scaling deliberative democracy up to the systems level might require scaling up a concept of consensus – in some version – too.

Moreover, beyond the focus on deliberative systems, another characteristic of fourth-generation deliberative scholarship is its stronger epistemic focus, whether in empirical research emphasizing the role of expertise and knowledge in the deliberative system or in normative scholarship justifying deliberative democracy in terms of its ability to track the truth – i.e., to produce epistemically more robust and reliable outcomes – than feasible alternatives. Indeed, many proponents of the systems approach also emphasize that a deliberative system should fulfil epistemic functions, but have yet to theorize in greater detail what fulfilling that epistemic function entails (Holst & Molander 2019). While this epistemic turn (Landemore 2017) in deliberative democracy neither directly nor necessarily brings back consensus to the center of attention, it arguably has an important role to play in theorizing the epistemic aspects of deliberative democracy, since “rational consensus retains a great deal of normative appeal as the hoped-for by-product of a successfully conducted exchange of arguments, because ... it can serve as a signal that a form of probable truth has been reached” (Landemore 2017, p. 287) Hence, for all the theoretical progress that has been made in scholarship on deliberative democracy, the first-generation ideal of rational consensus remains relevant.

The Papers

The articles that comprise this symposium engage with and across successive generations of deliberative scholarship and the way they have employed the notion of consensus. In the first paper, *With Habermas against Habermas: Deliberation without consensus*, Katarzyna Jezierska revisits the first/second generation debate on the theoretical relationship between deliberation and consensus – but reaches conclusions very different from Landemore. Jezierska takes up the concept of deliberative democracy with detailed reference to Jürgen Habermas’ original formulations, and argues that this concept has two basic, but opposed, pillars – deliberation and consensus. In short, the deliberative path in Habermas highlights the value of inclusiveness and pluralism in opinion and will formation, whereas the consensus path, while seemingly ensuring strong legitimacy of decisions, suppresses inclusion and dissent. Confronted with these opposing paths, both present in Habermas’ democratic theory, Jezierska argues for safeguarding the open-ended character of deliberation, and depriving

consensus of its privileged position. The strong consensus orientation should thus be replaced, she claims, by an “ethics of questioning”, where consensus is no longer regarded as the *telos* of deliberation, but rather as a possible outcome on a par with dissensus. This implies at the same time to disconnect “deliberation” from the requirements of “universalizability” and “rationality” as Habermas formulates them, and to defend a “talk-based” approach to politics that welcomes a larger role for context as well as sentiments, and that accepts voting – in the many cases where consensus is not within reach – as the preferable and most legitimate decision-making mechanism.

In the second paper, *Completely theorized agreements: A different reading of the consensus paradox hypothesis*, Marta Wojciechowska critically engages with the so-called consensus paradox in deliberative democratic theory, which suggests that if a group would meet the (possibly unrealistic) aim of a rational consensus, their consensus by itself would likely negatively affect the conditions for future rational deliberation in the group (Friberg-Fernros & Schaffer 2014). Wojciechowska, however, argues that reaching a consensus need not be detrimental to the aims of deliberation once the quality of the outcome of deliberation is defined epistemically, i.e., to what extent the process is truth-tracking, rather than in terms of the strength and the numbers of reasons. In order to distinguish partial consensus from full consensus, she also introduces the concept of ‘completely theorized agreement’, in which participants agree on both a particular choice and the normative and epistemic reasons supporting it. In contrast to the expected detrimental effects of consensus on deliberation, she argues that a group that reaches a full consensus need not have lower epistemic quality in its future deliberations than a group that only reaches a partial consensus, granted that the goal is to track the truth. As she explains: “the quality of decision-making in an epistemic public deliberation relies on the ability of group members to reach the correct outcome, not on their ability to provide more and better supported arguments.” As long as outcome of deliberation results in a correct decision, the strength and the numbers of reasons do not necessarily matter, she argues. The paper makes an innovative theoretical contribution as Wojciechowska argues for a role of consensus along the lines once held by the first generation deliberative scholars, but she doing so by drawing on the quite recent epistemic turn within deliberative democracy.

In the third and final paper, *Democratic Self-Determination and the Intentional Building of Consensus* Valeria Ottonelli focuses on the principle of citizens’ self-determination, and more specifically the view that citizens should act as democratic decision makers. This view implies, according to Ottonelli, a requirement according to which democratic participation must be “intentionally aiming at producing meaningful results.” While such a position might almost sound uncontroversial true, Ottonelli demonstrates that this requirement is nevertheless hard to pass. Most fundamentally, social theorists – like for instance William Riker – challenge this position armed with the implications of

the well-known voter's paradox. This paradox aims to show that a voting procedure about alternatives – when there are more than two – can result in instable and incoherent cycles rather than a social ordering.

In a nutshell, Ottonelli seeks to meet this challenge and thereby addresses the debate between the second and first generation of deliberative scholars as well as the discussion about deliberation as a system, which was raised by the fourth generation deliberative scholars. She starts by launching consensus as a way of securing the intention – the integrity – of the people. As Ottonelli notes, this is less theorized function of consensus, but still an obvious answer to meet the challenge raised by the social theorists. However, she has doubts about such a solution on the basis of two arguments. First, in line with the arguments from the second generation deliberative scholars, she raises concerns about the relationship between consensus and pluralism. Secondly, Ottonelli also rejects consensus as an answer to the challenge posed by the social theorists more specifically. According to her, consensus as an outcome of deliberation, does not count as a process according to which citizens are “intentionally aiming at producing meaningful results”. She argues that this view implies that consensus must be sought; that reaching consensus must be intentional and not just the mere outcome of a deliberative process. And this requirement is not fulfilled by consensus according to deliberative theory.

After concluding that deliberative consensus is not the right answer to the challenge from social theory, Ottonelli proposes political prudence (PP-model) as a solution. By political prudence she means “the general capability of devising the opportunity and rationale for engaging in the different political activities.” This model allows for heterogeneity in the ways that citizens may act as democratic decision makers. Sometimes the circumstances call for strategic voting – i.e., do decide how to vote in the light of how other people vote – in order to maintain stability in troubled times while political prudence in other situations makes it reasonable submit to the force of the better argument no matter which conclusions other people might come to. According to Ottonelli, the PP-model – which exhibits some similarities with the deliberative system approach favoured by many fourth generation deliberative scholars – fulfils the ideal of people acting as decision makers in the democratic procedure without jeopardizing the value of pluralism since the PP-model does not require consensus.

Even though these three papers are very different in character and content, they all demonstrate that consensus still is a sticking point within deliberative democratic theory. Our aim and hope is that this symposium will stimulate the discussion even further about the role of consensus in deliberative democracy.

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