

Vanja Savić  
Belgrade

## Integration of Deliberative Democracy and Policy-Making. A Vision of a Deliberative System

170

**Abstract:** *The paper examines major propositions of deliberative democratic theory, divided into problems of inclusion, deliberation and citizenship and their parallel articulation, as well as empirical examination and specification, in literature on post-empiricist policy-making. The theory of deliberative democracy and literature on deliberative policy-making have raised similar concerns and made parallel proposals about possible remedies of ills of contemporary democracy i.e. policy-making, specifically concerning broader inclusion in democratic and policy-making practices, deliberative consideration of issues in both policy-making and democratic politics and enhanced civic skills of democratic participants i.e. policy-takers. Authors in both sets of literature reach a similar conclusion about incorporation of democratic i.e. policy-making deliberative efforts into institutions of liberal democracy so as to create a larger 'deliberative system' of interconnected chains of communication and legitimacy.*

**Key words:** *Deliberative democracy, post-empiricist policy-making, inclusion, deliberation, citizenship.*

The ills which today plague both democratic politics and making of public policies include increasing insulation of elites, whether political or technocratic, from citizens, declining public engagement and decreasing acceptance of both democratic politics and policy-making. The theory of deliberative democracy has made a proposal to reinvigorate contemporary democracy by re-affirming the neglected aspect of democratic deliberation. Influenced by this new theoretical impulses in democratic theory as well as in communication studies, literature on policy-making has also made a turn towards more public or policy-takers-oriented approach. An examination of these proposals for renewal of democratic politics and policy-making is attempted below.

### Democratic disengagement

There are several reasons why contemporary democracy is increasingly seen as declining in quality, even though we live in an age of its increasing quantity. Many authors feel that narrow conception of democracy in the oppressive atmosphere after World War II advanced by theorists of competitive elitism such as Schumpeter limited the idea of democracy to mere electoral race competitively pursued by elite groups (Fischer 2009: 51). Constraints on democracy, even in the form of

elected representation let alone broader mass participation, are posed by technological and social complexity and fragmentation in functionally differentiated modern society, as theorists such as Zolo, Habermas, Warren and Offe have amply shown (Fischer 2009: 53–57).

Not only that modernity poses enormous and apparently insurmountable challenges to democracy—its minimalist elitist definition (and even more practice) with emphasis on aggregation of interests through private act of voting, bargaining as opposed to arguing and plebiscitary over deliberative rhetoric, has come to dominate mass democracies. Contemporary democracies are pervaded by ills that make Plato’s critique of rhetoric pertinent for modern-day politics (Chambers 2009: 324). Involving an asymmetrical relationship between the speaker and the hearer, rhetoric, in the sense in which Plato criticized it, is the speech that is monological rather than dialogical, which avoids question and answer as in reasoned consideration or to give an account of oneself and is aimed at using words to assume power over the hearer, rather than using them as a path to truth: such rhetoric is precisely the characteristic of contemporary heavily mediated mass democracy (Chambers 2009: 327–328). A spectacle-seeking orientation on the personal produces an assessment of the speaker in line with his image rather than integrity or reliability; the intermediary between the speaker and the audience—the media—is focused on reporting about strategy rather than policy, portraying elections as a horse race rather than attempting to inform, persuade or engage the audience in consideration of policy issues (Chambers 2009). A modern politician and his team make use of opinion polls, trigger the median voter and their biases, pander to popular prejudice and taste; they engage in the tactics of priming meant to push the right buttons with the audience and frame issues not in order to shape, but in order to move the public toward pre-formed preferences (Chambers 2009). Increased mediation and loosening of the link between citizens and their representatives produced what Colin Crouch has termed ‘post-democracy’ in which minority interests prevail over interests of the mass of people, where political elite has learned to manipulate popular demands and where political disengagement has to be counteracted with top-down calls to vote in elections (Crouch 2004: 12). The result is that democracy has descended into “personality clashes, celebrity politics, sound-bite ‘debates’ and the naked pursuit of personal gain and ambition” (Held 2005: 232).

171

As a consequence, there is increasing public disengagement from politics. Across the countries, there is mounting empirical evidence of voter apathy and citizen distrust. Voters know little about politics, are misinformed and possess unstable attitudes which do not make fully (in)-formed preferences (Barabas 2004: 687, Dalton 2004). Levels of engagement in Western democracies have been in steady decline for several decades (Fischer 2009: 51, Dalton 2004: 404).

However, there is a difference between apathy and disaffection or disenchantment with politics. Namely, empirical studies show that citizens are interested as well as competent to discuss political issues, but that they are disenchanting with the political process, considering “political institutions to be corrupt, unreliable, or incompetent” and wishing “to have nothing to do with them or the political process associated with them” (Fischer 2009: 57). Rather than demonstrating incompetence “to engage intelligently in political matters” (alternatively, low levels of engagement might signal that people do not have sufficient political efficacy, that they lack civic skills rather than interest or capacity), displaying disinterest (it has been shown that people do discuss politics, but avoid doing it in public forums monitored by political scientists, doing it in private contexts instead), disengagement from politics might reflect limited opportunities of people to participate in meaningful ways and on terms that make sense to them (Fischer 2009: 59–62). Individual level of political participation is primarily determined by an individual’s social standing (family background rather than innate intelligence) (Fischer 2009: 62). Participation is crucially instigated by recruitment—those who have “the desire to take part in politics, are most likely to do so if they are asked to participate” (Fischer 2009: 61). Traditionally, political parties have had the greatest role in recruiting participation and in schooling people for politics (teaching them to participate in forum discussion, raise petitions and campaigns and acquire political skills of bargaining, negotiation, coalition and conflict-resolution), but with declining opportunities for participation in parties themselves (with leaders determining all issues and offering fewer participatory opportunities to members), contemporary politics relies on mass media and other intermediary institutions that have assumed the role of providing political information to citizens. The heavily intermediary nature of contemporary mass democracy has however contributed to the decline of political engagement along with the decline of deliberation of imminent political issues (Fischer 2009, Chambers 2009, Crouch 2004).

## **I. Deliberative democracy**

To counter the perceived ills of contemporary democracies, democratic theory is confronted with the task to think alternatives to representation, simple voting and extended rule of technocratic expertise (Fischer 2009: 66). Narrow focus on pre-formed interests and preferences clouds the essence of democratic politics. Inasmuch as it differs from consumer choice, politics should not only be self- but also other-regarding.

Deliberative democracy is a new way of thinking about democracy. It is concerned with wider popular participation in decision-making, finding valid outcomes through the process and procedure of deliberation of all legitimate interests and standpoints formulated in a public spirit and addressing common good rather than through aggregation mechanisms such as voting. The leading theorists of

deliberative democracy, Gutmann and Thompson (2004: 7 cited by Fischer 2009: 79), defined it “as a form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenges in the future.” Deliberative democracy as a theory of democracy promotes “informed debate, the public use of reason and the impartial pursuit of truth” (Held 2005: 232), which is precisely what is missing in contemporary democracies. To be legitimate and just, political decision-making should be “shaped by sound political reasons that can stand up to public debate and inquiry” (Held 2005: 235). Deliberative procedures can expose biased and interest-driven arguments for what they are and reveal the limits of ‘accommodationist preferences’, i.e. “preferences shaped by reducing one’s expectations to accommodate oneself to circumstances which seem fixed or unchangeable” (Held 2005: 237). In contrast to strategic bargaining, deliberative rationality wants politics to be socially-oriented, to express ‘social point of view,’ treating individual preferences “not as fixed but, rather, as amenable to transformation in the light of ‘the discovery of generalizable interests’ through argument and justification” (Held 2005: 236). It implies a process of deliberation under which all citizens affected by collective decisions can (but do not necessarily have to) participate in the process of taking those decisions in a deliberative procedure in which they express their preferences in terms that address public good i.e. are acceptable to those who do not share their preferences; such deliberative procedure favours refined and reflective preferences and potential transformation of prior preferences of deliberators by force of a better argument (Held 2005: 232, Dryzek 2000: 1).

173

There are several important *criteria* of deliberative democracy: firstly, it does not merely take into account “actual or empirical will of those engaged in politics” but presupposes that democracy “should be built around what might be called ‘reasonable’ political judgment” (Held 2005: 232). There are three criteria for that: deliberation of participants should be “fact-regarding” (lies, misinformation, doctrinarian thinking ought to be exposed as such in the process of deliberation), “future-regarding” (should promote long-term rather than short-sighted policies) and “other-regarding” (deliberators argue in favour of their preferences in the way that also takes into account perspectives of others affected by that decision and their assumed point of view) (Held 2005: 232–234). Refashioning of arguments so that preferences can be defensible from the standpoint of others who do not share them itself steers arguments “toward public rather than individual or specific group thinking” (Held 2005: 238), forcing participants to adopt “an enlarged mentality,” which, as Habermas and Benhabib point out, is “*itself* a form of solidarity” (Cooke 2000: 950). Empirical studies of opinion updating do substantiate this claim, as opinions are changed towards less bounded rationality when conditions of true diversity of views and of the procedural requirement to be open to be

persuaded by a better argument are fully met (Barabas 2004). Moreover, deliberation has to unfold in terms cognitively accessible to participants in order to promote understanding and reflection, thus ensuring that changing of preferences upon reflection is possible. There are also some *negative criteria* of deliberation: arguments and other forms of communication (e.g. rhetoric, jokes, stories, testimonies etc, are allowed as long as they address public good (Dryzek 2000: 1-2)) must not exert coercion or be manipulative; “for the ideal to be effective, citizens need to enjoy freedom from the distorting influences of unequal power, wealth, education and other resources” (Held 2005: 238).

174

*Definitions of deliberation* differently stress relative importance of deliberation for legitimate political decision-making and self-governance; that is, for “enhancing nature and form of political participation” (Held 2005: 232) by promoting civic virtue and empowering citizens, or deliberation as a means of arriving at the best substantive decisions i.e. outcomes. According to Chambers (2009: 333) deliberative democracy focuses on the *process* of preference formation and reflection rather than merely on *outcome*, while more narrow theories of democratic deliberation are concerned with deciding about a course of action.

Deliberative democracy *differs from other forms of democracy* of the similar bent. Whereas other participatory democratic theories emphasize inclusiveness as a condition for policy effectiveness and legitimacy, deliberative theories stress the importance of public discussion (Papadopoulos and Warin 2007: 454). These two terms may be mutually exclusive—deliberative democracy can in some versions turn out to be elitist, while participatory democracy may prove to be ill-fitted for sustained deliberation.

There are *two main strands* within deliberative democracy theory, whereby one can be termed ‘liberal constitutionalist deliberative democracy’ and the other ‘discursive democracy’ (Dryzek 2000). Liberal constitutionalist strand sees benefits of deliberation primarily within the context and institutions of liberal democracy. The other, radical strand, argues in favour of a “non-acquiescing” deliberative democracy, situating space for deliberative practices strictly in the public sphere of associations, either in its best-known variant of “discursive” democracy “insurgent” in relation to existing institutions promoted by John Dryzek or in “deliberative associative democracy” variant of Joshua Cohen and others (Wales and Smith: 55).

Deliberative democracy is seen as a way *to enhance eroded legitimacy* of democratic processes and practices. Legitimacy refers to moralization of authority i.e. giving reasons for the rule as opposed to arbitrary rule. The liberal constitutionalist strand expects deliberative democracy to produce enhanced legitimacy given its requirement that all those affected by a decision deliberate on a proper course of

action. The discursive democracy variant maintains that “democratic legitimacy is generated in the extent to which collective decisions are consistent with the constellation of discourses existing within the public sphere, in the degree to which this balance is itself under the decentralized control of reflective, competent, and informed actors” (Dryzek 2001 cited by Dryzek and Niemeyer 2008: 484–485).

Most broadly, issues in deliberative theory concern questions of *inclusion* (who participates), questions of *deliberation* (formation and transformation of preferences and argumentation) and *citizenship* (empowerment and acquisition of civic skills) (Smith and Wales 2000: 51). Following this division, we will look more closely into these questions in deliberative democratic theory and in literature about deliberative policy-making.

### Inclusion in deliberative democracy

The basic principle of inclusion in deliberative democratic theory is that participants in deliberation should be all those affected by a decision. Given that it is impossible that they do so (Parkinson 2003: 181), deliberative democracy is faced with a ‘scale problem’ or problem of representation. 175

According to Dryzek there seem to be three solutions to the scale problem: first involving reduction of the number of deliberative encounters, which merely shifts the problem but does not solve it, second substituting individual deliberation for social deliberation as in discursive democracy representing discourses rather than individuals, and third ensuring genuine representation of those who deliberate, which would again pose the problem of un-deliberative nature of methods such as election or selection (Parkinson 2003). Parkinson (2003) proposes further elaboration of the election procedure: employing rules of exclusion which do not violate consent condition of legitimacy: letting people who have an interest in an issue to decide themselves that they do not want to participate, that somebody else is more communicatively competent to deliberate on their behalf or agreeing to representation because representation, by trimming the inessential, might sometimes be better than the real thing. These proposals are more in line with social constructivist as opposed to methodological-individualist understanding of identities and preferences as multiple and changeable. Legitimacy of such elected representatives would have to be accounted for in terms of accountability and authorization, but this can be done by increasing the number of deliberations (deliberations in policy-deciding forums would be reproduced in separate principal-agent deliberations) and by ensuring publicity of deliberation and opportunity of agents to affect inclusion/exclusion rules (Parkinson 2003).

The solution to the scale problem in discursive version of deliberative democratic theory does not concern representation of individuals but representation of

discourses in mini-public settings, given that the number of discourses is much smaller than the number of representatives and that mini-publics are able to deliberate all discourses (Dryzek and Niemeyer 2008). Discourses represent some conception of public good and acceptable knowledge and possess solidity that perspectives do not (Dryzek and Niemeyer 2008: 482). Representation of discourses could supplement and improve selection/election mechanisms by ensuring comprehensiveness of represented perspectives (concrete proposals involve mapping discourse and the use of Q-methodology). Legitimacy of represented discourse can be ensured by authorizing them through social science done as democratically as possible and making them accountable by ensuring that any shift in discourse due to deliberative transformation is defensible in terms established by original discourse (Dryzek and Niemeyer 2008: 490). A Chamber of Discourses could supplement established institutions or act as a “fourth” branch of government (Dryzek and Niemeyer: 490–491).

176

Both discursive and liberal constitutionalist versions of deliberative democracy seem to concur that constituency affected by the decision from which deliberators come should be represented equally rather than proportionally (Fischer 2009: 86, Parkinson 2003: 189, Dryzek and Niemeyer 2008: 482, Smith and Wales 2000: 57).

### Benefits of deliberation

In distinction to other currents of democratic theory, a theory of preference formation is an integral part of deliberative democracy thinking. The process of preference formation through deliberation has been shown to significantly differ from ordinary discussion and other opinion formation processes. One updates one's preferences upon receiving more precise information either by revising or strengthening existing opinion. However, updating is qualified by two variables relevant for deliberation: pre-existing opinion strength of a deliberator and diversity of views encountered in deliberation (Barabas 2004). Pre-deliberative opinion strength affects the outcome in two ways: weak opinion is a necessary but not a sufficient condition for preference updating, because it occurs only when a further condition of existence of a deliberative consensus, defined as two-thirds of directional statements, among truly diverse perspectives occurs; in cases of non-existence of deliberative consensus weak opinions take directional cue from deliberation but strong opinions can even move in the opposite direction (Barabas 2004). Deliberative disagreement has no effect on aggregate attitudes so without an effort to reach deliberative consensus, deliberators talk past each other without transforming each other's preferences (Barabas 2004: 688). Procedural requirements appear to be essential for deliberation: the requirements that views expressed truly display diversity and the requirement that deliberators keep an open mind is what distinguishes deliberation from ordinary discussion and what effects potential transformation of preferences (Barabas 2004). Deliberation's procedural

encouragement to keep an open mind has a potential to soften strong views in the face of compelling evidence, while otherwise opinion change does not occur when participants encounter precise i.e. consensual messages (Barabas 2004: 486). Such deliberation, “as opposed to impulsively charging ahead” affords an opportunity for the exercise of people’s practical judgement, which concerns the subject matter and consideration which actions are appropriate for which ends (Chambers 2009: 335).

Not only that deliberation is able to transform preferences towards more fact-, future- and other-regarding ones, but it has a potential for conflict resolution, which can produce greater institutional stability and generally improve governability. For example in divided societies, deliberative democratic procedures have a greater potential than liberal democratic proposals, either power-sharing (Lijphart) or incentive-based (Horowitz) institutional design, to produce institutional stability in such societies (O’Flynn 2007). In contrast to more elite-driven liberal versions, deliberative democratic insistence on the same standing of people as political equals rather than on inclusion or stability as values in their own right can translate into more durable and stable arrangements (O’Flynn 2007). The commitment of participants in deliberation to frame preferences in terms of others has a potential of moderating their claims. Thus moderation as reciprocity, an obligation to justify collective decision in terms acceptable to others, while providing equal space to all views, along with principle of inclusion understood as publicity, namely the commitment to openly state one’s reasons for preferences thus limiting their scope to rule out arbitrary and unjustifiable claims, helping reduce principal-agent asymmetry, have potential to effect both stability and moderation not as values in their own right but in the framework of granting the same standing of a political equal to everyone in a divided society (O’Flynn 2007).

177

Deliberation, moreover, has an emancipatory potential. There are several reasons why deliberation harbours tools for emancipation. The first concerns procedure: rules of mutual recognition and jurisdiction and relevance, as well as about clarity and explicitness of language (the requirement that issue be debated in terms understandable to other lay deliberators), are emancipatory because they enable criticism of the *status quo* since oppressed groups rarely have an opportunity to hear policy explained in accessible terms that does not involve established but often excluding vocabulary of the elites (Knops 2006: 595, 605, Fischer 2003: 209, de Shalit 2004: 803, Barabas 2004: 693, Papadopolous and Warin 2007: 456). An empirical study found that increased number of correct answers citizens supplied following deliberation concerned precisely the knowledge they received from other participants rather than that acquired through expert input (Barabas 2004: 693). Presenting an issue in people’s own terms or teaching citizens political philosophy in both cases clarifies an issue, eliminates misunderstanding at least so that one is clear what one disagrees about and is emancipatory in that it avoids



the possibility that more powerful will phrase the issue in their established but exclusionary vocabulary (Knops 2006: 595, de Shalit 2004: 804). The second aspect concerns the product of deliberation: given that only the force of a better argument should prevail, this has the potential to expose potentially inconsistent claims, empowering the less powerful as they rarely have an opportunity to expose potentially inconsistent claims of the powerful (Knops 2006: 606). The third aspect concerns the process of deliberation, namely exclusion of external distorting influences by guarding against fallacies such as claims to authority, threats or personal attacks, which favours the oppressed (Knops 2006: 607).

### Deliberation-reinvigorated citizenship

178

Another claim of deliberative democracy is that deliberation increases knowledge and skills of deliberating participants effecting their political efficacy as well as emancipation; having had their preferences transformed from unreflective views to considered judgements, the participants acquire greater substantive knowledge but also awareness of public issues and confidence in their ability to effect a change. There is strong empirical proof for these claims (Smith and Wales 2000: 60, Fischer 2003: 214, Barabas 2004, Fischer 2009: 96).

Deliberation, not unlike teaching of political philosophy which over time contributes to answering of certain questions, brings empowerment because citizens benefit from becoming autonomous, rational, more critical, not necessarily in the sense of being against, but in the sense of being able to scrutinize concepts and understand politics (de Shalit 2004: 803). These new abilities citizens describe as having been given a new instrument or having learnt a new language—acquiring a tool for better comprehension of politics and greater efficacy to engage in it (de Shalit 2004: 803). Providing citizens with such capabilities is coterminous with empowerment, as it enables them to exercise rights and better use opportunities provided to them in the political sphere, preventing disenchantment from politics due to the lack of civic skills (de Shalit 2004: 814–815).

## II. Policy-making technocratization

Democratic theory has warned about depoliticizing tendencies of contemporary democracy which are due to another set of factors that has variously been termed “instrumentalization”, “marketization” or “bureaucratization of politics” (Held 2005: 235–236). According to Held (2005: 234) “the policy process has been invaded by opinion polling, focus groups and other marketing tools designed to adjust policy to extant views and interests rather than to explore the principles underpinning policy and to deliberate over policy direction.” Increasing complexity of public issues and more unpredictable policy-making environments have compelled decision-makers to turn to ‘epistemic communities’ (specialized policy-making

bodies) to resolve policy-making issues (Fischer 2003: 33). If these bodies become a replacement for legitimate democratic procedures, an accountability problem arises, whereas it is unclear how they are subjected to previous authorization and subsequent control. Mixture of legitimate elected bodies and various 'epistemic communities' has created an uneasy coupling of decisional arenas.

Policy-making literature has been influenced by developments in democratic and especially communication theory and it has come to recognize failures due to what has been termed 'technostructure' of experts or the rise of 'scientific empire' (Fischer 2009: 30). In professional schools, resistance mounted against what has been seen as oppressive specialization and lack of wider societal concerns in professional education (Fischer 2009: 15). Even though professionalism was celebrated in immediate postwar years, late 1960s and early 1970s saw the rise of activist professionals who attempted to work out alternative practices that would promote social justice. Professionalism came to be seen as a part of relations of domination and dependence, so deprofessionalization was considered to be the remedy. The role of an expert was transformed into a role of a community advocate. However, this has proved to be wrong, as it turned out that communities wanted professions rather than outside groups acting as intermediaries (Fischer 2009: 35–36). Crisis of confidence in professional knowledge has given rise to appeals to transform professional-client relationship in the direction of new understanding of problem-setting that recognizes normative conflict. Procedures began to be introduced aimed at increasing popular participation in policy-making. Taking a cue from deliberative democratic theory, policy-making theory, and to some extent practice, attempted to re-think similar set of issues of inclusion (participation of policy-takers in the policy-making process), deliberation (making policies more argumentative i.e. aware of the normative conflict) and citizenship (raising civic skills of policy-takers, increasing the system's governability).

179

### Inclusion of local knowledge creates better-informed policies

The new theory of public management saw more participation as a cure for ills of de-politicization and overly technocratic expertise that contributed to the lack of societal cohesion and policy resistance and failure. They introduced deliberative innovations in policy-making in order to boost legitimacy of public policies (Fischer 2003: 208). The birth of deliberative policy-making meant that interpretation is no longer the exclusive preserve of an analyst but is ceded to the people who are given an opportunity to exercise practical judgement; "the locus of the interpretation process shifts from the scientific community to the practical-world audience" (Fischer 2003: 185). Experts assist communities and deliberatively consult with clients and policy takers, so that an analyst increasingly assumes a role of a mediator or a facilitator, a model that was first developed by urban planners (Fischer 2009: 46). It is practically a return to the original conception of a policy

analyst as a “clarifier” of issues for public deliberation envisioned by the founder of policy science Lasswell, who followed John Dewey’s appeal to improve methods and conditions of public debate by improving citizens’ skills (Fischer 2003: 222). An analyst as a mediator develops and organizes institutional mechanisms for producing deliberative argumentation, such as deliberative forums, consensus conferences or participatory research, incorporating its findings in the regular work of an implementing agency (Fischer 2003: 223).

180 The new expert-citizen relationship is seen in the context of emergence of governance in which NGOs and other non-government agents provide or monitor public services in line with the enhanced understanding of citizenship (Fischer 2009: 68). Deliberative policy-making experiments are meant to “complement traditional parliamentary and administrative policy-making” and can be considered a part of what has been portrayed as a broader shift from ‘government’ to ‘governance’” (Papadopolous and Warin 2007: 445–446). Deliberative policy analysis addresses network governance by developing middle levels of democratic deliberation.

New concepts such as scientific citizenship, citizen expert, lay knowledge or popular epistemology emerged within this new understanding of citizenship (Fischer 2009: 90). The benefit of imbuing policy process with local or sectoral knowledge (Papadopoulos and Warin 2007: 449) is that it helps prevent causal errors in policy choices that have adverse effect on achievement of social goals. Diverse groups and non-specialists may give substantial contribution to characterization of policy areas by identifying various aspects of the problem that requires analysis, raising important questions neglected by experts and offering knowledge about specific conditions that may provide more realistic assumptions for analysis (Fischer 2003: 206). New and local knowledge may also place at policy-makers’ disposal normative interpretations that are not easily accessible to abstract empirical analysis, “typically removed from the subjects of inquiry” (Fischer 2003: 206). Using local or sectoral knowledge may produce policy outcomes that are more efficient as this knowledge can prevent causal errors and more effective due to involvement of strongly concerned stakeholders (Papadopolous and Warin 2007: 449–457).

Practical examples of deliberative policy analysis take various institutional forms and fall into two broad groups: poll-oriented and group-oriented (Papadopolous and Warin 2007: 445, Fischer 2009: 90). The former include techniques of deliberative polling or televoting, which imply a representative sample and employ Q-methodology which helps elucidate policy orientation. The latter, larger group subsumes numerous deliberative mechanisms. One is multiple or stakeholder analysis or advocacy, a process whereby an analyst elucidates competing normative claims (Fischer 2003: 187). This technique is regarded as less democratic than participatory research since it does not have empowerment and citizen learning

as explicit goals. Participatory research involves community research done by citizens themselves providing input to policy-makers, thus effecting greater public enlightenment and empowerment (Fischer 2003: 209). Influenced by a theory of empowered participatory governance by Fung and Wright, innovative practices that have an empirical agenda and are set in deliberative institutional design have sprung up and include, apart from participatory research, participatory empirical inquiry, action research, popular epistemology, citizen study circles, participatory resource mapping, national issue conventions, scenario workshops or study circles (Fischer 2009: 246). Many of these forms are organized or facilitated by community-based research programs and science shops that have been set up at universities to assist communities to solve community problems, employing local and lay knowledge (Fischer 2009: 246). Typical issues of participatory research concern environmental risk e.g. indigenous farming, alternative technologies etc (Fischer 2003: 220). Collaborative or participatory budget planning has emerged as an alternative to 'the just city' movement that was characterized by urban protest and high community strife; by contrast, collaborative planning sought to create new political spaces for participation within institutions working to effect incremental change (Fischer 2003: 230). Some countries like Brazil, India and Bolivia have nationally binding legislation that pertains to local participatory budget planning; the Brazilian version is increasingly adopted in Europe (Fischer 2009: 76). Focus groups involve six to ten participants pursuing fairly structured deliberation and are often criticized for having a tendency to exhibit groupthink, but this can be prevented by a skillful and trained facilitator (Fischer 2009: 91). Deliberative forum typically lasts 5 hours and employs 'the Fishkin model': small group discussions, opportunity to question experts (but not politicians or interest group representatives) and production of reports (Barabas 2004: 691). Planning cells or Bürgergutachten involve 12 to 20 randomly selected citizens. Citizen juries typically last 3 to 5 days, participants are free to determine the agenda, scope of the issue to be deliberated, set their own rules of deliberative procedure, call experts and witnesses to clarify issues and freely cross-examine them. They produce a report, can even vote on conclusions (but report minority views) and broadly distribute their findings to the general public. Some objections to citizens' juries concern relatively narrow scope of deliberated issues and relative closeness of deliberation for non-participants (Fischer 2009: 92–93) even though they can and do produce remarkably legitimate outcomes (Parkinson 2003: 192–193) and meet very high criteria, both procedural and substantive (Chambers 2009: 331). Consensus conference avoids such criticism as it deliberates on very broad issues and participants have great discretion in deciding on issue scope and framework. It lasts 5 rather than 3 days, deliberators engage in more active cross-examination of witnesses and experts, receive input from interest group representatives, NGOs and research committees and are open to the public which, within time limits, is allowed to pose questions as well, producing a 15–40 pages report in the end. A

consensus conference in Denmark, that exhibited all the described features, has made a highly significant impact on a number of parliamentary debates and ensuing laws and has significantly raised civic skills and subsequent political efficacy of its participants (Fischer 2009: 93–95).

Participation for its own sake might not always be a good thing as a good deal of theorizing as well as empirical research has demonstrated. What is increasingly learnt from both theory and practice of deliberative inclusion in policy-making is that it is necessary to problematize participation—to decide precisely which policies should be deliberated on and which left over to representative democratic institutions or experts, when and under what institutional conditions deliberation should take place, as even citizens themselves recognize that their participation is worthwhile in some cases while not in others (Fischer 2009: 37, 100–101, Parkinson 2003: 186–187). Theorists such as Irvin and Stansbury (2004: 61–62) suggest the need for further specification of benefits of participation, offering a tentative list of ideal and non-ideal conditions for citizen participation, which includes enumeration of low-cost/high-cost and low-benefit/high-benefit indicators.

182

### The argumentative turn in policy-making produces more efficient and effective policies, improving their acceptance and implementation

Concurrently with a *'deliberative turn'* in democratic theory and fuelled by similar currents in social sciences, policy-making has taken *'an argumentative turn'* (Fischer and Forester 1993). The “argumentative turn” was heavily influenced by Habermas’s theory of communicative action and sought to integrate methodological and substantive aspects of policy issues to come up with arguments that will be able to generate consensus (Fischer 2003: 183–184). A criticism of expert policy-making has objected that policy arguments cover up the normative conflict inherent in policy problem articulation as well as policy solutions, that policy analyses are full of unexamined political and social assumptions and that such analyses do not recognize the huge role played by the discourse itself. This has led to calls to bring back in the normative layer that underlies empirical analysis and become aware of the normative conflict inherent in apparently neutral analysis of a policy-maker. Policy-analysis is called upon to acknowledge its politically contentious dimension and incorporate political implications of various prescriptions in the analysis itself. This signalled the birth of the post-empiricist policy-analysis, the one that recognizes that language and modes of representation both enable and constrain the policy-making process (Fischer 2003: 182). Besides paying attention to rhetoric which harbors relations of power, such policy-analysis would not focus exclusively on raising efficiency of policies but become attuned to broader political and normative conflicts, the manner in which policy problems are framed, of the language of analysis itself and possible wider implications of policy

recommendations. To become more 'argumentative,' such policy-analysis needs to take not the decisional, but the 'forensic' or 'communications' approach: to serve as a facilitator of a wider social debate, providing tools for an inquiry into the social context that has framed the policy problem and only once it has done so, to move on to proposing the most efficient solutions for achieving the agreed goals, turning the conventional policy-analysis "on its head," making it start from the normative to proceed to the empirical, rather than the other way round (Fischer 2003: 185). The boundaries to normative framework could be set by conditioning it on an adequate relationship to the issue (Fischer 2003: 135).

A debate about the underlying social assumptions calls for deliberation of affected policy-takers. During such a deliberative debate, participants could "become aware of distorted or manipulated policy discourses that characterize inequitable or unjust political arrangements and decision structures that produce them" (Fischer 2003: 202). For framing political questions as well as solutions, it is important that social construction of 'facts' and discourse in which policy problem is expressed are thoroughly examined, given that 'social meanings' play a decisive role in problem construction and agenda-setting (Fischer 2003: 45). The post-empiricist analysis, just like deliberative democracy, takes a different view on interests, taking into account the process of policy preference formation rather than assuming that policy preferences are pre-determined, given, exogenous, fixed and immutable; the processes of socialization may hinder a person from recognizing his own best interest and the task of post-empiricist analysis is to uncover normative layer formed by socialization in the process of deliberative policy argumentation, paying special attention to discursive layer, social meanings and narratives that frame policy issues and processes of argumentation (Fischer 2009: 218).

183

Belief about procedural fairness particularly contributes to throughput legitimacy of a deliberative exercise (Papadopolous and Warin 2007: 450). Empirical studies have shown that decisions about the scope of the issue to be deliberated, rules about calling and examining of experts or stakeholders, rules of deliberative conduct or publicity of deliberation are crucial for legitimacy of the deliberative event (Smith and Wales 2000: 58). Rules that would apply to deliberation are best deliberated separately (Smith and Wales 2000: 58). In numerous empirical cases, participants have devoted significant time to establishment of deliberative procedures, discussing issues of social recognition, identity, status, power; in the absence of time or under pressure preventing such discussions, participants have felt excluded from the process (Fischer 2009: 251). One of the procedural issues that should be established from the outset is the manner of transmission of deliberative outcomes to the state. If deliberative events tackle questions of limited scope, deliberators are in no way representative of a wider community and the forum merely issues recommendations, with citizens potentially having their preferences transformed without the commissioning authority having theirs transformed

too, then such events amount to “information-gathering exercises” rather than any kind of democracy (Parkinson 2004). The best practice involves signing a pre-jury contract with the commissioning authority to either adopt recommendations or give reasons why they have not been adopted (Smith and Wales 2000: 61–62).

184 Several claims are made about functional benefits of post-empiricist policy-making. Policy-making that pays heed to deliberative principles and employs its mechanisms may prove to make better sense of “the structure of policy argument—as a complex blend of factual statements, norms, interpretations, opinions, and evaluations” (Fischer 2003: 202). Improvement of policy-making is precisely one of the motives for establishment of participatory mechanisms by administrative promoters of such practices and range from protective state to partnership relations in order to obtain consent for policies (Papadopoulos and Warin 2007: 449). Strong involvement of stakeholders in formulation and enactment of policies ensures their concern and support for those policies (Papadopoulos and Warin 2007: 449). This improves efficiency and effectiveness of policy-making because it reconstructs policy problem by taking into account perspectives of potentially all policy takers. The aim of such contestation of interpretations is consideration of all perspectives until the best one prevails having survived the widest range of possible criticism (Fischer 2003: 186). Deliberative procedures are claimed to contribute to governability of public policies (policy implementation, conflict resolution etc). Mere electoral aggregation of interests is favorable to “over-promising and short-term calculations,” whereas the process of consultation (*‘Kontextsteuerung’*) can lead to more responsible and sustainable (i.e. more ‘fact-, other-, and future-regarding’) decisions (Papadopoulos and Warin 2007).

Deliberative mechanisms can help diffuse local protest, overcome problems of implementation by considering motives and fostering willingness of policy addressees to comply and by mobilizing knowledge of those affected. It thus increases acceptance of and support for decisions and consequently their implementation in practice. Even when it does not increase such support, deliberation offers a mechanism to clarify misunderstandings and the nature of controversies, which helps build trust in the policy-making process and creates more favorable environment for avoiding these in future (Fischer 2003: 206). Especially in policies “entailing geographically concentrated costs” participatory schemes are introduced in the implementation stage to overcome local protest and the ‘nimby’ (‘not-in-my-backyard’) syndrome (Papadopoulos and Warin 2007: 446, Fischer 2003: 207). Deliberative and participatory policy-making came to be seen as a potential tool for conflict-resolution, elimination of community strife and deeper enmities and a tool to increase acceptance and trust in policies. They were particularly suited for messy or ill-structured policy issues, cases when alternatives are unknown, outcomes unpredictable and the nature of policy problem murky; in such cases benefits outweigh the costs (Fischer 2003: 219). Often, deliberative

procedures are introduced in problematic settings “hardly conducive to ideas of cooperation, solidarity and mutual aid” motivated primarily by the urgency of reaching any kind of consensus and reducing “the conflict potential of projects” (Papadopolous and Warin 2007: 448). Many suspect that in such cases the aims are more instrumental than expressive of enhanced legitimacy, given that they are motivated primarily by the wish to maximize community’s support for policies (McLaverly 1999: 23 cited by Papadopolous and Warin 2007: 448). Instrumental concern to increase trust and acceptance of policies may be a major motivation behind policy makers’ acceptance of innovative participatory mechanisms to cope with “political conflicts surrounding development projects, siting-decisions, new technology, risk, environmental impacts, and the distribution of the associated burdens and benefits” (Holzinger 2001: 71 cited by Papadopolous and Warin 2007: 446). Such mechanisms are seen as a part of “public discussion of science’ expected to make expertise more responsive to the public and the public more ‘enlightened’ through its participation”—both contributing to acceptance of policy (Papadopolous and Warin 2007: 446).

185

### Enhanced civic skills of policy-takers improve governability and effect greater social cohesion

By favouring reasoned debate, deliberation fosters civic virtue—it improves participants’ grasp of the political problematic, of connections among various issues and consequences of particular courses of action, allowing participants’ preferences to undergo significant transformation, an assumption that has been corroborated by some empirical studies (Held 2005: 247). It has educative power—deliberation is not only instrumental, resulting in good policy outcomes, but is also good in itself and potentially capable of producing favourable long-term effects, an argument that dates back to political thinking of John Stuart Mill in the 19th and Hannah Arendt in the 20th century. According to Charles Taylor and Benjamin Barber, civic deliberation generates community power because it requires participants to be oriented toward *public-good thinking*, which has the power to consolidate membership of a community. Deliberators not only elucidate their own preferences but also learn about others’ preferences, whereby their mutual respect and recognition is enhanced. Public-spirited arguments subsequently promote cooperation and help improve understanding of problems and of alternative solutions, reducing bounded rationality.

Deliberative procedures effect civic empowerment and by doing so, they increase governability of the political system (Papadopoulos and Warin 2007: 452). Deliberative policy-making that takes account of normative contestation of policy provides a possibility for citizens to exercise practical judgment, which can be accounted for in terms of a combination of logic of argumentation and theories of motivation and action (it features a mix of precise definition, rules of evidence,



rules of policy deliberation and rules of argumentation) (Fischer 2003: 190). The 'forensic' or 'communications' approach to policy analysis thus promotes competences and learning of citizens, serving an enlightenment function emphasized in original establishment of the policy science.

### **III. The vision of a deliberative system has a potential to resolve dilemmas of deliberate democracy and deliberative policy-making**

Many authors insist that the fact that deliberative settings are embedded in the broader context of liberal democratic state raises an issue which might potentially undermine the promise of enhanced legitimacy of deliberative democracy. There are several responses to this problem.

186 One is the appeal to deliberative democratic theory, which is increasingly turned towards studying 'mini-publics,' not to abandon attempts to improve mass democracy (Chambers 2009). To do so, it would have to propose solutions for making institutions of liberal democracy more deliberative, dealing with referenda, elections and questions of public opinion formation (Chambers 2009). Broader liberal democratic context should be prompted to become more deliberative by defining a criterion of deliberativeness for both public sphere (promoting deliberative over plebiscitary rhetoric) and democratic institutions of referenda, elections and various ballot initiatives in various ways: by regulating duration and frequency of election campaigns, limiting the influence of polls, increasing the number of face-to-face encounters between speakers and audience as a supplement to mass media, regulating mass media so as to promote their focus on policy content rather than election strategy, ensuring more inclusive civil society and more empowered i.e. informed and mobilized, citizens (Chambers 2009: 344).

Another response to the problem of the proper relationship between deliberative and liberal democracy is the proposal to integrate institutions and practices of both into a single "deliberative system" (Parkinson 2003: 190, Dryzek and Niemayer 2008: 490, Fischer 2009: 88). The vision of a deliberative system, which would merge both deliberative practices and institutions of liberal democracy, has a potential to resolve some of the ambiguities of deliberative democratic theory and provide a fuller account of legitimacy of deliberative practices (Parkinson 2003: 190). Empirical findings show that deliberations as one-off events have lesser legitimacy than repeated deliberative occasions which engender perception of enhanced legitimacy (Smith and Wales 2000: 62, Fischer 2009: 267). The conception of a deliberative system implies establishing linkages of communication and representation, accountability and authorization among deliberative forums, while the role of "insurgent democracy" would be to subsequently confer legitimacy on appropriate outcomes (Parkinson 2003: 191). True legitimacy is built over time by

critically examining whether institutions truly reflect our preferences (Parkinson 2003: 191). Different concepts of representation and different kinds of legitimacy claims can jointly make a contribution towards legitimate outcome by merging both liberal and deliberative democracy institutions of petition, focus groups and survey, civil society activism, citizens' jury and deliberation in government agencies and institutions as well as the public sphere, producing enhanced democratic legitimacy of a deliberative system (Parkinson 2003). Moreover, embedding deliberative events in a system of deliberations could enable systematic examination of fallacies which would not be limited to knowledge of participants in a deliberative forum and expose the limits of each deliberation, thus avoiding potentially oppressive outcomes (Knops 2006: 612). A vision of a deliberative system might potentially also address the 'scale problem' or the problem of selection of participants in deliberation, ensuring proper authorization and accountability of deliberators by repeating the number of deliberative occasions, including inclusion/exclusion decisions prior to deliberation and outcome-explaining deliberative encounters between principals and agents (Parkinson 2003: 190-191). In the 'discursive democracy' variant of deliberative democratic theory, a vision of "an integrated deliberative system" encompassing both formal chambers of discourses and informal ones which validate discursive outcomes, "exercising critical oversight over the constellation of discourses identified for the formal chamber" is envisaged (Dryzek and Niemeyer 2008: 490).

187

Deliberative policy-making also needs to think about how meaningfully to connect deliberative forums to the wider liberal democratic context in which they are embedded (Fischer 2009: 268). A deliberative system that would connect "a fuller range of discursive interactions—from everyday talk, media discussions, expert deliberations, courtroom argumentation, and citizen juries to parliamentary debate" is the proper solution for the relationship between innovative deliberative designs and the wider institutional context (Fischer 2009: 88). Such a system has been envisioned by many theorists in the form of 'a council system of governance,' 'standing policy councils,' 'popular deliberative branch' or the establishment of a national deliberation day (Fischer 2009: 103).

## Conclusion

To counter the perceived ills of both democratic politics increasingly removed from the people and expert policy-making focused exclusively on raising efficiency but neglecting broader normative issues, deliberative democratic theory and post-empiricist policy analyses have provided important contribution towards finding solutions to contemporary democratic and policy-making malaise. Inclusion of greater number of citizens in deliberation of both substantive democratic goals and specific policy problems, deliberation as the missing link that might improve both the quality of public democratic debate and re-introduce the

neglected normative layer to previously exclusively empiricist policy-analysis and enhanced civic skills of citizens improving both quality of democracy and governability of the political system, including policy implementation, are all important proposals potentially addressing serious shortcomings of contemporary democracy, as well as policy-making. The vision of a deliberative system which would ensure proper legitimacy of deliberative practices and integrate them with institutions of liberal democracy is likewise an important proposal sharpening our perception of the negative aspects of contemporary democracies and suggesting direction the efforts to redress them could take.

Primljeno: 14. decembar 2012.

Prihvaćeno: 2. januar 2013.

### Bibliography

- Barabas, Jason (2004), "How Deliberation Affects Policy Opinions," *American Political Science Review* 98: 687–701.
- 188 Chambers, Simone (2009), "Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned Mass Democracy?," *Political Theory* 37 (3): 323–350.
- Cooke, Maeve (2000), "Five Arguments for Deliberative Democracy," *Political Studies* 48: 947–969.
- Crouch, Colin (2004), *Post-democracy*, Cambridge: Polity.
- Dalton, Russel, J (2004), *Democratic Challenges, Democratic Choices. The Erosion of Political Support in Advanced Industrial Democracies*, Oxford: Oxford University Press.
- Dryzek, John (2000), *Deliberative Democracy and Beyond*, Oxford: Oxford University Press.
- Dryzek, S. John and Niemeyer, Simon (2008), "Discursive Representation," *American Political Science Review* 102 (4): 481–493.
- Fischer, Frank and Forester, John (1993), *The Argumentative Turn in Policy Analysis and Planning*, Durham and London: Duke University Press.
- Fischer, Frank (2003), *Reframing Public Policy. Discursive Politics and Deliberative Practices*, Oxford: Oxford University Press.
- Fischer, Frank (2009), *Democracy and Expertise: Reorienting Policy Inquiry*, Oxford: Oxford University Press.
- Held, David (2005), *Models of Democracy*, Cambridge: Polity.
- Irvin, A. Renée and Stansbury, John (2004), "Citizen Participation in Decision Making: Is It Worth the Effort?" *Public Administration Review* 64 (1): 55–65.
- Knops, Andrew (2006), "Delivering Deliberation's Emancipatory Potential" *Political Theory* 34 (5): 594–623.
- O'Flynn, Ian (2007), "Review Article: Divided Societies and Deliberative Democracy," *British Journal of Political Science* 37: 731–751.
- Papadopoulos, Yannis and Warin, Philippe (2007), "Are Innovative, Participatory and Deliberative Procedures in Policy Making Democratic and Effective?" *European Journal of Political Research* 46: 445–472.
- Parkinson, John (2003), "Legitimacy Problems in Deliberative Democracy," *Political Studies* 51: 180–196.

- Parkinson, John (2004), "Why Deliberate? The Encounter between Deliberation and New Public Managers," *Public Administration* 82 (2): 377–385.
- de-Shalit, Avner (2004), "Political Philosophy and Empowering Citizens," *Political Studies* 52: 802–818.
- Smith, Graham and Wales, Corinne (2000), "Citizens' Juries and Deliberative Democracy," *Political Studies* 48: 51–65.

Vanja Savić

Integrisanje deliberativne demokratije i deliberativne izrade javnih politika.  
Vizija deliberativnog sistema

Apstrakt

U ovom radu ispitujemo neke od glavnih postavki teorije o deliberativnoj demokratiji, kao što su pitanja koja se tiču učesnika deliberativnih inicijativa, sam proces deliberativne rasprave i deliberativnog odlučivanja i pitanja sticanja građanskih znanja i veština kroz deliberaciju. U drugom delu rada razmatramo kako su ova pitanja artikulisana, ali i empirijski istražena u okviru literature o izradi javnih politika koja posle „argumentativnog obrata“ u svom usmerenju ponovo uključuje pitanja normativnog konflikta koji stoji u osnovi javnih politika, postajući tako postempirijska analiza javnih politika. Teorija o deliberativnoj demokratiji i postempirijska literatura o izradi javnih politika obrađuju slična pitanja i probleme u pogledu učestvovanja, deliberacije i sticanja većih građanskih znanja i veština i obe upućuju na sličan zaključak o potrebi da deliberativne inicijative, zajedno sa institucijama liberalne demokratije, postanu deo jednog „deliberativnog sistema“ povezanog lancima međusobne komunikacije i sticanja legitimiteta.

**Ključne reči** deliberativna demokratija, postempirijska izrada javnih politika, pitanja učestvovanja, deliberacije i demokratskih građanskih veština.

