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The Two Roles of Deliberation in Democracy

Philip Pettit

- C4P1 There are many reasons why deliberation ought to have an important place in democracy, including reasons of a civic republican kind that I have defended elsewhere (Pettit, 2012; 2014). One of the great challenges in contemporary democratic theory, then, is to show how deliberation can be suitably incorporated within social and political institutions, especially in light of the problems and opportunities opened up by digital technology. A useful account of those problems is provided by Jamie Susskind (2022) and a useful review of the opportunities by H el ene Landemore (Chapter 3 in this volume).
- C4P2 This chapter presupposes the democratic importance of deliberation and offers considerations preliminary to the issues of how best to institutionalize it. There are two roles that deliberation must play, if it is to be democratically important, and there are problems that arise in enabling it to play each of those roles. The chapter addresses the problems, arguing that they do not pose obstacles for making democracy deliberative in broadly the sense attached to that idea among the founders of the approach (Cohen, 1989; Habermas, 1995; Gutmann and Thompson, 1996), and among its many defenders (Bohman and Rehg, 1997; Elster, 1998; Mansbridge and Parkinson, 2012; Lafont, 2020).
- C4P3 The first role that deliberation must play is to establish common terms or standards governing what considerations can and cannot be invoked in making a case for one or another public policy or procedure. And its second role is to shape the decisions made at the various centers of government, so that they satisfy those common standards. I describe the first as the standard-setting role of democratic deliberation, the second as its decision-making role.
- C4P4 Insofar as deliberation plays these roles, it can figure prominently among arrangements that help to give ordinary people—the *demos*—the considerable power or *kratos* over government, envisaged in the original Greek conception of democracy (Ober, 2008). Elections may be important for democracy in that sense, and will have to figure among the indices of democracy in any contemporary society. But democracy is defined in the first place by how far the overall effect of its political institutions is to give ordinary people shared control—more or less

equally shared control—over their rulers. That is why the ancient Greeks saw Athens, a polity organized around lotteries rather than elections, as a democracy.¹

C4P5 The chapter is divided into three sections. In the short opening Section 1, I introduce the idea of deliberation at both the individual and group levels, and in Sections 2 and 3. I ask ~~respectively~~ how, despite some serious problems, deliberation can be expected to play its standard-setting and decision-making roles. In each of those sections I look first at how deliberation within a simple or model group might be able to play the required role, and then at the lesson that that teaches for the organization of a full-scale deliberative democracy. Having explored these two roles, I look in a brief conclusion at why deliberation ought to be given such roles in the republican conception of democracy that I favor.

C4P6 The discussion should throw some light on the possibility of deliberative democracy and on the institutions this requires. But, equally, it ought to shed light on the nature of deliberation. The sort of deliberation that serves in the first, standard-setting role requires a group of individuals to deliberate with one another in their own name; it needs the group to constitute a team of deliberators. The sort of deliberation that serves in the second, decision-making role requires a group of individuals to deliberate together in the name of the group; it needs the group to constitute a deliberative team. This distinction between a team of deliberators and a deliberative team is of crucial importance and has not been given due attention in the literature.

C4S1 1. Deliberation within Individuals and Groups

C4S2 1.1 Individual Deliberation

C4P7 Deliberation constitutes one mode of decision-making or intention-formation in the individual agent. It consists in a consideration of premises, presumptive or explicitly registered, that normally support one option over the others in a choice, providing grounds for why it is the thing to do. Although the decision to take that option may materialize under the influence of those considerations without the

¹ This conception of democracy is close to the notion of open democracy championed by Hélène Landemore (2020, chapter 1). If there is a difference between us on historical matters, it is that, in my opinion, she does republican thinkers an injustice in suggesting, for example, that James Madison rejected democracy on the grounds of not wanting ordinary people to have power. This interpretation ignores the fact that from the seventeenth to the nineteenth century, 'democracy' was understood as based on the infeasible, hardly appealing model in which Jean Bodin and Thomas Hobbes deliberately cast it; this required government by a collective, majoritarian assembly of all citizens. With the exception of Rousseau, almost all progressive thinkers between 1600 and 1800 rejected democracy in that sense, preferring the mixed constitution that most would have seen as the only possible model of popular government; Bodin and Hobbes were deeply opposed to that model, of course, and argued that, unlike democracy in their unappealing sense, it was functionally impossible.

formation of a judgment in its favor—without an explicit conclusion to the effect that it scores over the alternatives—those premises will generally be fit to support that judgment too.

C4P8 The premises in any episode of deliberation will include some that identify the supported option as choice-worthy or desirable: for example, that it would be fun, that it would be fair to other parties, that it would guard the agent against various dangers, or that it displays a combination of such desiderata. But they are also likely to include others, which may figure only as presumptions, to the effect that that option is also feasible or within the capacity of the agent, while others are beyond reach.

C4P9 While we human beings are deliberative agents, capable of making decisions or forming intentions in this mode, we often rely on unthinking habit to generate what we do in familiar situations. Thus, you may rely on habit to take you on the correct route home as you drive or cycle or walk from your workplace. But even in such cases, deliberative capacity remains important. Deliberation will retain a standby or virtual control over your behavior insofar as the following is true: that you will notice if habit lets you down—if, for example, you unthinkingly take a wrong turn on your way home—and you will respond to such a red light by actively deliberating about how to put things right.²

C4S3

1.2 Joint Deliberation

C4P10 Turning now to joint deliberation, take the group of people on the beach who notice a swimmer having difficulty in the water. Without anyone spelling out relevant premises, these may be a matter of manifest presumption by all. It may go without saying that saving the swimmer is a priority, relevant on all sides; that they must act together to achieve that result, given that no one is taking an initiative on their own; that the salient way to do this is by forming a chain out into the water; and that if anyone begins to form a chain, others will join in the effort. In such a case the deliberative premises will be presumptively registered by each, and this will be manifest to all.

C4P11 As a group of people may each deliberate to a joint effect on the basis of presumptively registered premises, so they may do so with explicit attention to one or more of these premises. Thus, in this example, the deliberation may successfully generate common action only when one or another of the parties calls attention to the swimmer's predicament, proposes explicitly that they should provide help as a group or mentions the possibility of forming a chain out into the water.

² We may set aside the question as to whether there are automatic human actions that escape both the active and standby control of deliberation. Nonhuman animals certainly perform actions that are uncontrolled in either sense by deliberation. But it may be that our most unthinking actions always materialize in the precincts of deliberation.

C4P12 Whether the premises in this example are presumptively or explicitly registered, the deliberation itself takes an active form. In active, personal deliberation one and the same agent registers the considerations and proceeds to act on them. In active, collective deliberation of the sort illustrated, each member of the group registers the considerations and, this being manifest to all, they act together as group in the manner supported by the premises: they each adopt the role assigned to them explicitly or by presumption.

C4P13 As people may deliberate their way to individual action in a virtual or standby mode, so the same is true in the joint case, although true only in cases where the individuals involved are well rehearsed and practiced. The couple that learns to tango together in a smooth, unreflective way will certainly combine their efforts on the basis of ingrained habit, with deliberation removed to the wings and given only standby control. And something similar may hold of the troupe of dancers, the fire-fighting crew, the sports team, or the improvising jazz band. The members in such a group will typically rely on habits of personal initiative and mutual attunement to achieve their joint goals, giving deliberation only a standby or back-up role.

C4S4 1.3 Joint Deliberation with Disagreement

C4P14 The deliberation in the beach example is excessively simple insofar as the parties not only seek to achieve a common goal, that of rescuing the swimmer, but do so in full agreement about the premises on which they act. In variants on the example, where there is not the same urgency about acting, we can readily imagine that different parties might have different views about what considerations are true or weighty or relevant and consequently propose different plans of action.

C4P15 Some might think, for example, that those in the chain should be tied together, while others argue that that would serve no purpose and might even hamper their effort. Some might urge that the chain should approach the swimmer at an angle, others that it should approach head-on. And, to take rather different cases, some might argue against others that the tallest person should be at the front of the chain, or that a person with a known fear of water should be at the back. Indeed, the apparently tallest person might put this argument themselves, citing the benefit of having the tallest person at the front in just the way that a third party might recommend this. Or, of course, the person with a pathological fear of water might cite this as a reason for them to be on solid ground at the back of the chain.

C4P16 When a difference on any such issue appears, the joint deliberation becomes contentious insofar as different parties take opposing sides. Taking up the issue of height, for example, they might take different sides on matters of truth or

weight or even relevance. They may disagree on who really is the tallest, for example, or on whether height is less weighty than some other feature—say, experience or strength—in the person at the front. And disagreeing on such matters, they would tend to disagree also on who precisely should assume the frontal position.

C4P17 This sort of disagreement might be modeled as a difference of view about whether it is desirable to have a tall person at the front of the chain, or the fearful person at the back, or about whether saving the swimmer is feasible if those conditions are not fulfilled. Regardless of whether the issue is cast as one of desirability or feasibility, however, the assumption so far is that the disagreement stems from a sincere divergence in the beliefs of individuals. But this assumption itself, so it turns out, need not always hold in an exercise of joint deliberation.

C4P18 Consider the case where the apparently tallest person makes a case for the need to have the tallest at the front of the chain. As we have imagined that situation, this person defends this view out of a concern for the success of the joint enterprise, and on the basis of a sincerely avowed belief. But consistently with the joint deliberation proceeding smoothly, they may be moved wholly or in part by self-interest, say, by a desire for the kudos or esteem of being in pole position and being likely to be featured in reports of the rescue or to be captured on camera with the swimmer in their arms.

C4P19 As this may happen in the case of the tall person, something similar may happen with the person who is afraid of water. They may make a case for their being at the land end of the chain, not because of the self-reported pathological fear of water—they may not be subject to such a pathology—but out of a self-interested desire to be in the safest position, should anything go wrong. As the tall person might be insincere in arguing for the merit of having them at the front, so this person might be insincere in arguing for the need to have them at the back.

C4S5

2. The Standard-Setting Role

C4P20 Now that we have a good sense of what it might be for a group of people to deliberate with one another, we can address questions raised by the standard-setting role that deliberation will have to play within a democracy. We look first at how a simple group, even a group as simple as the people on the beach, might give this role to deliberation, overcoming various obstacles, and then we turn to the lesson this teaches for deliberative democracy in a complex society. In the case of the simple group, we argue that disagreement of the kind just discussed is not a problem but that bargaining and lobbying are and that the group must guard against these if it is to remain properly deliberative.

C4S6

2.1 Disagreement Is Not Troubling

- C4P21 Disagreement about the premises is liable, even likely, to appear and survive within any deliberating group, whether the difference is generated by sincere or pretend differences of belief. Does such a disagreement deprive joint deliberation of a role? It will certainly block the group from making a joint decision in deliberation as characterized so far; if the members wish to make a decision, they will have to resort to some way of breaking the deadlock such as by majority voting. But would disagreement deprive joint deliberation of any role whatsoever?
- C4P22 The disagreement may reflect a difference over the truth or weight or even relevance of one or another premise proposed. There will often be differences about truth or weight, as already illustrated with the beach group, but there are unlikely to be differences about relevance. This is true, at any rate, in the sense in which the irrelevance of a premise means, not just that it has zero-weight, but something more radical: that the consideration could not plausibly have had any weight in the deliberations of the group; it is ruled out of court by the issue under debate or by the deliberative nature of the debate.
- C4P23 This possibility turns out to be connected with the question we address in this section. Even those who disagree about the truth or weight of a premise proposed in the process of joint deliberation are quite likely to converge on a still more basic issue. They are likely to agree that at any rate the premise represents a consideration of the right kind to count for or against a resolution and is relevant in that sense to the ruminations of the membership. Why would anyone in the group propose a premise that by the lights of others could not possibly be given any weight by others?
- C4P24 This bedrock agreement on the relevance of certain premises that we might expect the group to develop will count as an achievement on their part, however extensive the disagreement about the truth and weight of those considerations. As members try out arguments on one another, each presupposing the relevance of the considerations introduced, they may fail to win the sort of consensus that would bring them together in judgment and action. But they will at least establish that certain sorts of considerations pass muster, and presumably that others do not: namely those that are dismissed out of hand or not even proposed, given the likelihood of such dismissal. And that is important, for it means that they will agree on the terms in which arguments should be cast if they are to gain even a preliminary hearing on all sides. They will agree in effect on some basic, if minimal standards that should govern their joint deliberations.
- C4P25 This observation is important for it means that a group—and presumably, in some sense, a society—can use attempts at joint deliberation, even those that fail to achieve consensus, to generate and identify considerations that pass muster within the group. Members will individually propose considerations in argument and those that are accepted as relevant on all sides will accumulate to constitute

the currency in which it is appropriate for individuals to argue with others about what they should do together; they establish the tender in which they can trade arguments.

C4P26 The fact that many forms of disagreement do not rule out this achievement has a welcome result. It means that disagreement is no obstacle to the requirement that deliberation should set standards in the society—a currency of manifestly relevant considerations—for how government policies and procedures are to be justified. But there are two other developments that may block deliberation from bringing off this result in any group and so in any society. One introduces bargaining, the other lobbying.

C4S7 2.2 The Danger of Bargaining

C4P27 Once we recognize the possibility that the members of any deliberative group might present considerations out of hidden, ulterior motives, not on the basis of convictions, we can see that it might lead one or more of the parties to go further and let their own wishes surface explicitly in their joint deliberation. Thus, returning to the beach example, the tall person may report that they are willing to play their part only if they get the kudos of being in the front position. And should success require everyone to play their part, the tall person will thereby communicate that they intend to defect and undermine the enterprise if their wish is not satisfied.

C4P28 With this sort of shift, the person not only cites a self-referring consideration: that it would be best to have them at the front. And they not only do so out of a self-interested motive: that it would give them kudos or esteem. They also communicate the fact that they do so out of that desire for a self-interested goal. The message conveyed in that context by the utterance is that they are prepared to give the satisfaction of this desire priority over the attainment of the joint goal, giving it control over their behavior. They assume that the desire of others to achieve that joint goal will be strong enough to motivate a concession on the demand conveyed, giving them pole position in the chain.

C4P29 When someone puts forward a consideration in such a self-referring, self-interested, and presumptively self-controlled way, then the joint deliberation is likely to degenerate into a bargaining exchange. The others may treat the person as a force of nature, of course—someone unwilling or unable to moderate their demand—and deliberately agree among themselves to appease them. But if they are unwilling to do this, then the likely way beyond the impasse is for one or more of them to counter the demand with claims of their own and to begin bargaining their way toward a resolution.

C4P30 In such a bargaining exercise, they will each seek to achieve a joint goal but only in a way that requires a minimal concession on their own part. The exercise will typically consist in moves and counter-moves—opposing bids—that have the

effect, ideally, of identifying a resolution with which each is prepared to live. The beach case does not offer a plausible example of how bargaining might proceed, if only because of the urgency that will be attached to the rescue. But other examples abound, as when those in a market bargain their way toward a price at which the one is willing to sell and the other willing to buy. They act jointly for that shared end but do so in a way that does not involve joint deliberation: that is, the sincere or even insincere endorsement of premises that they all take to support a given conclusion and decision.

C4P31 On this account of how bargaining differs from deliberation, bargaining consists in the introduction of self-referring, self-interested considerations over the prioritization of which the bargainer enjoys a presumptive self-control. The account directs us to the main elements in paradigm cases of bargaining, but it should not be taken to offer a strict definition. We can imagine variant forms of bargaining in which the demand made is not clearly self-referring, for example, or the desire driving the exercise is not strictly self-interested. And we can imagine cases where someone cites self-referring, self-interested considerations but hides the self-control they enjoy over whether to prioritize them or not. Returning to our beach case, this might occur if a person's claim to be pathologically afraid of water is actually untrue: if they purport to warn others of the need for them to be at the land end of the chain, when actually they are threatening not to take part if denied that position.³

C4S8

2.3 Beyond Bargaining

C4P32 If the parties in joint deliberation are prepared to introduce considerations to a debate in the manner of bids rather than premises, then they will not satisfy the deliberative democratic ideal, as it applies to their group. Bargaining will reflect the different levels of power—bargaining power—that individuals may enjoy within the group. Thus, letting it dictate the group's decisions will mean denying the membership a shared power—presumptively, a more or less equally shared power—over the conclusions drawn or the decisions made.

C4P33 Is there any way in which a group of deliberators like that which we have been considering might meet the democratic ideal within itself? Is there any means whereby it might block the temptation to bargain and ensure that members continue to deliberate with one another? Happily, there is.

³ A warning counts as a report insofar as the agent can fail to act on it and yet retain credibility by persuading others that they were misled about their mind when they gave the warning or that they changed their mind since giving it. The threat does not allow access to those misleading-mind or changed-mind excuses: it is a pledge to play a role in the chain if and only if they are given rear position and it rules out appealing to either excuse in the event that they do not live up to it, as when their bluff is called. For further discussion, see (Pettit, 2018).

- C4P34 The reason why bargaining is attractive, as our simple beach example illustrates, is that there is a prospect for each that without jeopardizing a general goal that they share with others, they may extract a special benefit for themselves. When members of the group bargain for this reason, each will seek to achieve the shared goal at least cost to themselves: that is, with the lowest possible concession on their own part.
- C4P35 If this consideration offers a major incentive for deliberating parties to descend into bargaining, then there is a salient way of dealing with the problem. This is to take the deliberation offline, denying it any role in decision-making. The offline exercise would require those in deliberation to form a judgment about the merits of different possibilities without allowing them to make any decision between those alternatives. The move would reduce the incentive to bargain for an advantage in how some jointly desired goal comes to be realized, since there would be no practical goal that the deliberation might serve.
- C4P36 Even in the case of deliberative decision-making by an individual, as we noted, making a decision may come apart from forming a judgment or drawing a conclusion. The premises may lead the individual to choose one option over others without their explicitly making any judgment to the effect that that option is best or right or whatever, although it will certainly support such a conclusion. And ~~that being so~~, they may also rely on the premises to form such a judgment without actually making a decision. They will do this, for example, when making a judgment between options that they or another might confront, where it is understood that they do not actually face a choice between the options.
- C4P37 As this is true of individuals, so it is true of jointly deliberating groups. We may entrust such a group with making a judgment about the merits of different alternatives without giving them a decision-making role; the alternatives may be options they could plausibly face, or just rival arrangements between which they might never have to choose. And to the extent that we deny the group a decision-making role, taking the deliberation offline, we will reduce the incentive for any member to adopt the profile of a bargainer.
- C4P38 This solution has a serious cost, of course, since it will mean that to be guarded against the bargaining temptation, a group must give up on decision-making in favor of offline discussion. But, as we shall see, the solution is relevant in dealing with a network of connected groups in which some play the standard-setting role, while others make decisions on the basis of the standards set. And a society or polity as a whole might be organized to constitute just such a network.

C4S9

2.4 The Danger of Lobbying

- C4P39 Suppose then that a simple group of individuals deliberate, not with a view to making a decision on some matter, only with the intention of seeing how far they

can agree on a conclusion: say, on the recommendation for how another group, or how they in a different context, ought to decide some issue. That the group sets aside decision-making means that the members will not be enticed by the personal benefit that bargaining might promise. But will it get over all the problems that deliberative democrats might worry about? No, it will not.

C4P40 The members of a group may be blocked from bargaining with one another about what to do but for all that has been required so far, they ~~will~~ still be able to lobby one another to give importance to considerations that reflect their own particular interests. Thus, in deliberating with others about how it would be best for a hypothetical group of sunbathers to rescue a swimmer, a tall person might argue that in general height matters enough to give the tallest member of the group a position at the front. There is nothing to block the members of a deliberative discussion group, or factions within the group, from each putting forward self-serving considerations as premises in this way. Indeed, different factions might support one another's suggestions, creating a majority for each: the tall might do a trade with those (non-pathologically) afraid of water to create a majoritarian coalition.

C4P41 If this prospect is fanciful in the beach example, it will be quite realistic in others. Suppose a group of citizens is debating about how the polity or society should organize its provision of medical services, for example. There is nothing to block a subgroup of members from proposing premises to the effect that a special advantage should be given to those like them who live in this or that particular sector, or belong in one or another social or demographic category. And members may be able to secure acceptance for such premises, if they can gain the support of another subgroup to grant them that advantage, provided that they are willing to grant a distinct advantage in return.

C4P42 Deliberative democrats will not want the membership of a group to bargain their way to a joint decision, since they are committed to giving the membership equally shared control over group decisions, and bargaining would reflect imbalances of personal power. But deliberative democrats will not want the membership of a group, even a mere discussion group, to be able to lobby their way to a joint judgment either. Successful lobbying on one or another side would also jeopardize the ideal of members sharing equally in control, since those favored in the making of a judgment will be favored in any action that the judgment shapes.

C4S10 2.5 Beyond Lobbying

C4P43 The salient response of a group such as we are imagining to the lobbying problem will be to arrange things so that partisan considerations of the kind invoked in lobbying are banned from appearing in the group's debates. To this end, the group might require, formally or informally, that members cite in their discussion only

considerations that count as relevant on all sides to the issue discussed. The different parties in the group may be allowed to give different weights to the same considerations, and to differ on their truth-value. But still, they might be required to avoid introducing any considerations that are likely to seem downright irrelevant to some others in the group. If the group is divided on class or gender or religious lines, for example, then the requirement would compel members to invoke only reasons for jointly supporting a certain line that, if true, can be expected to carry some weight—perhaps a different weight on different sides—across those divides.

C4P44 The requirement envisaged is that in debating about any issue, seeking joint support for a certain resolution, the participants should operate under the rules of an acceptability game, as I have called it elsewhere (Pettit, 2012). In such an exercise the assumption among members is that no consideration can be taken to support a resolution unless it can be expected to prove acceptable to other members—though not necessarily to outsiders—as a reason relevant to that question. With the game in place, a norm will be established across the membership that everyone should seek to offer only considerations of such a kind that no one, and no sub-group, can dismiss them as simply irrelevant to the issue at hand. If such a rule is manifestly accepted in this way, then anyone who flouts it may expect to attract the derision of others, so that people's natural interest in enjoying esteem will reinforce the desired pattern (Brennan and Pettit, 2004).

C4P45 How to establish this sort of rule—this norm of relevance-for-all—among those involved in joint deliberation? One way might be by instruction, as when the jury in a court of law, or a commission of inquiry, or a citizens' assembly, is explicitly or implicitly enjoined to argue with one another on the basis of assumptions that no one can dismiss as irrelevant. But even when there is no instructing body, the context of a discussion will often make it salient that participants expect one another to comply with the norm and will hold one another to that expectation. The town meeting that assembles to consider different proposals for guarding against floods, even perhaps to decide between them, will hardly allow anyone to support one or another proposal on the ground that it offers the best guarantee for their own particular house or area. Such a ground will not be validated or valorized, as we might say, under the norm of relevance-for-all.

C4P46 Two sorts of considerations, respectively convergent and concordant, are likely to be valorized among a group that operates under the relevance norm. Take a group of residents in a condominium who debate different ways in which their lives can be organized together. Operating under the acceptability norm, and in offline mode, they will certainly countenance considerations that represent convergent interests that bear, for example, on the overall appearance of the building, the cleanliness maintained in common areas, and the efficiency with which it is run.

C4P47 But the residents will also admit other considerations that reflect interests of a concordant kind. Concordant interests are specific to each—they reflect an agent’s special concern for them or theirs—but they are such that others are likely to be happy to allow everyone to satisfy them in their own case. Examples of concordant considerations in the condominium might be that each resident should be able to paint their apartments according to their own tastes or purchase whatever furniture appeals. But they can also include Paretian considerations, as they might be called, to the effect that while a certain measure will benefit only some, it will do so without imposing any cost on others; an example might be that those on the floor leading to a common space will be spared a disturbing noise, and no one adversely affected, if the door to that space is padded so as not to bang when it is closed.

C4S11 2.6 The Lesson for Deliberative Democracy

C4P48 Let us turn now from the simple sort of group imagined in our examples so far to consider the lesson our observations teach for the organization of a deliberative democracy. The lesson is that if deliberation is going to play the role of setting standards for deliberation within the society, then there has to be a site or sites at which people in general—members of the demos—deliberate with one another offline about issues of public policy, and do so under the norm of relevance-for-all. How might that requirement be satisfied? It might be satisfied in principle by assembling people collectively and getting them to deliberate together about policy. But that is impossible in practice and, happily, there is an alternative way in which the requirement might be fulfilled. This would be for ordinary people to meet in smaller, suitably deliberative groups to discuss issues of public policy.⁴

C4P49 Jürgen Habermas (1995) proposes something very close to this when he argues for the merits of deliberation about public issues among ordinary people. Such public deliberation, as he thinks of it, would not involve decision-making, only discussion, so that it would be offline. And, by Habermas’s explicit stipulation it would impose a relevance norm on the parties to the deliberation. The idea is precisely to put such constraints on the participants in each group that they deliberate on terms that count as relevant-for-all (Elster, 1986).

C4P50 The public deliberation envisaged by Habermas, and by deliberative democrats in general, must bear on public issues of the kind that government addresses, but it may take place in a variety of contexts, ranging from the workplace to the sports

⁴ Another possibility would be to have deliberative groups, in each of which different social viewpoints were represented. We might think that Cleisthenes’ reforms of Athens in the early sixth century BCE were designed to have such an effect. He designed the ten tribes into which he divided the population so that each would have members from the coastal region, members from the rural, and members from the urban.

club, the voluntary association to the church group, the trade union to the management board. And of course, it can be explicitly planned for, as when some organization establishes a deliberative opinion poll (Fishkin, 1997), or the government calls up a citizens' assembly, to advise on one or more issues of public concern (Warren and Pearse, 2008).

C4P51 Such public deliberation will be inhibited from degenerating into bargaining by being offline and into lobbying by operating under a norm of relevance for all. Since the members of such a group do not have to reach a decision about what to do together, there will be no incentive to bargain; and since the members will be required to cite only reasons relevant on all sides, they will also be inhibited from lobbying.

C4P52 But might not the members at any particular site valorize quite different considerations from those valorized at others? 'Honor is a great check upon mankind', David Hume (1994, p. 24) observes, but not when someone belongs to a partisan group where 'he is sure to be approved of' for promoting its interests. How to guard against this? Habermas's presumption is that it won't be a problem in a society with a public sphere where the different deliberative groups are interconnected, whether by means of overlapping members, by virtue of media attention, or by the need to carry their arguments into the political arena. In that sort of society, we might say, the economy of esteem will push people into arguing for public policies or procedures only on the grounds that they can expect to pass muster with all.

C4P53 Public deliberation in such groups—or at least the deliberation that the groups make public—will force members to seek out considerations in support of their own position that may count as relevant to others; it will identify those considerations that succeed in meeting this relevance test; and it will thereby generate a currency of reasons that are manifestly accepted as relevant on all sides within the group and the society. Operating under the norm of relevance-for-all, as under a norm of norms, it is likely to give rise to more particular norms or standards that establish it as a matter of common awareness that this, that, or another sort of consideration can be invoked in debate about public issues without triggering derision on the part of others. It can support a political culture within the group that gives each a sense of the accepted or legal tender of debate as well as a sense of what they need to do if they are to expand that currency in conceptual improvisation or innovation.

C4S12 2.7 Is the Lesson Realistic?

C4P54 Can such deliberative standard-setting emerge in cultures like our own where the social media generate so much output that people find refuge in ghettos of the like-minded, and where the mass media organizations find it profitable to

create and cater for a sectarian audience of their own rather than seeking ecumenical appeal? This is not the place to debate that question properly, but it is worth recalling that even in our most divided democracies there are terms of debate, often established over a long history of discussion, division, and compromise, that continue to enjoy a relatively unchallenged status.

C4P55 In the United States, which is probably the most internally divided of the advanced democracies, its people—or at least the 99 percent who are willing to live on equal terms with others—support a battery of shared standards that continue to be invoked in public debate. Various ~~of those~~ standards are egalitarian assumptions spelled out in the country's Constitution, such as those that require equal protection of the laws and the right of every adult citizen to have and exercise the vote. And many equally important egalitarian standards have a less formal presence in political life, such as that whereby separate does not count as equal, or that which supports the equality of women and men in the public square, in the workplace, and in the home.

C4P56 But there are also important, not explicitly egalitarian standards, some recognized in the Constitution, others not. Examples in broadly the constitutional category are: that people should enjoy religious freedom, that religious schools should not be given state support, that speech should not be restricted just because it is false, that people have some privacy rights no government should breach, that the electorate should determine who is in government, and that the courts should operate independently from the legislature and administration. Examples in the other, non-constitutional category are: that victims of a natural catastrophe should receive public support, that government should monitor and preserve public health, that no child should be denied the chance of an education, that government statistics should be impartially collected, that public officials should declare and avoid conflicts of interest, and that, in time of war, conscientious objectors should not be equated with traitors or cowards.

C4P57 Allowing of different weights, these sorts of standards need not introduce any degree of consensus into the public life of a democracy. But they will play the role of forcing those on different sides to articulate their views in terms that are accepted as relevant on all sides or that prove to be acceptable on being tested with others. Indeed, they will have this effect even among groups whose commitment to democracy is highly suspect, for partisans of those groups will be required at least to pretend to accept them; let pretense become unnecessary and democracy will be on the way out. Here, as elsewhere, hypocrisy is the tribute that vice must pay to virtue.

C4P58 Considerations of the kind illustrated in the United States will include many that are accepted only for historical and institutional reasons, not because of their intrinsic merits. An example might be the assumption that the different states ought to be equally represented in the Senate, despite very different levels of population. This means that while they will constitute common reasons in the

sense explained, the considerations invoked will not all have the merits that John Rawls (1971; 1993; 1999) ascribes to public reasons in his theory of justice.

C4P59 But still, common reasons or standards of the kind envisaged may be of great importance as a society struggles toward justice. Any pressure groups that seek to change the society by democratic means will have to invoke familiar terms, or invent new terms, on which to support their proposals. But whether the terms are already established in the culture or are the product of improvisation or innovation, they must pass muster on all sides, representing convergent or concordant interests; otherwise, the proposals cannot gain a hearing or have an impact. That means that the only novel proposals common reasons will support are unlikely to be discriminatory and unjust. Novel or emerging interest groups cannot expect to make a mark within a democratic culture, unless they can make a case for themselves in the wider society.

C4S13

3. The Decision-Making Role of Deliberation

C4P60 If a society sets standards of public deliberation by means of the arrangement described in the last section, that will have no impact on the way in which public decisions are made unless there is a connection with government decision-making (Lafont, 2020). If deliberation is to have importance in the government's policy decisions, and in the procedures it adopts, those policies and procedures must be required to conform to the standards of justification that public deliberation establishes.

C4P61 This picture of how government decision-making ought to comply with standards of argument valorized in public deliberation fits well with Joshua Cohen's (1989) claim that in a deliberative democracy 'the justification of the terms and conditions of association proceeds through public arguments and reasoning among equal citizens.' The approach may differ somewhat from that of Habermas (1995), insofar as he suggests that public deliberation exercises control over more formal decision-making bodies, not just in setting the terms of argument, but also in setting the agenda for those agencies.⁵

C4P62 As public deliberation could not feasibly involve a collective assembly of citizens, so the same is true of the officials in government. In one way or another, decision-making has to proceed within many distinct but interconnected centers

⁵ I hope that my assumption may prove **more** amenable to Hélène Landemore (2020, p. 38), who questions Habermas's approach on the grounds that we cannot expect 'a series of haphazard, unregulated, and decentralized deliberations among groups of different sizes and compositions, which are not intentionally oriented toward this outcome, to be the proper way of setting up the agenda for the formal deliberative track.' I hope that it may also meet Cristina Lafont's (2020, p. 201) worry about Habermas's approach, which is that it excessively disconnects 'the process of opinion- and will-formation in which citizens participate from the outcomes of the legislative (and judicial) processes to which citizens are in fact subject.'

of legislation, administration, and adjudication. This means that to require government decision-making to conform to publicly established standards is to require different agencies and agents at different sites of decision-making to do so.

C4P63 The group operating at any such site may be disciplined into complying with publicly ratified, deliberative standards in different ways and at different levels. The discipline may allow a group to make its decisions in any old way, ~~even~~ by bargaining, so long as those standards support ~~that procedure~~ for the case at hand. And if the group has to conduct itself on the basis of suitable reasons—or to give such reasons in defense of its decisions—the reasons may directly reflect the public standards or be indirectly justifiable by those standards: this, in the way legal reasoning operates deliberatively by ~~considerations~~ ~~presumptively appropriate—say,~~ standard rule-of-law constraints—~~under those standards.~~

C4P64 Under any picture that gives deliberation a role in government, however, there must be many groups that make their decisions explicitly on the basis of deliberation: presumably, deliberation employing reasons that are publicly ratified in a direct or indirect fashion. And that raises a problem akin to the bargaining and lobbying problems discussed earlier. We may assume that every such group will operate exclusively, under whatever institutional pressures, with publicly ratified considerations. But the group will still face a problem in discharging its decision-making role. It will have to guard against the deliberations leading it into ~~salient~~ ~~irrationality.~~

C4S14 3.1 The Problem of Salient Irrationality

C4P65 Whatever demands or desiderata public deliberation imposes on the decision-making centers in a democracy, the most basic of all is that while those centers may change the views or policies they adopt from time to time, they should not be susceptible to problems of ~~salient~~ inconsistency in the positions they defend. Like any judging or deciding agencies they may fall into such problems when inconsistencies are hard to spot. But they should operate under such a procedure that when an inconsistency, or a failure to meet a requirement of consistency, is obvious—when, for example, it is pointed out—the agency involved should be willing and able to put it right. It should not be stuck with holding that p and not- p , for example, nor with holding that p and that q but failing to hold that $p \& q$. It should not be insensitive to cases of such manifest irrationality.

C4P66 The striking thing about a group that is jointly deliberative in the sense addressed so far is that it is liable to face precisely this sort of problem. Or at least it is liable to do so, if deliberation does not take all its members to a unanimous conclusion or decision, as in most cases it won't. The assumption in the deliberative literature is that when there is a failure of agreement, as there generally will be, then the members of the group, having benefited personally from deliberating

C4T1

Table 4.1 An abstract discursive dilemma

Aim: to decide	p?	q?	r?	p&q&r?
A decides	No	Yes	Yes	No
B decides	Yes	No	Yes	No
C decides	Yes	Yes	No	No
Majority decides	Yes	Yes	Yes	No

with one another (Goodin, 1999), may reasonably resort to majority voting or some procedure of a non-deliberative kind. And it turns out that that assumption is false (Pettit, 2001a; 2001b).

C4P67

Its falsity can be best underlined by the simplest of cases, where a three-person group, A, B, and C has to make a judgment or decision on issues that are logically interconnected, so that some combinations of positions are inconsistent. Suppose that the group has to judge or decide, perhaps at the same time, perhaps at different times, on whether p, whether q, whether r, and, to take the conjunction of those propositions or proposals, whether p&q&r. And suppose that they deliberate with one another about those issues and, while not fully agreeing on any, that they each endorse a consistent set of positions; none is irrational in their individual judgments.

C4P68

To take a particularly simple case, suppose that they all reject the conjunction but do so in each case because of rejecting a single but different conjunct: A rejects ‘p,’ B ‘q,’ C ‘r.’ The pattern in their voting is nicely represented in Table 4.1.

C4P69

What this reveals is that no matter how well each party in the group acts in addressing the p-q-r issues and in deliberating about what the judgments they form require in their judgment about the conjunction, the resort to a non-deliberative way of making a joint decision may lead them to hold an inconsistent set of positions. The majoritarian mode of decision-making will lead them in this case to hold that p, that q, and that r but to deny that p&q&r. Each will be required by their rejection of one of the conjuncts to reject the conjunction, so that the majority ~~rejects it, but~~ each of the conjuncts ~~is supported, not rejected, by a majority too.~~

C4S15

3.2 The Problem Is Realistic

C4P70

Is this a sort of problem that is liable to arise in real life? The problem raised is that there is a discursive challenge for any parties like the three in our example (Pettit, 2001a). They have to make a choice between two hard alternatives: going along with the procedure adopted and holding as a group by an inconsistent set of positions; or rejecting the procedure in an apparently ad hoc manner with one of the issues addressed: for example, choosing to reject the majority procedure in

the case of the conjunction and judging that p&q&r. They have a choice between being collectively rational but unresponsive to their individual votes and being individually responsive on every issue but collectively irrational.

C4P71 This discursive dilemma is a simple generalization of a problem—the doctrinal paradox—already familiar in the law (Kornhauser and Sager, 1993). The members of a collegial court may give majority support to a judgment that is inconsistent under legal doctrine with the majority views on relevant premises. Thus, a three-judge court may vote that the defendant in a tort case is not liable when, in conflict with legal doctrine, a majority thinks both that the defendant had a duty of care for the victim and that they did the victim harm. Let the defendant be a landlord and the victim a tenant who claims to have been traumatized by the explosion of a boiler in the building. Three judges, A, B, and C, may vote in this case on the pattern in Table 4.2.

C4P72 The result in the judicial case is not deeply problematic, since judges need not reveal their votes on the basic issues raised by the premises and in any case the important thing is that the courts should be consistent over time, as the law of precedent requires, not necessarily that the majoritarian judgment of a particular court on the target issue—in this case, that of liability—should be consistent with the majority views on the premises.⁶ But the same sort of problem may arise in politics too and in a manner that raises a serious question about how to break the sort of deadlock illustrated.

C4P73 To take a case that is structurally similar to the judicial one just given, suppose that the three members of a decisive cabinet committee are required to decide on three issues—whether to hold taxes, whether to increase defense spending, and whether to increase other spending—where the government is committed not to borrow or print money. If one member of the committee is a conservative hawk, another a liberal dove, and the third a chicken who wants to avoid contention, they are liable to cast votes on such a pattern, illustrated in Table 4.3, that a majority support holding taxes while also supporting an increase in defense spending and in other spending.

C4T2 **Table 4.2** A judicial discursive dilemma

	Was harm done?	A duty of care?	Liability?
A judges	Yes	No	No
B judges	No	Yes	No
C judges	Yes	Yes	Yes
The court judges	Yes (but not openly)	Yes (but not openly)	No

⁶ For an intriguing argument that these two constraints are interconnected, so that the law of precedent may enable courts to get over both problems, see Gagelar and Lim (2014).

C4T3 **Table 4.3** A political discursive dilemma

	Hold taxes?	Raise defense spending?	Raise other spending?
Hawk	Yes	Yes	No (reduce)
Dove	Yes	No (reduce)	Yes
Chicken	No (raise)	Yes	Yes
Majority	Yes	Yes	Yes

C4P74 These examples should be sufficient to demonstrate that the discursive dilemma illustrated in our p-q-r example is not wholly artificial and that any deliberative decision-making body of the kind we may expect to find in the formal sphere of government is liable to be faced with a similar sort of issue. But that is so, for all we have argued, only insofar as the body in question breaks deliberative deadlocks by recourse to majority voting. Is there any other way in which such a committee might break a deadlock without exposing itself to the inconsistency problem? Not really, as it turns out.

C4S16 **3.3 The Problem Is General**

C4P75 Majority voting has two prominent, unsurprising characteristics. It is a bottom-up procedure for determining a joint position on any issue by reliance on the independent inputs of individuals to the process. And it is a case-by-case procedure in which each issue is decided by reference to the inputs of individuals on that very issue, not by their inputs on any other. It turns out that by a range of recent results on the aggregation of judgments, no way of breaking deadlocks that maintains those two features—and satisfies some other relatively uncontentious conditions—is likely to avoid problems of inconsistency or related forms of irrationality.⁷ This result should be very disquieting, given the general assumption among deliberative democrats that where deliberation fails to generate unanimity, the problem can be readily resolved by recourse to something like majority voting.⁸

C4P76 Still, it is one thing to show that the problem is liable to arise with any deliberative group that relies on voting or something like voting to resolve deadlocks. It is

⁷ List and Pettit (2002) prove a theorem showing that the problem arises across a range of such cases, not just with majority voting, and this has been followed by a raft of similar results. For an overview, see List and Polak (2010). The problem in the aggregation of on-off judgments or decisions, illustrated by the discursive dilemma, is distinct from the different problem in the aggregation of preference orderings—the problem classically formulated by Kenneth Arrow (1963)—and illustrated by Condorcet’s paradox. On the relationships between the two problems, see Dietrich and List (2007).

⁸ The assumption has a long ancestry, of course, insofar as majority voting is treated as unproblematic in thinkers as varied as Bodin, Hobbes, Locke, and Rousseau.

quite another to show that the problem is likely to arise: that it is not just a possible development with little or no probability of materializing. So, how likely is it that the problem will arise in the cases of concern to deliberative democracy? The answer is that it is likely enough to be bothersome.

C4P77 The problem, as it is illustrated by our examples of the court and the cabinet committee, arises at the same time rather than over time, since those bodies are taken to address the different issues involved in a single sitting. But it may equally arise over time as a continuing body addresses issues at different times that are logically connected in the manner illustrated. Thus, the cabinet committee might decide early on to hold taxes and only decide later to increase defense spending, and later still to increase other spending. And, of course, the longer a body continues to act over time, in a purportedly consistent manner, the more likely it is to confront the problem. As more and more issues are resolved, it will become progressively more likely that the group will find itself voting up an inconsistent set of positions (List, 2006).

C4P78 But there are combinations of individual views that are relatively unlikely to give rise to the problem, and some have argued that deliberation may encourage the appearance of just such combinations (Landemore, 2020, pp. 139–40). Should this make us content? Surely not. Even if deliberation generates such combinations with a group that is making its connected decisions at a single time, it is less likely to generate them in a group that deliberates on different issues, and perhaps even with different members, at different times. And even if the claim held true more generally, it's not clear how consoling it should be. Hume (1987, Essay 6) looked for a way of institutionalizing politics that would survive even if 'every man must be supposed a knave.' In a similar spirit of caution, we should look for a way of institutionalizing deliberative democracy that would remain effective even should things not transpire as well as we might have hoped.

C4S17 3.4 Beyond Salient Irrationality

C4P79 The general impossibility that the discursive dilemma illustrates is not particularly daunting insofar as it is built on the bottom-up and case-by-case assumptions. We can see how a group of individuals might solve it by adapting any procedure they work with, including the majoritarian, so that those assumptions are breached.

C4P80 One straightforward way of adapting the majoritarian procedure to this effect is illustrated by the introduction of a straw-vote variant of the procedure (List and Pettit, 2011, chapter 1). Take the original, schematic version of the dilemma that we gave with individuals A, B, and C deciding whether p, whether q, whether r, and whether p&q&r. A straw-vote procedure would require them to follow this recipe.

- C4P81 1. With every issue that comes up for judgment, take a majority vote on that issue and, as issues get progressively settled, keep a record of the accumulating body of judgments.
- C4P82 2. If majority voting on some issue generates inconsistency with some past judgments, treat each of those judgements as a candidate for revision; otherwise carry on.
- C4P83 3. Identify any inconsistent judgments—in our case, the judgments that p, that q, that r, and that not-p&q&r—and address the question of how to resolve the inconsistency.
- C4P84 4. Take a vote on where it would be best to revise the judgments from the group viewpoint: whether to revise the judgment that p, that q, that r, or that not-p&q&r.
- C4P85 5. Pick the proposition identified in this way, and hold another vote on how the group should judge that proposition.
- C4P86 6. If the group reverses its previous judgment, take the new verdict on that proposition as the one endorsed by the group, so that its judgments overall are now consistent.
- C4P87 7. If there is no agreement on which judgment to revise, or if the group do not revise the vote on the judgment identified, go back to stage 4 and try again.

C4P88 This reworking of majority voting is only one of a number of possible responses and it might be accompanied by parallel revisions of other voting procedures. Thus, to stick with revisions of majority procedure, the group might establish a second committee to determine at stage 3 how exactly the inconsistency should be resolved; in this case, the decision-making would be organized around a separation of powers between those bodies, akin to the separation between a legislature and a court. Or it might simplify the procedure at stage 3 by letting the judgments already made determine the issue on hand, albeit that version would make the decision of the group path-dependent; the group would make a different decision on connected issues depending on the order in which it happens to consider them.

C4P89 In any such adaptation, the group would no longer make its decision in a bottom-up way, since even the identification of a problem in the first two stages of the procedure requires members to be informed about how the candidate judgments generated by the bottom-up voting process look from the top-down standpoint of someone looking at the aggregate pattern of the votes. And if the straw-vote procedure is successful—or indeed any parallel to that procedure—then it will lead the group to hold a set of positions that does not satisfy the case-by-case assumption. They will make their positions consistent by reversing the group's endorsement of one of the four propositions. And any such change will entail that the group's position on the proposition revised does not suitably reflect the views of members on that precise issue.

C4S18 3.5 The Deliberative Character of the Solution

C4P90 The resort to such top-down reflection, which is a feature of any likely solution to the problem, is not an ad hoc response that might seem to taint the role given to deliberation within the group. For it is made possible by a deliberative innovation, albeit one of a kind that is given too little attention. The innovation involves the transformation of a team of deliberators into a deliberative team. And the lesson is that any deliberative decision-making body, such as one that might operate in the formal sphere of government, has to constitute itself as a deliberative team or agent if it is to be proof against the sort of problem illustrated by the discursive dilemma.

C4P91 Some background on the notion of a group or team agent may be useful at this point. A body of people will constitute an agency insofar as they share a goal or set of goals and are organized to pursue it reliably in any of a range of situations. And in order to meet that specification, the members must be organized in a way that enables them, first, to recognize as a group what is required to satisfy such a goal in any such situation; and second, to take the appropriate action as a group to realize that goal according to that perception. Or at least it has to be organized so that it is reliable on those two fronts, cognitive and enactive, under intuitively normal conditions (List and Pettit, 2011).

C4P92 There are many ways in which a group might organize so as to make itself agential in that way. It might authorize a single spokesperson to say how best to pursue a group goal in any scenario and to instruct other members on how to act for that end. Or it might adopt a procedure or set of procedures capable of generating a voice that speaks to the same effect on each of those issues; those procedures might establish different authorities on different fronts and require them to interact appropriately in ruling on the cognitive and enactive questions that agency raises.⁹

C4P93 A deliberative team or agency would have to be organized to pursue the goal, not just of making this or that decision—and prompting appropriate action—but of deliberating its way to the decision. And that means that it must organize in either of broadly two ways. It must establish an authorized spokesperson to make a judgment on what deliberation requires in any instance and to give an instruction on what members are to do in furthering that deliberation. Or it must establish a procedure whereby an appropriate judgment and instruction are generated and accepted within the group.

C4P94 The group that adopts the straw-vote variation on majority voting might organize itself in this way around an individual member, or indeed an outsider, relying on them to make a judgment on when an inconsistency threatens and to

⁹ This account derives ultimately from the view of group agency that Hobbes (1994, chapter 16) sketches and then builds upon in his account of the commonwealth (Pettit, 2008).

give an instruction on how it should be resolved. Or, as in the picture projected by our recipe, it might follow a procedure that is more inclusive: say, one that requires them, first, perhaps at the prompting of one of the members, to recognize any emerging inconsistency; and, second to vote on which conflicting vote to revise and on whether to revise it—or, if they fail on that front, to explore other measures to achieve the same result.

C4P95 The lesson, then, is that if any group of individuals is to make its decisions deliberatively, then it must incorporate as a deliberative team or agent. The members have to agree to rally around a single voice, generated by an authorized person or procedure, in determining the judgments and decisions they are required to make on any issue and the implications of those commitments for further issues that they confront. They have to deliberate as individuals—how else could deliberation occur?—but that deliberation must be centered on the common body that they constitute, establishing what it should be led to think and do on any issue where they individually divide; they should deliberate, as we might put it, in the name of the group rather than in their own name.

C4S19 3.6 The Lesson for Deliberative Democracy

C4P96 The lesson of this discussion for deliberative democracy is clear. As the simple group we were considering can overcome the salient irrationality that threatens it, so those centers of government that are required to deliberate on the basis of publicly ratified considerations must be enabled to overcome them too. And the answer, happily from the point of view of deliberative democrats, is not for such a group to give up on deliberation but rather to deliberate in a different key: to establish a procedure under which it gains an agential voice and status and then to deliberate in the name of the group.

C4P97 This marks a big break between deliberation in the public, informal sphere, which is freed from the necessity to make decisions, and deliberation in the public, formal sphere, which is required to achieve consistency—or at least to be sensitive to salient inconsistency—over the connected matters on which it has to make decisions. While people involved in public discussion of this or that issue may make individual commitments that would generate problems under a majoritarian or other form of decision-making, that need not create the sort of problem for them that arises for deliberators in any center that has to decide on what to say or to do on various matters. The standard-setting purpose served by their public deliberation, unlike the decision-making purpose of government bodies, does not require the aggregation of their individual judgments.

C4P98 This picture of decision-making in government needs to be expanded in any model of a deliberative democracy. A first point to make bears on how government agencies have to perform internally. An agency need not deliberate at all, so long

as it is required to follow a procedure supported by publicly valorized reasons: say, a process of bargaining between firms and unions about a wage rise to propose in industrial arbitration. And if the agency does deliberate, as some must surely do, then it may invoke valorized considerations, not directly, but only indirectly, as in the court that sticks to the legal reasoning that those considerations support.

C4P99 A second point bears on how agencies can be forced to deliberate, and to deliberate in publicly valorized terms. There are a number of institutional devices that might be used separately or jointly to this effect. One would be to impose the norm of relevance-for-all, and perhaps related norms, as when the judge does this with a jury, hoping to activate the economy of esteem to get members to conform. Another would be to require the agency to support any decisions it makes by publicizing the reasons that moved it to a decision. And yet another would be to open the body to review or contestation for how far its decisions are supported by appropriate reasons, whether this is done routinely or in response to complaint.

C4P100 The third comment we need to add to our picture is that the final decisions on any issue that are made by the state need to be justifiable in suitable deliberative terms. That means that the bodies that play a part in generating the decisions must interact under constraints that ensure that the state itself is not guilty of any salient irrationality. They must be coordinated in such a way that the voice they authorize—the voice that is meant to guide officials and citizens—does not license incompatible decisions; it must be the voice of an integrated corporate entity. Just to illustrate this coordination, the standard democratic constraints on the relation between legislative houses, executive authorities, and the courts are ideally designed to ensure that the laws enacted and imposed by the state constitute a consistent whole (Pettit, 2023).

C4P101 The upshot is that deliberative democracy can only operate to the effect traditionally envisaged by defenders, if it is organized, broadly on the lines envisaged by Habermas (1995), so that deliberation serves two different roles as it operates in different domains. In the public informal domain, people must be recruited to individual deliberation in an offline mode, under a norm of relevance-for-all, so that no matter how far they disagree, they generate a currency of considerations or standards that are fit to justify public policies and procedures. And in the formal domain of government, officials must be forced at various decision-making sites to deliberate in the name of the group on terms that are directly or indirectly ratified by public deliberation. The public sphere must be populated by teams of suitable deliberators, the formal sphere by suitably deliberative teams.

C4S20

4. Conclusion

C4P102 My interest in the roles that deliberation can play in democracy—my interest in the project of making democracy deliberative—is grounded in a set of

commitments of broadly a civic republican kind. I think that the coercive, territorial state is historically inescapable and that there is as little point in questioning its legitimacy as there is in questioning the legitimacy of having to live in the society of others (Pettit, 2023). Yet I hold that the power of political decision-makers over political decision-takers is objectionable to the extent that it is discretionary or arbitrary. On that ground, indeed, I think that it may jeopardize people's freedom in the sense in which this is compromised by dependence on the will of others ~~for whether it is possible to make~~ certain choices, even when that will is not exercised in a hostile manner.

C4P103 The main challenge in democratic theory, by this account, is how to give political decision-takers—ordinary people—such access to a system of control over political decision-makers that they are not dominated by them; on that front, they are not intuitively unfree. Some reject the feasibility of such control and lower the standards of democratic success so that they only require a form of government under which individuals are not subordinate to others and in that sense enjoy a certain political equality (Kolodny, 2014a; 2014b; Viehoff, 2014). My preference is to introduce a heuristic for determining whether there is government domination and to see how far a democratic set of institutions might enable a polity to satisfy it.

C4P104 My preferred heuristic is a tough-luck test that requires the following: that those in the polity who are discontent, on whatever grounds, with the laws or policies of government—any government initiative will introduce discontent in some quarters—have good reason not to be resentful. They have good ground to believe, in other words, that the offending initiative ~~does~~ not testify to an alien power or will at work in their society—say, the power of a social or economic or ethnic elite—but that it ~~is~~ just tough luck that it was the one adopted: it ~~was~~ adopted under pressures and procedures that allowed their particular interests or opinions to weigh appropriately in the processes of government decision-making (Pettit, 2014).¹⁰

C4P105 How the tough-luck test might be best satisfied by political institutions raises a range of empirical, institutional questions but the ideal of a deliberative democracy offers the sketch of a way to approach them. Suppose that decision-takers generate considerations valorized as terms of public debate, as in the first role of deliberation. And suppose that as a result of the pressures they bring to bear on decision-makers, the government decisions formed in the legislature, the administration, and the courts, are made on the basis of those shared deliberative standards, as in the second deliberative role, or at least under procedures that are supported by such standards. In that case, it is surely not inconceivable that the

¹⁰ This test parallels the eyeball test by which to determine whether people are sufficiently secured against private power to enjoy freedom as non-domination on that front; this would require that they be able to deal with others—colloquially, to look them in the eye—without reason for fear or deference that derives from their power of interference.

emerging system—the emerging, democratically deliberative system—might serve the democratic purpose envisaged in republican theory. Decision-makers might impose laws and policies coercively but they would only be allowed by decision-takers to impose laws or policies on their terms (Pettit, 2012).

C4S21

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C4S22

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