

Rethinking the Systemic Turn in Deliberative Democratic Theory with a Return to the Micropolitics of Deliberation

Abstract: Deliberative democratic theory is now in the midst of a third turn. The first wave of deliberative theory focused on the refinement of the normative ideal of deliberation, the second comprised applications of deliberative theory to empirical practice, and the recent “systemic turn” takes up the question of the relationship of deliberative practices to our broader political institutions. This narrative projects a settledness to the normative core of deliberative theory; we have agreed on the shape of the ideal of deliberation and now theorists and empirical political scientists should engage questions of political application. This paper urges a reconsideration of this settledness. We make two related arguments. First, we argue that recent work on the systemic turn replicates a lacuna in Habermas’ work that has yet to be resolved—the undertheorized move from face-to-face deliberation to “subjectless forms of communication.” Second, the presumption of settledness underlying the ‘turns’ narrative belies the variability in articulations of the ideal of deliberation and masks the conceptual loosening of this ideal that has occurred in the shift to applying it to practice and theorizing its place in larger democratic systems. We conclude by urging a return to theorizing the micropolitics of deliberation.

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Many deliberativists argue that deliberative democratic theory is in the midst of a “third turn,” which investigates the places and possibilities of deliberative fora in larger democratic political systems.¹ This “systemic turn” followed the articulation and refinement of the ideal of deliberation and the subsequent efforts to apply this ideal to concrete political practices.² Though, as Owen and Smith argue, this first stage of deliberative theorizing still contains “conceptual debate over the specification of the nature of the ideal of deliberation,” they and other systemic thinkers project this debate as for the most part settled.³ In this paper, we caution the wholesale shift to systemic level theorizing and advocate a return to first turn theorizing informed by second turn empirical work. We make two related arguments. First, we argue that recent work on the systemic turn replicates a lacuna in Habermas’ work that has yet to be resolved—the undertheorized move from face-to-face deliberation underwritten by his theory of communicative rationality and articulated in his discourse ethics to “subjectless forms of communication” that lead to societal opinion formation in his theory of law and democracy. To illustrate this tension at the heart of deliberative theory, we provide a brief genealogy of the development of deliberative theory and the uptake of Habermas’ work in the United States. Second, the presumption of settledness underlying the ‘turns’ narrative belies the variability in articulations of the ideal of deliberation and masks the conceptual loosening of this ideal that has occurred in the shift to

¹ See Mansbridge, Jane, James Bohman, Simone Chambers, Thomas Christiano, Archon Fung, John Parkinson, Dennis F. Thompson, and Mark E. Warren. "A systemic approach to deliberative democracy." *Deliberative systems: Deliberative democracy at the large scale* (2012): 1-26; and Owen, David, and Graham Smith. "Survey Article: Deliberation, Democracy," Elstub (2010) categorizes the evolution of deliberative democracy a different way: first generation theorists—Rawls and Habermas—articulated normative justifications for deliberative democracy, second generation theorists—Bohman and Gutmann and Thompson—adapted deliberative democracy to the demands of pluralist societies, and third generation theorists have taken up the institutional design of deliberative fora. Elstub, Stephen. "The third generation of deliberative democracy." *Political studies review* 8, no. 3 (2010): 291-307. Mansbridge et al. (2010) offer a categorization of deliberative theory based on a shift from the classic ideal of deliberation, which prioritizes consensus decision-making, to expansions of the classic ideal which shifts from a focus on reasons to a focus on mutual justification, and the ideal of deliberation the authors proposed which incorporates self-interest. Mansbridge, Jane, James Bohman, Simone Chambers, David Estlund, Andreas Føllesdal, Archon Fung, Cristina Lafont, and Bernard Manin. "The Place of Self-Interest and the Role of Power in Deliberative Democracy*." *Journal of political philosophy* 18, no. 1 (2010): 64-100.

³ The authors cite Habermas (1996), Cohen (1996), and Gutmann and Thompson (1996) as works that articulate the ideal of deliberation. In reference to conceptual debate, they cite Iris Marion Young’s 1990 book. It is noteworthy that they do not cite any works challenging this ideal published in the last 25 years!

applying it to practice and theorizing its place in larger democratic systems.⁴ While most deliberative theory is indeed Habermasian, it often strays far from Habermas' philosophical articulation of the ideal of and justification for deliberation. The upshot of these claims is that deliberative democratic theory does not in fact rest on a consensus about the ideal of deliberation and what it should look like in practice. Far from leaving the first and second turns behind in the move to the systemic, the systemic turn advocates have unwittingly revealed pressing reasons to revisit both the first and second turns.

Habermas vs. Habermas: Ambivalence in Deliberative Democratic Theory Between Local and Large-Scale

It is hardly controversial to claim that deliberative democratic theory has Habermasian roots. But through its numerous "turns" and "stages," these roots have become increasingly hidden from view. This has led the lacuna in Habermas's work to be unwittingly reproduced in the deliberative democracy literature, all while insisting that deliberative democracy has long since moved past debates about its theoretical foundations. In what follows we trace out the development of Habermas's project, the tensions that are introduced in these developments, and the "uptake" of this project (tensions and all) into the deliberative democracy literature, with an eye towards how those urging a "systemic turn" are actually reproducing a central tension already present in Habermas's own project.

⁴ Our argument here is similar to that of Owen and Smith, but it has a different aim. In evaluating Mansbridge et al.'s appeal to systemic thinking, Owen and Smith argue that there is a significant tension between the (assumed to be settled) ideal of deliberative democracy and the model of systemic deliberation advocated in the Manifesto. Their concrete worry is that this conception of systemic deliberation could lead to "judging a system as deliberative with little, or even nothing, in the way of actual democratic deliberation between citizens taking place" (218). They take issue not with the Habermasian elements of the Manifesto's conception of/normative standard for systemic deliberation nor with Mansbridge's attempt to relax the standards for what counts as deliberative communication, but with the inclusion of non-deliberative elements as acceptable components of "good" deliberative systems. In contrast, we point to the loosening of the deliberative ideal as itself worthy of reflection.

Communicative Action, Discourse, and the Emergence of Deliberative Democratic Theory

Habermas's influence on deliberative democratic theory began with his *Theory of Communicative Action*. Here, Habermas examines some fundamental properties of intersubjective communication, namely that language use (and the interpersonal situation in which language use unfolds) is intrinsically oriented toward reaching shared understanding and consensus. That is, the very use of communication between two interlocutors depends on a give and take of "validity claims," which are meant to reconcile world-views and coordinate shared plans of action. Agreement and consensus through discussion is the "natural telos" of language, and more insidious forms of interaction (like the use of strategy and deception, for instance) are parasitic on this natural orientation towards shared understanding. The normative purchase of this claim is that it provides Habermas with grounds to critique the pathologies of modernity manifest in the system.

Habermas grounds his democratic theory in his moral theory of discourse ethics, and both, in turn, are grounded in his theory of communicative action. In making the move to moral and democratic theory, Habermas is responding to the post-Enlightenment problem of the normative ground of authority. The conditions of modernity—the proliferation of conceptions of the good, the decline of religion and traditional morality as organizing moral frameworks, the philosophical turn against foundationalism, and a pervasive post-conventional attitude towards normative commitments—have radically altered our moral landscape. Given this pluralist, post-traditional, post-metaphysical, post-conventional world, our moral norms stand in need of justification, which, Habermas argues, can be met only by moral discourses which aim at the impartial evaluation of practical conflicts.⁵ Following Kant, Habermas believes that only a *cognitivist* moral theory—in which moral judgments are understood to

⁵ Jürgen Habermas. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg. Cambridge: The MIT Press, 1996, 97.

have cognitive content and to be decided on the basis of reasons—is adequate to the task.⁶ Habermas’s cognitivist moral theory is grounded in reason-giving as the basis of obligation and consent, building off of his theory of communicative action.

In communicative interactions, participants seek to rationally motivate one another through the force of reasons. Rational motivation is based not on the content of claims, but on the obligation to intersubjectively justify the claims with reasons. Habermas posits a set of presuppositions that make communication possible. In discourse ethics, these conditions in turn serve as the normative basis for a procedure of moral deliberation (more specifically, the normative content of the regulatory ideal of deliberation). In his subsequent work in democratic theory, Habermas seeks to ground democratic legitimacy in a moral principle derived from the communicative structure of rational discourse. The moral principle takes the form of a procedural principle of universalization (U), which states that “Every valid norm must satisfy the condition that the consequences and side effects its general observance can be anticipated to have for the satisfaction of the interests of *each* could be freely accepted by *all* affected (and be preferred to those of known alternative possibilities for regulation).”⁷ (U) gives formal statement to the Kantian intuition that “valid norms must *deserve* recognition by *all* concerned” and makes possible consensus that expresses the general will.⁸ Habermas moves from communicative action to moral theory by arguing that when we engage in linguistic interactions we must necessarily make some idealizing presuppositions (which can be formulated as procedural rules for discourse, including inclusive participation, freedom to speak, and non-coercion), and when we endeavor to come to agreement on moral norms we intuitively accept these procedural rules that amount to (U).⁹ Following

⁶ “Without the backing of religious or metaphysical worldviews that are immune to criticism, practical orientations can in the final analysis be gained only from rational discourse, that is, from the reflexive forms of communicative action itself.” Habermas, *Between Facts and Norms*, 98. Also, note that moral or ethical cognitivism is juxtaposed with ethical skepticism, in which morality is taken to be an expression of contingent emotions and preferences.

⁷ Habermas, *Justification and Application*, 32.

⁸ Habermas, *Moral Consciousness and Communicative Action*, 65.

⁹ Habermas, *Moral Consciousness and Communicative Action*, 93.

from his theory of linguistic communication, Habermas' proceduralism has a dialogic character in that normative validity is achieved not by the individual willing of the rational agent, but by the intersubjective rational agreement of the community of language-users.¹⁰ This moral proceduralism is universalizing yet remains tied to actual instances of intersubjective deliberation. Habermas attempts to balance the key insights from Kant (his account of a universalizable moral rule applicable to all), with the requirement that actual processes of deliberation should be required to produce and secure agreement around any moral norm. He shifts from moral to democratic theory in translating (U) into a procedural principle of democratic legitimacy that guides democratic discourse. This principle of democracy (D), which states that “[o]nly those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity *as participants in a practical discourse*,” provides a procedural standard for democratic deliberation.¹¹

The chain of philosophical moves in Habermas's theory is from a theory of language (communicative action), to a theory of moral validity (discourse ethics), to a theory of democratic validity and legitimacy (discourse ethics). The upshot of this philosophical edifice is that we can derive the content of a procedural ideal of deliberation to underwrite democratic legitimacy from the necessary conditions of linguistic communication. But already there is a tension here in Habermas's deliberative theory in moving from the interpersonal interaction that is communicative action to the notion of “discourse” as an intersubjective, impersonal process aiming at “universal” results (i.e. in the move from communicative theory to moral theory). The process of communication and argumentation itself is guided by an orientation towards a generalized consensus of all via the argumentative norms spelled out in (U), though this development of a consensus must still have an anchor in the actual arguments offered

¹⁰ This is one of Habermas' central disagreements with Rawls: “Like Kant, Rawls operationalizes the standpoint of impartiality in such a way that every individual can undertake to justify basic norms on his own.” Habermas, *Moral Consciousness and Communicative Action*, 66.

¹¹ Habermas, *Moral Consciousness and Communicative Action*, 66.

by people to one another – again, in (D). However abstract the operations of “discourse” might be, there was still a sense that somewhere, sometimes, real situations of communicative action were capable of generating that communicative power that underpinned the legitimacy of moral norms arrived at via processes of discursive argumentation – at least, if they approximate the rules of discourse.

Unfortunately, exactly how these moments of real communication connect to the broader discourse is not developed as robustly as it might be at this stage; is it a simple aggregation of ideally conducted moral arguments, or some kind of overarching rationality produced by the more or less properly rational conversations among all affected?

Still, early deliberativists looking to turn Habermas’s insights toward political ends could make use of this conception of discursive legitimation, along with its anchor in communicative action, to resupply democratic theory with some normative muscle. Since democratic politics could be thought to operate according to the same communicative rules as moral argument, it was a simple matter of application. And, in many ways (in the English speaking world), this is what early deliberative democratic theorists sought to do while waiting for Habermas himself to complete the same step.¹² Citizens meeting and speaking in something approximating ideal circumstances (perhaps through clever institutional design, or a kind of best practices for deliberation itself) would produce something approximating ideal discourse about what the state should do. And this process would both be rational

¹² To make this point a little more clearly and chronologically, Habermas’s key works on communicative action and discourse ethics appeared in print in the English speaking world between 1984 (with the release of an English translation of the Volume 1 of *The Theory of Communicative Action*) through 1990, when *Moral Consciousness and Communicative Action* came out in English. German editions, of course, preceded this, as well as some secondary commentary in English. But the point here is that most “1st Generation” deliberative theorists in the English-Speaking world, were getting full access to Habermas’s works during this period in the late 1980’s and very early 1990’s. Additionally, though we don’t make much of it here, Habermas’s much earlier work *The Structural Transformation of the Public Sphere*, appeared in English for the first time in 1989, right in the “heat” of this interest in communicative action, discourse, and potential applications to democratic politics. Though this earlier work did not have the fully developed account of communicative rationality, it could be read with these deeper philosophical insights in mind – and as an application (rather than a prefiguring) of the larger Habermasian theories to a democratic context – by the English speaking audience.

and legitimate in guiding the state – a little Kant, a little Rousseau, and a convincing defeat of Plato (at least in theory).

In the years after the appearance in English of his two volumes on communicative action, but before his *Between Facts and Norms*, the deliberative democracy literature erupted onto the scene, eagerly applying Habermasian frameworks and advancing the normative promise of deliberation, initial tensions and all. These theorists relied largely on Habermas' work on discourse ethics, and picked up on the procedural account of deliberation in particular. Joshua Cohen's early and widely-cited "Deliberation and Democratic Legitimacy," pivots from Rawls in advocating the adoption of an ideal deliberative procedure that takes its essence from Habermas. This ideal procedure comprises four elements:

- 1) participants regard themselves as both bound by and capable of action in relation to the results of free deliberation amongst one another;
- 2) the parties to deliberation must rely on reasons and the unforced force of better arguments for making collective choices;
- 3) the participants are equal in standing and potential influence in deliberation;
- 4) the participants are aimed at a "rationally motivated consensus."¹³

This list grows most clearly out of a combination of Habermas's insights in his *Theory of Communicative Action* as developed in his discourse ethics, which got its fullest treatment in *Moral Consciousness and Communicative Action*. Interestingly, Cohen leaves this debt to Habermas acknowledged, but not explicit. He includes in a footnote in the article an explanation of the overlap between his work and two contemporary liberal theorists (Bernard Manin and Jon Elster) coming from the fact that they "all draw on Habermas."¹⁴ Of course, Cohen was not the only early "1st generation" theorist to draw on Habermas. But the story runs more or less the same across all of the most well-cited

¹³ Joshua Cohen, "Deliberation and Democratic Legitimacy," In: *The Good Policy*, Alan Hamlin and Phillip Pettit, eds. (Oxford: Blackwell, 1989), 17-34. An edited version of this essay was published in *Deliberative Democracy: Essays on Reason and Politics*, Bohman and Rehg, eds. (Cambridge: MIT Press, 1997), 72-3. This piece remains an incredibly influential account of the normative possibilities inherent in deliberation.

¹⁴ *Ibid.* see Cohen's footnote 12. Interestingly enough, Habermas himself approvingly cites this essay by Cohen once he completes his own application of discourse ethics to democracy in his *Facts and Norms*, and in the shorter, "

theorists: John Dryzek, Seyla Benhabib, Iris Young, James Bohman, and a handful of others worked with distinctly Habermasian concepts, beginning to shape the normative core of deliberative democracy for the next generation of thinkers.¹⁵

By the mid-1990s, deliberative democracy was all the rage. Particularly noteworthy at this stage in the uptake and dissemination of Habermas' deliberative theory was Gutmann and Thompson's *Democracy and Disagreement*.¹⁶ This work remains one of the most well-cited works on deliberative democratic theory. And although it employs Habermasian concepts (such as the public use of reason to address deep moral conflicts, requirements of argumentative reciprocity, and publicity of arguments before others), it is removed from any deep engagement with Habermas's specific arguments. Further, and typically, Gutmann and Thompson seem comfortable with the idea that deliberation was both a specific and local practice, as well as abstract feature of an entire public. Gutmann and Thompson, for instance, employ both the language describing argumentative practices in a particular "deliberative forum" alongside arguments about large-scale constitutional matters for deliberative democracy without dwelling at length on what the differences may be between these two levels of deliberation. They seem to simply equate large-scale deliberative outcomes with better deliberative practice in a sort of aggregate way (the more good deliberation in given deliberative forums, the better will be the entire system of deliberative democracy). With this increasingly robust theoretical foundation in place, later deliberative

¹⁵ Space prevents us from tracing the respective roles of each of these theorists in the "uptake" and popularization of Habermas for democratic theorists. The basic outline is the same, however: theorists adapting Habermas to democratic politics (with some friendly critiques) who themselves become the key references for later scholars working with the concept of deliberative democracy. These particular thinkers, however, are more explicit in their use of Habermas than is Cohen. See: John S. Dryzek, *Discursive democracy: Politics, policy, and political science*. Cambridge University Press, 1994; Seyla Benhabib, *Situating the self: Gender, community, and postmodernism in contemporary ethics*. Routledge, 1992; William Rehg, *Insight and solidarity: The discourse ethics of Jürgen Habermas*. Univ of California Press, 1994; Simone Chambers, *Reasonable democracy: Jürgen Habermas and the politics of discourse*. Ithaca, NY: Cornell University Press, 1996; James Bohman, *Public deliberation: Pluralism, complexity, and democracy*. MIT press, 2000; and the edited volume, Seyla Benhabib, ed. *Democracy and difference: Contesting the boundaries of the political*. Princeton, NJ: Princeton University Press, 1996.

¹⁶ Amy Gutmann and Dennis Thompson. *Democracy and disagreement*. Harvard University Press, 2009. What is particularly noticeable about Gutmann and Thompson is that already by 1996, Habermas's work appears as a reference, but much of the references and discussion are devoted to interpreters of Habermas like Cohen and Benhabib.

theorists could then get away without engaging Habermas directly, simply referring to these “first generation” thinkers who did. As deliberative democratic theory moved from so-called first generation work (adapting Habermas to deliberative democratic theory) to second generation and third generation efforts refining and adapting the theory to “actual politics” and then toward empirical efforts at designing institutions and testing the claims of deliberative theory, most of this Habermasian foundation was abandoned to a few footnotes and/or translated via secondary references (very often the work of Cohen, Benhabib, Dryzek, Young, and/or Gutmann and Thompson). But this same normative core, complete with the fuzzy relationship between actual meeting and speaking and abstract, over-arching processes of discourse, remained central, if unarticulated. Deliberative theory itself was trying to both understand deliberative democracy in terms of specific practices in specific spaces, which was somehow (however vaguely) related to the creation of more reasonable political discourse at the broader level.

Habermas on Deliberative Democracy at the “System” Scale

This tension in the move from communicative action to discourse was amplified by the next big step in Habermas’s work – and once again, this original tension would be drawn directly into the deliberative democracy debate itself. Habermas moved the normative potential in discursive processes outlined in moral argumentation to a kind of democratic politics that found its normative possibilities in the “higher level intersubjectivity” that emanates out of public conversation and is gathered up by formal political institutions in representative democracy. In his *Between Facts and Norms*, Habermas sees a new, perhaps even more abstract role for communicatively generated power in a democratic political system. Since in an actual political community communicative action is “over-burdened,” (it would be impossible to rely on direct interpersonal interactions to establish shared meanings and

understanding among all people in a given political community), the constitutional state supplies a necessary baseline of rights and liberties to regulate social behaviors and make them predictable to all citizens. From this baseline, those rights should then be actualized through an engaged and active citizen body in the anarchic, multitudinous, de-centered forums of the public sphere. It is here that a (new and different?) kind of communicative power is generated at the level of something like society-wide public-opinion (generated more or less deliberatively), which then steers the formal institutions of the state according to the public will (always within the boundaries of the protections of the constitutional state). The linkage between the processes of opinion-and-will formation and the formal institutions of the state are surprisingly typical – elections, media, gathering of public-opinion, etc. And these mechanisms transform “communicatively generated power” into real “political power.” The better the state is at securing the conditions of good deliberation (at what level?), linking the product of this deliberation to state power, and then delivering on this rationally produced will, the more legitimate (and authentically democratic) will the state be.

But, Habermas’s move from communicative action to discourse to the role of “rational opinion-and-will formation” in the deliberative system relies on the increasingly complex and abstract use of the original “communicative power” concept.¹⁷ And there’s a whole host of issues that come from this scaling up. Rather than see the “original” use of language oriented towards mutual understanding as unfolding among some given interlocutors in some given social context according to language use itself, we have to start imagining that the interactions of “the people” across time and space produce the same product (a rational outcome that defers to the unforced force of better arguments). And while communicative power worked to produce changed minds and consensus here, and now, in a given situation, it is now detached from this actual shaping of interpersonal understanding in particular

¹⁷ For an excellent account of this ambivalence in Habermas’s use of “communicative power,” see: Jeffery Flynn, 2004, “Communicative Power in Habermas’s Theory of Democracy,” *European Journal of Political Theory*, vol. 3, no. 4, 433-454.

contexts, and left only at the level of process and procedure – a process of opinion-and-will formation that no longer “lives” exclusively in the moments shared between this or that particular citizen. As Habermas himself recognizes, every individual conversation and interaction cannot be expected to meet the very high bar of communicative rationality, nor do they need to. All sorts of things take place in the public sphere, much of which does not count as deliberation in either style or substance. Rather, as we scale up, the idea is that, on balance, something like rational opinion-and-will formation itself produces (or, works toward producing, at least) an overarchingly rational outcome on difficult moral, ethical and political questions – even if we can no longer see such rational conclusions as the product of this or that given conversation. We move, in other words, from an analysis of what makes people come around to better arguments here and now, to what can approximate “right” public opinion, translated into legitimate political action. Why we should assume that the legitimacy, rationality, and consensus forming tendencies of communicative power can make this transition without losing its normative energy is surprisingly under-examined by Habermas and his followers.

Some deliberative theorists closely following Habermas’s work—Simone Chambers is probably the most clear case here—were quick to adopt this systemic view of deliberative politics.¹⁸ Chambers exploration of Habermas’s work began in her 1996 book *Reasonable Democracy* where, like other early deliberative theorists, she envisions deliberation as both an immediate, local event and a set of practices needed at the broader level of a “political culture.”¹⁹ Later, however, she anticipated the “systemic turn” in her 2009 article “Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned Mass Democracy?”²⁰ Here Chambers is concerned that most of the development of the deliberative literature

¹⁸ John Dryzek’s work is notable here, too, in its attempt to envision the role of deliberation at larger, institutional scales. See John S. Dryzek, *Deliberative democracy and beyond: liberals, critics, contestations*. Oxford University Press, 2000. Seyla Benhabib also articulated Habermas’s “two-track” model early on in the deliberative literature. See: Seyla Benhabib, ed. *Democracy and difference: Contesting the boundaries of the political*. Princeton, NJ: Princeton University Press, 1996.

¹⁹ Simone Chambers, *Reasonable Democracy*:

²⁰ Simone Chambers, 2009, “Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned Mass Democracy?” *Political Theory*, vol. 37, no. 3, 323-350.

had focused on “democratic deliberation” as a small-scale event in mini-publics, and “abandoned” its focus on the role of deliberation in the broader system, which would rightly be called “deliberative democracy.” Habermas’s “two-track” model (deliberation in both the public sphere and the formal institutions of the state) is offered as the right scale for thinking about democratic politics. Again, the public sphere conversation itself may rely on more or less actual instances of deliberation, and it similarly relies on the typical institutional elements of mass democracy – elites, the media, public polling. But Chambers insists that it is necessary to focus on this higher level of public deliberation (and its related institutions) in part because the preoccupation with mini-publics fails address the need to produce more rational outcomes at the level of the entire political community. And yet, without a focus on democratic deliberation, it is hard to imagine where communicative power is actually generated, much less how it is generated. In other words, the normative “engine” behind the idea of deliberation is itself opaque.

So, it is not entirely clear in Habermas how to conceptualize communicative power, what scale is appropriate for it, nor what exact role it plays in a democracy. Is it something unleashed between specific speakers and listeners, in some given speech situation, which necessitates that we pay careful attention to the interpersonal exchanges, invites us to construct small spaces to improve the quality of communication between citizens, and thus the overall quality of a democracy? Or is it this overarching, amorphous “higher-level intersubjectivity” that can only be sensibly thought to emerge as the product of the interactions among entire publics through institutions and the public sphere and only getting legitimized by the standard organs of the modern representative democracy? Or, perhaps it is simultaneously both; but if so, then the connections between the power generated between two speakers and the power generated at the level of an entire public are vague at best.

What is clear is the these tensions in Habermas are folded directly into the deliberative literature, where they typically lay dormant. Now, with the debate over the systemic turn unleashed, deliberativists are currently struggling with exactly this original Habermasian problem: is deliberation located in interpersonal interactions, given instances of activity that are properly “deliberative,” which must then be connected to a larger chain of political decision making through various institutional designs. Or, is deliberation this society wide practice that produces more rational outcomes, albeit unevenly, in fits and starts, if we pay attention to the coordinating mechanisms and institutional forms at the highest levels (law, media, elections, etc.).

What is the Ideal of Deliberation?

As the preceding genealogy shows, deliberative democracy theory fell in line behind Habermas in the mid-1990s, and his dominance continues today, though in a more obscured form. This is not to say that deliberativists, especially those of the first generation who engaged directly with Habermas’ work, did not find some elements of his work problematic. Many scholars challenged Habermas’ emphasis on argument to the detriment of other forms of communication.²¹ Many critics found fault in his focus on consensus, arguing that this high standard is implausible in contemporary pluralist democratic societies.²² Others took him to task on his overly rationalist, overly Kantian conception of impartial moral theory.²³ Still others critiqued the “quasi-transcendental” justification strategy Habermas

²¹ See especially Iris Marion Young, *Inclusion and democracy*. Oxford University Press on Demand, 2002; Jane Mansbridge, “Everyday Talk in the Deliberative System.” In *Deliberative Politics: Essays on Democracy and Disagreement*, ed. Stephen Macedo. Cambridge: Oxford University Press, 1999.

²² See especially James Bohman, *Public deliberation: Pluralism, complexity, and democracy*. MIT press, 2000; and Iris Marion Young, *Inclusion and democracy*. Oxford University Press on Demand, 2002.

²³ See especially Seyla Benhabib, *Situating the self: Gender, community, and postmodernism in contemporary ethics*. Routledge, 1992; and Iris Marion Young, “Impartiality and the Civic Public: Some Implications of Feminist Critiques of Moral and Political Theory.” *Praxis International* 5, no. 4 (1986): 381-401.

employs.²⁴ But though we find that this ideal of deliberation remains at its core Habermasian, an examination of the ideal of deliberation as it is articulated in recent scholarship, particularly in the second and third turns, reveals that the ideal of deliberation has undergone significant conceptual loosening from the meticulously theorized deliberative model that Habermas articulated and refined. Articulations of the deliberative ideal vary in their composition, dropping and retaining varying elements that were central to Habermas' deliberative theory. Recent work that applies deliberative theory to empirical cases is particularly susceptible to this slippage, often retaining only the barest reference to any deliberative ideal. Moreover, we find frequent elision of the content of the ideal and the justification for the ideal. Though justifications for this deliberative ideal are more coherent across deliberative theorizing, these, too, are not completely consistent. Consequently, we argue that the normative core of deliberation is not as settled as it may appear. There is no clear agreement on the essential elements of the normative core of deliberation or its justification. In what follows, we present a brief survey of recent second and third turn deliberative work to show how amorphous the idea and ideal of deliberation have become, while at the same time retaining threads of Habermas.

The loosening of the ideal of deliberation is particularly evident in deliberative scholarship that has emerged over the past ten years that engages with the empirical practice of deliberation. In two recent works that explicitly seek to apply deliberative theory to empirical cases, we find the thinnest engagement with the substance of deliberative theory. Gastil and Levine's edited volume, *The Deliberative Democracy Handbook*, is a prominent example of second turn efforts to understand deliberation in practice. Gastil and Levine find that what all the deliberative practices surveyed in the book have in common is the premise that "it is worthwhile for citizens (not just politicians and experts)

²⁴ See especially Rorty, Richard. "Universality and Truth." In *Rorty and His Critics*, edited by Robert B. Brandom, 1-30. Oxford: Blackwell, 2000; Seyla Benhabib, *Situating the self: Gender, community, and postmodernism in contemporary ethics*. Routledge, 1992.

to discuss public issues and that these discussions should have impacts on policies.”²⁵ In what amounts to the most theoretically engaged chapter of this book, Button and Ryfe assert that the ideal of deliberation comprises two commitments—that “decisions must derive from the collective will of its members” and that the decision-making process foreground public reasoning.²⁶ The first commitment is descriptive of democracy, not just the deliberative model, leaving deliberative democracy is show only a commitment to public reasoning. In another empirically-driven work that is more theoretically engaged, Elstub and McLaverty state that deliberative democratic theory is united around the claim “that political decision-making should be talk-centric rather than vote-centric” and that “collective decisions should emerge from public reasoned discussion and debate.”²⁷ Here again we find only an emphasis on the importance of public reasoning between citizens. Jürg Steiner, while noting that today deliberation has become quite a fluid concept, finds the commonality among deliberative theorists to be that “arguments should matter in a political discussion.”²⁸ In his view, the ideal of deliberative centers on actors’ willingness to yield to the force of the better argument, explicitly evoking Habermasian language. In his recent book, *Deliberative Democracy Between Theory and Practice*, Neblo seeks to bridge deliberative theory and empirical political science. For him, deliberative democracy is a “form of government that tries to make good political decisions by systematically connecting them to the reasons that equal citizens give each other for and against those decisions.”²⁹ In all of these empirical turn works, the solitary consistent commitment of deliberative theory is that public reasoning between citizens should inform decision-making.

²⁵ John Gastil and Peter Levine, Eds. *The deliberative democracy handbook: Strategies for effective civic engagement in the twenty-first century*. (Jossey-Bass, 2005), 3.

²⁶ Mark Button and David Michael Ryfe, “What can we learn from the practice of deliberative democracy.” *The Deliberative Democracy Handbook: Strategies for effective civic engagement in the twenty-first century* (Jossey-Bass, 2005): 20.

²⁷ Stephen Elstub, and Peter McLaverty, eds. *Deliberative democracy: Issues and cases*. Edinburgh University Press, 2014, 1.

²⁸ Steiner, Jürg. *The foundations of deliberative democracy: Empirical research and normative implications*. (Cambridge University Press, 2012), 8.

²⁹ Michael Neblo, *Deliberative Democracy between Theory and Practice*. (Cambridge University Press, 2015), 2.

We might expect empirical work, especially when authored by non-theorists, to neglect substantive engagement with deliberative theory, but recent theoretical work that addresses systemic questions also evinces this conceptual slippage. Parkinson addresses the challenges of scaling up deliberation in his 2006 *Deliberating in the Real World*. Though he too acknowledges the diversity of deliberative theory, he posits that deliberation is based on two principles: “it insists on *reasoning* between people as the guiding political procedure, rather than bargaining between competing interests or the aggregation of private preferences; and the essential political act—the giving weighing, acceptance, or rejection of reasons—is a *public* act, as opposed to the purely private act of voting.”³⁰ Deliberative forums are marked by “no force except that of the better argument is exercised.”³¹ Here at least we find a reference to the fact that the ideal of deliberation is a procedural one, and again Habermasian language is evoked. In a similar effort to address systemic concerns, Goodin asserts that deliberative democrats believe “most fundamentally, that we should shun merely adding up votes in favor of talking together,” and that “[w]hat especially distinguishes the deliberative democracy movement is its concern with finding ways of putting the theory into practice.”³² This definition is particularly thin for a scholar so deeply engaged in political philosophy. In arguing for a place for self-interest in deliberation, Mansbridge et al. assert that there is broad agreement on the regulative ideals of deliberation democracy (note that plurality of ideals), including the inclusion of all affected parties, equal opportunity to influence the process, the centrality of reason-giving, commitment to equal response and mutual concern, listening and offering reasons that others can understand and accept, the aim of finding fair terms of cooperation among free and equal persons, truthfulness, and, finally, the absence of coercive power. While this is a kitchen sink list of commitments that invokes the language of both Habermas and

³⁰ John Parkinson, “Deliberating in the real world: problems of legitimacy in deliberative democracy” (Oxford University Press, 2006), 3.

³¹ *Ibid.*

³² Robert E. Goodin, *Innovating democracy: democratic theory and practice after the deliberative turn*. (Oxford University Press, 2008), 2.

Rawls, it at least discusses the normative content of the ideal of deliberation. In their subsequent article, “A Systemic Approach to Deliberative Democracy,” what Owen and Smith label a “manifesto” for the systemic turn, Mansbridge et al. offer a surprisingly loose definition of a deliberative system: “one that encompasses a talk-based approach to political conflict and problem-solving—through arguing, demonstrating, expressing, and persuading.”³³ This is far afield of what most deliberativists take to the core of deliberation. In taking Mansbridge et al. to task for admitting political practices that do not adhere to the ideal of deliberation, Owen and Smith cite Habermas, Cohen, and Gutmann and Thompson as the primary authors of the ideal of deliberation that we should stick to (though there is no clear agreement among the authors in this list). Though Owen and Smith do not explicitly define deliberation anywhere in their argument, they do specify that the core justification of deliberative democracy as a political ideal is that “the legitimacy of our collective political arrangements (institutions, laws, policies) rests on mutual justification enacted through deliberative practices amongst free and equal citizens.”³⁴ Here they give us the primacy of justification practices to deliberation, the assumption of free and equal citizens, and the connection between deliberation and democratic legitimacy.

The same analysis shows that little of this recent work engages Habermas’ justification for the ideal of deliberation, even while retaining elements of the ideal itself. Most deliberative work makes some mention of why deliberation itself is a desirable political practice, though even these reasons are not consistent across this work, but none questions why we should be moved to adopt this Habermasian ideal. Typical justifications for the desirability of deliberation, usually juxtaposed with aggregative models of democracy, include: it issues in more legitimate decision-making (as Owen and Smith assert); it leads to better decisions; it is more richly participatory so therefore more democratic; it edifies citizens

³³ Mansbridge, Jane, James Bohman, Simone Chambers, Thomas Christiano, Archon Fung, John Parkinson, Dennis F. Thompson, and Mark E. Warren. “A systemic approach to deliberative democracy.” *Deliberative systems: Deliberative democracy at the large scale* (2012): 1-26.

³⁴ Owen and Smith, 217.

and enriches citizenship. Elstub and McLaverty include that deliberative democracy “represents the fairest of decision-making procedures,” “leads to decisions that are more just and in the public good” and “leads to prudent, informed, rational and autonomous citizens,” but neglect to say how deliberation leads to these goods, and puzzlingly include a presupposition of deliberation—rationality—as an outcome.³⁵

The above survey shows that among deliberative theorists and empirical political scientists who study deliberation there is no consensus about the ideal of deliberation beyond a commitment to public reason-giving or about how deliberation works beyond unelaborated references to the “unforced force of the better argument.” Though there is this consistent thread of Habermas’ deliberative theory that runs through most work on deliberation, deliberative work often makes only the barest reference to the substantive content of his thick philosophical project. Over time, the careful engagements with Habermas’s philosophy that characterized the first generation of secondary literature in the early 1990s were overshadowed by a spare but enthusiastic embrace of only a few central elements of his deliberative theory. This is evident not only in empirical work by both theorists and political scientists who endeavor to “test” or apply the ideal of deliberation in practice, but also in systemic turn theoretical work that examines how the ideal of deliberation can work in a larger democratic system. In many of these works, particularly by empirical political scientists, reference to Habermas or his philosophy is cursory or even dropped entirely. Central elements of Habermas’ theory are often neglected, including: 1) the aim of discourse ethics, 2) the way in which Habermas justifies discourse ethics, and 3) an understanding of how Habermas’ deliberative theory fits in with and builds on elements of his larger philosophical project—the careful moves from his theory of language (communicative action) to his moral theory (discourse ethics) to his democratic theory (discourse ethics) to his treatment of democratic institutions (in *Between Facts and Norms*). There is a dense set of philosophical commitments that one

³⁵ Stephen Elstub, and Peter McLaverty, eds. *Deliberative democracy: Issues and cases*. Edinburgh University Press, 2014, 1.

inherits in adopting Habermas' deliberative theory, but these commitments are obscured when the only reference made to his theory is the shorthand of reason-giving or "unforced force of the better argument." We argue that there are several reasons why this is problematic.

This is problematic in one of two ways, depending on one's estimation of Habermas' theory. For admirers of Habermas' deliberative theory, one can take issue with the thinness of the substantive elements of Habermas' work that is carried forward in deliberative theory. One could argue that this lack of substantive engagement with Habermas' philosophy is problematic in that second and third turn work may be giving Habermas' theory short shrift and potentially leaving out pieces that are necessary in practice (according to the theory). In this case, Habermasian deliberative theory is not getting a fair assessment in the transition to empirical assessments of deliberation. The answer to this problem is a deeper engagement with Habermas' theory even in the empirical and systemic turns. There are two additional reasons to be concerned about the thinness of such accounts. First, accounts of deliberation that do not directly engage with Habermas' theory run the risk of unwittingly replicating lacuna in Habermas' philosophy, as we discussed in section one. Second, the particularly philosophic concern with such a thin account is that it loses its connection to the justification that Habermas erects for deliberation as a worthwhile practice and renders these abstracted commitments groundless. For critics of Habermas, the central problem is the reliance on his work as the standard bearer for deliberative democratic theory to the exclusive of rival deliberative theories. Moreover, because much of the second and third turn work in deliberation obscures the philosophical commitments of Habermas' deliberative theory, it makes it difficult to challenge elements of Habermas' theory or the dominance of Habermas in the deliberative literature. The answer here is a return to first turn theorizing informed by 20 years of empirical work on deliberation. Here we agree with Elstub and McLaverty who assert that "[t]hough the empirical evidence can tell us the tensions that exist in democracy in practice, the answers to how trade-

offs should be made between these concepts ultimately need to be determined by normative theory.”³⁶

And overall, we might be troubled by the conceptual loosening of the ideal of deliberation if we take this ideal to be useful in guiding and providing a critical standard for practice; for if we do not know what we are aspiring to, how do we know when we have achieved it? If their standard is not clear, how can it shape our critiques? Again, the answer urges a return to theorizing the deliberative ideal.

Conclusion: A Return to the Ideal and the Micropolitics of Deliberation

It is striking that for all its turns, deliberative theory continues to have relatively little insight into what we actually do when we deliberate. It is also striking that it has only relatively vague notions of how given instances of deliberation connect up into larger processes of opinion-and-will formation of an entire public. But we have argued here that what may be more alarming is that despite these under-theorized, under-explored elements of deliberative democratic theory, much of the literature has simply moved on. This is evident in the turn towards looking at the deliberative system at the broadest scale, and also in the recent literature on the practice and institutionalization of deliberation itself. It seems that each successive turn makes understanding the very foundation of deliberative theory more and more difficult. Enough turns and one comes full circle, however. And we think such a return to basics would help deliberative theory break out of its stagnant reliance on uninterrogated Habermasian concepts.

Empirical work in the “second generation” of deliberative democracy produced a number of interesting insights about how deliberation does and does not work in practice, which might have produced opportunities to revisit the theory of deliberation itself. But as David Ryfe argues, speaking to an issue that should be central to the new systemic turn in deliberative democracy (but does not seem to be), “How people can get deliberative benefits from nondeliberative conversations is something of a

³⁶ Stephen Elstub, and Peter Mclaverty, eds. *Deliberative democracy: Issues and cases*. Edinburgh University Press, 2014, 2.

puzzle. If nothing else, it casts doubt on whether academics have a good grasp on what deliberation is.”³⁷ Too little has been done to gather up this work on the micropolitics of deliberation and rethink the basic Habermasian categories of communicative action, public reason, and discourse that were subsequently taken up as the core of the normative ideal of deliberative democracy. Thus, rather than assume with the systemic theorists that we can simply look beyond specific instances of deliberation to see the “big picture” of democratic politics, we think a continued focus on what happens when citizens actually meet and speak is key. We also think that those studies should be the basis for a critical interrogation of the increasingly taken-for-granted and loosely-employed ideals of deliberation itself. It may turn out that other elements are at work in actual citizen engagement that are worthy of both theoretical and empirical attention, and which may help break deliberative theory out of its Habermasian lull.³⁸ But, again, making any progress along these lines requires continued critical attention to both the theory and practice of deliberation itself.

³⁷ David Ryfe, 2010, “The Deliberative Posture,” In: *Resolving Community Conflicts and Problems*, Lohmann, Van Til, and Ford, eds. New York: Columbia University Press, p. 194.

³⁸ We should mention a few areas we find potentially fruitful: pragmatist philosophy, the recognition theory of Axel Honneth, Buberian and Bahktinian accounts of dialogue – but any sustained examination of these alternative approaches to understanding deliberation are far beyond the scope of this paper.