The Third Generation of Deliberative Democracy — **Source link** ⌁

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The Third Generation of Deliberative Democracy[1]

Walter F. Baber and Robert V. Bartlett (2005) *Deliberative Environmental Politics: Democracy and Ecological Rationality*. London: MIT.

Ian O'Flynn (2006) *Deliberative Democracy and Divided Societies*. Edinburgh: Edinburgh University Press.

John Parkinson (2006) *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy*. Oxford: Oxford University Press.

Abstract

The article argues that deliberative democracy has now entered a third generation, which the three recent books considered here contribute to. The first generation included the normative assertions of Habermas and Rawls. The second generation involved the fusing of these two first generationalists, and reconciling them with features of social complexity. The second generation has rendered deliberative democracy more practically achievable, and the three books here seize this opportunity to provide considerable institutional innovation about how to achieve the reformed deliberative theory in practice. In doing this the third generation of deliberative democracy is emerging. In the main, a more practically relevant version of deliberative democracy is welcomed, but we must also guard against jettisoning its normative ideals in the process.

Introduction

The recent history of the theory of deliberative democracy has been auspicious, to the extent that it now dominates theoretical discussions of democracy, and is starting to receive broad coverage in practical discussions of democracy. Not only does this suggest that deliberative democracy has 'come of age' (Bohman, 1998), and taken an 'empirical turn' (Dyzek, 2008), but that a third generation of deliberative democracy is emerging, of which the books considered here are a part. First generation deliberative democrats, like Habermas and Rawls, debated the normative

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justifications of deliberative democracy, interpretations, and necessary components of the theory, but failed to take account of the sheer complexity of contemporary societies. First generation deliberative democrats thought reason exchange to be the only applicable form of communication, which would result in uniform preference change, ending in consensus.

Second generation deliberative democrats, particularly Bohman (1996) and Gutmann and Thompson (1996), in considering the instutionalisation of deliberative democracy, took complexity seriously, and reformed the theory of deliberative democracy in the process. They have fused the first generation deliberative democracy of Habermas and Rawls with practical requirements. Our understandings of deliberative democracy have been transformed in the process. For the second generation deliberative democrats the predominant view is that preferences will adapt to public reason and new information, but not in a uniform manner. Consequently consensus will not be reached and forms of communication other than reason exchange can, will, and should be included. However, they still offered little substantive detail in terms of the type of institutions required to ensure deliberative democracy could be actualised in complex societies. This has paved the way for a third generation to emerge who have sought to establish the nature of the institutions required to achieve this reconciliation in practice. Recent work by Baber and Bartlett (2005), O'Flynn (2006), and Parkinson (2006), all considered here, contribute to emergence of this third generation of deliberative democracy, and provide many interesting ideas on the directions that deliberative democracy needs to move in if it is to become a theoretically robust, sustainable, and dominant model of democracy in practice. The movement from first to second generation deliberative democracy, together with how the three books covered here accept these revised second generation premises, is set out in section one of the article.

Section two considers the varying approaches to institutionalisation covered in the texts. These books are very different, as they attempt to offer practically applicable solutions to achieve deliberatively democratic public policy-making in very different contexts. Bader and Bartlett's (2005) concern is environmental policy, with most of the evidence drawn from the USA, which leads to a call for transnational deliberative democracy. O'Flynn (2006) considers public policy in general in deeply divided

societies and the need for an inclusive national identity. Parkinson (2006) considers public policy in established liberal democracies, although his empirical evidence is drawn from health policy in the UK, and makes suggestions for a democratic agenda-setting process. Despite these differences all three works accept the increasing focus on institutionalisation. Moreover, the empirical evidence, apparent in these three works, points clearly to the growing trend of deliberative theorists to accept aspects of second generation deliberative democracy and its accommodation of social complexity. This leads to other similarities and central to the third generation of deliberative democracy, and reflected in the books here, is a distinction between micro and macro approaches to institutionalisation. Barber and Bartlett (2005) argue that it is essential for a range of institutional types to adapt deliberative democracy to the features of social complexity. Parkinson (2006) agrees, but underlines the need for decision-making, opinion forming and agenda setting deliberative institutions to be integrated. Finally, O'Flynn (2006), in applying deliberative democracy to the intensely socially complex entities of ethnically divided societies, argues that consociational democracy should be supplemented with deliberative processes in civil society. The symbiotic relationship between empirical research and normative theory present in the third generation is welcomed, but we must also guard against jettisoning the normative ideals of deliberative democracy in the process.

From First to Second Generation Deliberative Democracy: Fusing Habermas and Rawls

Baber and Bartlett (2005) identify three broad versions of deliberative democracy: Rawlsian, Habermasian and 'full liberalism.' The main proponents of full liberalism are the Habermasian Bohman (1996), and the Rawlsians Gutmann and Thompson (1996) (although Bohman's work receives by far the most coverage by Baber and Bartlett). In essence it is a fusion of Habermas's and Rawls's work, with the features of social complexity, most notably pluralism, scale, inequality, the need for expertise and globalisation. Unfortunately, Baber and Bartlett fail to tell us why they have chosen the term 'full liberalism'. The generational approach, adopted here, incorporates much of Baber and Bartlett's analysis, but with less ideological baggage and greater analytical clarity that also allows for further related developments within the field, such as third generation deliberative democracy, to which the books

considered here, including Baber and Bartlett's, are a part. A generational approach achieves this while not overstating the similarities.

The first generation of deliberative democracy derived from differing interpretations of Kant's 'transcendental formula' (1957). Rawls (1993) perceives it as a hypothetical publicity test, suggesting that if a law or policy is to be right, it must have the capacity to endure publicity. Alternatively Habermas (1996) claims that laws and policies must actually be made and tested through rational public debate, as we have no other way of knowing if policies have the capacity of being public. This vital distinction on public reason leads to two contrasting versions of deliberative democracy.

Rawls (1993) takes a procedural approach to public reason, but rather than forcing private interests to be justified in a public setting, he employs the original position where citizens deliberate to reach consensus through a veil of ignorance about their particular circumstances. Consequently, private interests are in effect eradicated from the process altogether, as is bargaining, enabling people to act rationally AND reasonably. Public deliberation is therefore successful if it is just, which for Rawls is a more stringent requirement than legitimacy. Justice is achieved when people unanimously and voluntarily consent, in fair circumstances, to bind themselves to the application of certain principles of a political order, which are then bound in a constitution (Baber and Bartlett, 2005, chapter 3).

For Habermas (1996) public deliberation is successful providing the procedures that regulate it are objectively legitimate, and result in consensus. This is because he intends public discourse to reconcile normative disputes. Procedures are objectively legitimate if all relevant actors are included in a substantively equal and unlimited discourse. It is suggested that such processes will enable existing power relationships to be transformed, and for common interests to be promoted (Baber and Bartlett, 2005, p. 83). Despite these differences, both Habermas and Rawls can be classified as first generation deliberative democrats, chronologically, and because they focus on the normative elements of democratic deliberation and the ideal conditions related to them, rather than the far from perfect reality of complex modern societies.

It is essentially the features of complexity, mainly diversity, scale and socio-economic inequality, the need for specialists, and globalization that motivated Bohman (1996) and Gutmann and Thompson (1996) to attempt to diverge from, and fuse, the theories of Habermas and Rawls (Baber and Bartlett, 2005, p. 34, p. 101). In doing this a second generation of deliberative democracy was born. For Bohman, in particular, a realistic conception of deliberative democracy must acknowledge cultural pluralism and its challenge to common goods and unitary public reason; social inequalities would mean the exclusion of permanent minorities from public deliberation; that large-scale public organisations are inevitable; and finally due to community bias there is a restriction on the problems that will be acknowledged and solutions that are considered feasible (Baber and Bartlett, 2005, p. 107).

In the second generational view reasons are public and successful if citizens are willing to accept the resulting majority decisions, or that these decisions are at least sufficiently acceptable that citizens continue to participate in deliberation. Bohman calls this 'plural agreement' (1996, p. 34, p. 89), while Gutmann & Thompson, term it 'deliberative disagreement' (1996, pp. 73-9). The second generational approach also assumes that people are motivated by their own interests (Gutmann & Thompson, 1996, p. 176-7), and that these interests can be temporarily reconciled through public deliberation, but never resolved (Bohman, 1996, pp. 72-3). These premises point to a further move away from first to second generation deliberative democracy in terms of the roles of preference change, consensus and reason in deliberative democracy, that deserve detailed discussion. It is also important to highlight how the three more recent volumes on deliberative democracy by Baber and Bartlett (2005), O'Flynn (2006), and Parkinson (2006) accept many of these second generation premises.

Unitary Public Reason & Preference Change

Deliberative democrats conceive preferences as endogenous; formed during the political process, rather than prior to it. Through consideration of differing reasons, existing preferences can be transformed and new preferences formed (Elstub, 2008, p. 82). Rawls (1993, pp. 217-20) and Habermas (1995, p. 117) both argue that these reasons should be universal and impartial, and if they were, would eventually lead to

preference convergence. However, due to social diversity second generation deliberative democrats are more sceptical about the extent and conformity of preference adaptation, and envisage public reason as being plural (Bohman, 1996, pp. 80-3). Psychological research has indicated that reflective preference transformation will be limited because people are unresponsive to reasons that do not support their preconceptions of an issue (Femia, 1996, pp. 378-81). Therefore 'the force of an argument is always relative' (Manin, 1987, p. 353) and if rational arguments are to persuade an agent of a new belief, it must start by appealing to their present beliefs (Christiano, 1997, p. 260). Consequently, participants in debate will offer different reasons to persuade different citizens of the need for the same outcome and, therefore, will not be public in the way envisioned by Habermas and Rawls (Gaus, 1997; Elstub, 2008, p. 73).

The authors of the books discussed here agree, in line with second generation deliberative democracy, that preference change is inevitably limited. Parkinson's book focuses on the motivational problems related to deliberative democracy in practice; one of these being pre-deliberative commitments, which can restrict the extent of preference change. The suggestion is that people participate in decision-making in the first place because they are partial and self-interested. In addition people will often publicly defend their initial position, even when they come to realise it is wrong out of solidarity or in order to save face (Parkinson, 2006, pp. 37-8). Moreover, these pre-deliberative commitments are not equally distributed which offsets the deliberative process, meaning some preferences do not get considered fairly and fully (Parkinson, 2006, p. 134). Baber and Bartlett also note the intractability of preferences related to distinct interests and identities. In contrast though, they are more optimistic about the potential for such preferences to be transformed in a deliberative process, although they accept that those with strong religious convictions might be less likely to adapt preferences as they are not seeking compromise, but believe their preferences to be the truth (Baber and Bartlett, 2005, p. 222).

O'Flynn appreciates that these problems of preference change are intensified in divided societies especially in relation to preferences that are connected to the underlying values of an ethnic group (O'Flynn, 2006). In divided societies, although people and groups can and do change fundamental values, attempts to persuade

people to do so 'are likely to be interpreted as surreptitious attempts at cultural assimilation, and hence may increase tensions rather than reduce them' (O'Flynn, 2006, p. 90). Therefore, as with the second generation deliberative democrats, O'Flynn also believes that the need for deliberators to offer reasons that are acceptable to all is a very demanding requirement, as in reality, people may offer reasons that are aimed at a majority, or the largest minority (O'Flynn, 2006, p. 5). These aspects are of even greater intensity in divided societies 'where the polarisation of political life is often extreme and the willingness of people to engage with members of competing ethnic groups is often in short supply' (O'Flynn, 2006, pp. 5-7). Consequently, the reasonable and shared political values that Rawls and Habermas believe citizens to appeal to are less likely to exist in divided societies, and if such values do exist they will be the subject of intense 'interpretative dispute' and public reason would become redundant (O'Flynn, 2006, p. 95). The solution, for O'Flynn, is for discussion to operate at a high level of abstraction (O'Flynn, 2006, p. 97).

Consensus on the Common Good

From the expectation that preferences in a deliberative democracy will change in light of universal public reasons, Habermas (1996, pp. 17-19) and Rawls (1993, p.169) assert that this can lead to a consensus on the common good. For Habermas consensus is constitutive of democratic deliberation, as without it we would be less inclined to engage in the exchange of reasons, and more inclined to act instrumentally (Baber and Bartlett, 2005, p. 89). An overlapping consensus on reasonable religious, philosophical, and moral doctrines that will regulate society is important to Rawls if justice is to be secured (Baber and Bartlett, 2005, p. 36). For both, first generation deliberative democrats, publicity ensures that reasons are offered that do not represent partial and specific interests, but rather the common good, and therefore consensus will eventually be reached.

Due to diversity, the limitations of preference change, and the plurality of public reasons offered in a deliberative democracy, second generation deliberative democrats are sceptical that consensus will be achieved (Bohman, 1996, pp. 85-9). Moreover, as a key democratic requirement of the ideal of deliberative democracy is that all should

be included in deliberation; this will mean more opinions, potentially making agreement harder to achieve (Gutmann and Thompson, 1996, p. 42). Debate can also increase disagreement as well as reduce it (Gutmann and Thompson, 1996, p. 44; Elstub 2006a, p. 308). However, according to second generation deliberative democrats consensus is not required for legitimacy, but simply the greater dissemination of relevant knowledge and information. Legitimate decisions can be made by a majority of participants who themselves agree for a plurality of reasons. As there is no requirement for all to share the same reasons for agreement, for the second generationalists, agreement can be reached through compromise under deliberative conditions (Bohman, 1996, pp. 89-104; Gutmann and Thompson, 1996, p. 43).

Parkinson (2006) does not explicitly address the issue of consensus; however, as will be discussed later, his institutional suggestions do seem to rely on a degree of it. Therefore it is possible that Parkinson is not quite of the second generation, at least in this respect. Nevertheless, Baber and Bartlett are, concluding that majority rule is justified, because consensus is impractical given the moral complexity of contemporary societies, there is often a need for expedient decisions, and the act of delaying a decision in the hope of reaching consensus, is a decision in itself, and one that will be in line more with the interests of some participants, usually those benefiting from the status quo: 'To delay deciding is to delay acting; to fail to decide is a decision not to act. All are options that are always value-laden and inherently biased' (Baber and Bartlett, 2005, p. 176). However, they maintain that certain decisions should require a consensus, as a decision to log a forest cannot be reversed (Baber and Bartlett, 2005, p. 177). Where consensus cannot be achieved 'compromise is the second best alternative, acceptable only when discourse has shown that there is no common interest to be found' (Baber and Bartlett, 2005, p. 89).

O'Flynn also sympathises with second generation deliberative democrats in respect to consensus. He highlights how focusing on 'common' interests can exclude the more specific, but still relevant interests, of excluded and marginalised groups (O'Flynn, 2006, pp. 126-9). The source of the reasons, rather than the reasons themselves, will therefore be decisive (O'Flynn, 2006, p. 129), due to the absence of an agreed standard to judge the reasons. O'Flynn considers Bellamy's (1999) account of

compromise in some depth. For Bellamy compromise can achieve 'shareable solutions to common problems' through all giving concessions to others, meaning that, inevitably not all agree with all aspects of the compromised decision: 'though they consider the agreement as the most acceptable to all concerned, each retains his or her own view of what is best' (Bellamy, cited in O'Flynn, 2006, p. 91). Ultimately the need for compromise, combined with reciprocity, leads to an increase in multidimensional decisions, with all having differing reasons for accepting the package of solutions (O'Flynn, 2006, p. 92). In this sense, O'Flynn is arguably the most 'second generational' of the authors considered here, presumably because of his concern with deeply divided societies, where the ideal of rational consensus seems to have little traction.

Applicable forms of Communication

Both Habermas (1996, p. 541) and Rawls (1993) have conceived deliberative democracy as being based purely on the exchange of reasons, with other forms of communication, most notably rhetoric, being 'the negation of reasoning' that 'can serve only to distort the deliberative process', that leads to arbitrary decisions based upon partial worldviews (Baber and Bartlett, 2005, pp. 143-4).

In contrast the now familiar arguments from 'difference democrats' such as Young (1996), Sanders (1997) and Williams (2000) accept that the model of deliberative democracy is formally inclusive in the sense that it seeks the participation of all, but claim that it is not substantially inclusive because the complete dependence on rational forms of communication privilege dominant social groups. They argue that deliberative democracy will enable certain groups to participate more and, therefore, dominate decision-making, that rational argument cannot challenge existing inequalities, and finally that it is culturally specific and disadvantages subordinate groups (Elstub, 2006b, pp. 31-2). It is such considerations that lead Young to advocate 'communicative democracy' (1996), which she suggests will differ from deliberative democracy by favouring greeting, rhetoric and storytelling over rational argument, rendering communication more compatible with a diverse range of social groups. Second generation deliberative democracy, with its attempt to accommodate

pluralism, has room for these other forms of communication (Bohman, 1996, pp. 116-23; Gutmann and Thompson, 1996, pp. 132-7), as do the authors considered here.

The potential social and cultural bias of deliberative democracy is one of the aspects that Parkinson identifies as exacerbating, and even causing, motivation problems amongst potential actors in deliberatively democratic decision-making, encouraging some social groups to exclude themselves from biased deliberative processes (Parkinson, 2006, p. 36). Therefore, Parkinson, accepts that greeting, rhetoric and storytelling could, and should, play a part in deliberation, and his case studies provide useful empirical evidence to indicate that these styles of communication are included in 'real world' approximations of deliberative democracy, suggesting that collective deliberation is compatible with 'a range of communicative styles' (Parkinson, 2006, pp. 139-42). O'Flynn also accepts that these forms of communication must be included in the deliberative process. He argues that stories act as 'causes, reflectors and exacerbaters' and highlight the psychocultural dramas at the centre of the ethnic conflicts (O'Flynn, 2006, p. 135). Baber and Bartlett suggest that not only are reason and rhetoric compatible, as emotions are subject to rational persuasion, but are inevitable as they cannot be 'disentangled by complex human beings who are always simultaneously rational and emotional' (Baber and Bartlett, 2005, p. 144).

Nevertheless, second generation deliberative democracy, deriving as it does from first generation deliberative democracy, does not abandon reason altogether and it is still seen as the most vital form of communication. O'Flynn maintains that storytelling and rhetoric must move from particular experience to a general principle, as only reasons can be shared in a manner, over time, that can form the basis of policy. Decisions must therefore be based on reasons, as reasons can be shared in a manner unobtainable to storytelling, as the latter are often personal and not common (O'Flynn 2006: 137; Elstub, 2008, p. 91). Moreover, not all story-telling is applicable, and O'Flynn is concerned about its use to demand loyalty and conformity from all ethnic and cultural group members. Narratives must therefore connect the particular to the general, otherwise they can be exclusive themselves: 'General principles restrict the scope that manipulative elites might otherwise have to silence internal dissent. Since they are general, they cannot be used to further one set of ethnic interests while at the

same time inhibiting some other.' Consequently, narratives must still form some connection to those who have not experienced the event(s), highlighting the situation of a broader group, not simply individuals (O'Flynn, 2006, p. 138; see also Baber and Bader, 2005, p.144; Gutmann and Thompson 1996: 137). Parkinson's case study evidence indicates that deliberators were able to make rational judgements on the rhetoric employed, although they did not always do so (Parkinson, 2006, pp. 139-42). Baber and Bartlett note the rhetoric of culturally specific groups is a specialised discourse. In order for genuine public communication to occur, that includes all groups, all discourses, including those emerging from minority cultural groups, must be communicated in a way that all can understand: 'Only when competing discourses express themselves in fully public terms can dominant social groups see them as potential sources of solutions for problems with which the dominant paradigm cannot cope' (Baber and Bartlett, 2006, p. 160). Finally, stories are also open to contestation and without rational argument, can only bring differences to the attention of participants, but cannot resolve conflicts (Gutmann and Thompson 1996: 137).

From the Second to the Third Generation: Institutionalising Deliberative Democracy

As argued above, second generation deliberative democracy adapts the norms of first generation deliberative democracy to features of social complexity, by offering new and distinct interpretations of reason giving, preference change, consensus and compromise, and applicable forms of communication. This has therefore made the theory of deliberative democracy more plausible and practically attainable, enabling a more pronounced focus on institutionalisation.

In their discussions on institutionalisation the second generationalists draw from both Rawls and Habermas. Rawls's (1993) constitutional embodiment of the norms of deliberative democracy is accepted, along with constitutional rights of freedom of expression and assembly, but it owes far more to Habermas's (1996) vision of deliberation in the public sphere as opinion former and agenda setter. For example the institutional approach of Bohman (1996, pp. 197-213), Gutmann and Thompson (1996, pp. 358-9) stresses the importance of discourse between a plurality of interest-groups. However, the second generationalists accept that socio-economic inequalities

would need to be addressed, to ensure that all groups have an equal opportunity to enter the public sphere, and to influence this public discourse, rather than have these inequalities bracketed, as Habermas suggests (Bohman, 1996; Gutmann and Thompson, 1996, pp. 273-7). However, second generation deliberative democrats, although pointing the way for institutionalisation, have refrained from discussing actual and specific institutions. All three books here take-up this baton and offer greater levels of detail and an empirical focus in crafting realistic, workable and yet normatively desirable deliberatively democratic institutions. In doing this the books all contribute to the emergence of a third generation of deliberative democracy.

Within this third generation of deliberative democracy there is a prevalent distinction, derived from Hendriks (2006), between micro and macro strategies for institutionalizing deliberative democracy. Micro deliberative democracy focuses on ideal deliberative procedures, within small-scale structured arenas within the state, orientated to decision-making, with impartial participants deliberating together in one place and at one time. Alternatively, macro deliberative democracy favours informal and unstructured, and spontaneous discursive communication that occurs across space and time, aimed at opinion formation, within civil society, outside and often against the formal decision-making institutions of the state, with partisan deliberators. Micro deliberation tends to be too elitist, excluding too many participants; while in macro deliberation, communication can be easily distorted by inequality and self-interest and there is a failure to sufficiently empower citizens and make their participation effective, unless this deliberative communication is linked to decision-making and micro venues. Therefore, Hendriks (2006) rightly argues that it is essential for both micro and macro deliberative democracy to be integrated, and the three books here all offer suggestions to achieve this, even if though Baber and Bartlett and O'Flynn do not explicitly use this terminology. Parkinson highlights the need for both types of deliberation to be generated and fostered by a range of institutions which should be integrated into a complex arrangement, to ensure the weaknesses of each are compensated by the strengths of others (Parkinson, 2006, p. 165, pp.17-8). This point echoes Baber and Bartlett's (2005) intention to ensure opinion formation in civil society and state decision-making are linked. O'Flynn (2006, p. 152) also sees the need for micro deliberative institutions, and conduits to link macro deliberation occurring in civil society to these, encouraging the reader to take the relationship

between the two extremely seriously. The third generationalists then have related, but still distinct approaches to micro and macro deliberative democracy. Each of these will be considered in turn in the following sections.

Micro Deliberation

Bader and Barber see the need for a range of micro sites for deliberation with the aim of 'controlling the administrative state directly through mass politics' (Baber and Bartlett, 2005, p. 121). These include various mini-publics like deliberative opinion polls, citizens' juries, consensus conferences and referendums (Baber and Bartlett, 2005, p. 127; pp. 229-31). They see such institutions as being far more representative of a diverse society than current electoral processes, as they attempt to be a microcosm of the applicable citizenry. In addition these institutions are very adaptable to different scales, so are perfectly compatible with decentralisation, can effectively incorporate experts and, therefore, can effectively adapt to many features of social complexity (Baber and Bartlett, 2005, p. 232). However, such institutions are not sufficient for the institutionalisation of deliberative democracy as they tend to lead to policy proposals or an informed aggregation of public opinion, meaning the provision of reasons is separated from the making of decisions (Baber and Bartlett, 2005, p. 179): 'Since the legitimacy of law depends on self-legislation, the informal discursive sources of democracy must be linked with the formal decision-making processes of government' (Baber and Bartlett, 2005, p. 180).

To ensure this link is in place Baber and Bartlett advocate decentralisation of decision-making to partisan micro-deliberative arenas. For them decentralisation facilitates the institutionalisation of deliberative democracy as it 'places functional limits on the influence of hierarchy and establishes mechanisms for the dispersal of democratic power' (Baber and Bartlett, 2005, p. 181). Moreover, it is much easier to have fully inclusive decision-making and to incorporate the diversity of views relevant to a particular issue (Baber and Bartlett, 2005, p. 194). In the environmental context they consider bioregional organisations like the Northwest Power Planning Council and the Columbia River Basin and 'grassroots ecosystem management' like Henry's Fork Watershed Council in Idaho's Snake River Valley, the Applegate Partnership in south-western Oregon, and the Willapa Alliance of Washington's Columbia River area, as good examples of effective decentralisation. These organisations involve an array of

citizens, representing a diversity of interests and opinions in public dialogue, to form plans for natural resource conservation.

Parkinson considers original empirical evidence from real life approximations of micro instances of deliberative democracy. There is a citizens' jury in Belfast, held in relation to planning and delivery of health services, another case study citizens' jury in Leicester, about the organisation, and configuration, of hospital services within the city, and a deliberative opinion poll, on the NHS, held in Manchester. There was also a case study that combined macro and micro deliberation in consultation processes used to form the NHS plan.

Parkinson argues that micro-deliberation in the formal public sphere could follow the lines of the NHS Plan, with specialists and interest groups' representatives deliberating in workshops. The information from such events would then be presented to deliberative panels of small groups of citizens, similar to citizens' juries, resulting in citizen recommendations, all covered by the media, and overseen by parliamentary committees. Following this the remaining proposals would then be voted on by elected representatives, (presumably parliament, but this is not clarified), or a referendum (Parkinson, 2006, p. 171). Elements of Parkinson's suggestions rely on the specialist's workshops and citizens' panels leading to a reduction in the number of plausible options for policy. As was established earlier, in light of high levels of social pluralism, this cannot be relied upon.

The dominant, (and as O'Flynn freely admits perhaps only), model of democracy, employed in ethnically divided societies, is consociational democracy. This involves 'government by elite cartel', where different ethnic leaders reach compromises through bargaining and then justify these bargains to their ethnic groups. Although consociational democracy does have the ability, through power sharing, to generate some trust in such divided societies, it is a private process that is not dependent upon the exchange of reasons and, therefore, does not resemble deliberative democracy (O'Flynn, 2006, pp. 101-2). O'Flynn's study, consequently investigates the theoretical possibility of whether deliberative and consociational democracy can be combined to facilitate inclusion in divided societies (O'Flynn, 2006, p. 4). He argues, from a

normative basis, that such a combination would make the transition from conflict to democracy more sustainable than consociational democracy alone. O'Flynn argues that consociational decision-making must be reformed to meet the deliberative requirements of publicity and reciprocity, by replacing bargaining with deliberation. The presence of an opposition, and proportional representational electoral systems are proposed to facilitate this.

Marco Deliberation

Parkinson also considered a macro case study, the British disability activist network, located solely in the informal public sphere (Parkinson, 2006, p.16). Parkinson is very sympathetic to the view that the legitimacy problems associated with scale can be resolved through the contestation of discourses between the informal public spheres, anchored in civil society, and the formal public spheres, located in the state. This is because macro processes of deliberative democracy can include significant numbers of people in debate across time and space. The informal public sphere would involve the inter-play of civil society organisations and combine activist networks, dramaturgical action and media contestation (Parkinson, 2006, p. 168).

Consequently, in macro-deliberation the news media is essential to the facilitation of inclusive deliberation, as they spread political communication to the public and state actors (Parkinson, 2006, p. 102). In liberal democracies the media is significantly flawed, with debate often ill-informed, ignoring 'issues, institutions and ideas' and enabling powerful interests to dominate (Parkinson, 2006, p. 102). However, the most significant problem is that it cannot communicate the complexities of debate effectively due to the need to attract, capture and retain an audience, as Parkinson's evidence from deliberative opinion polls indicates (Parkinson, 2006, p. 109). In contrast, the Leicester citizens' jury's newspaper coverage seemed to effectively fulfil the role of communicating the debates to the broader public (Parkinson, 2006, p. 116). However, Parkinson thinks this has much to do with the fact that there was a specific micro deliberative site for the media to focus their attention on, and to provide balanced coverage of. Without this, media coverage will fail to include all arguments emanating from the informal public sphere. Therefore, micro deliberative institutions can complement the inclusiveness of macro deliberation (Parkinson, 2006, p. 122).

A reliance on civil society organisations, as deliberative participants, is in keeping with the second generation approach. Consequently, Baber and Bartlett look to 'civic politics', which would involve social institutions fulfilling key functions, like environmental protection, independently of the state (Baber and Bartlett, 2005, p. 133). Baber and Bartlett see great value in the voluntary nature, member identification, and high levels of participation of such associations; suggesting they offer 'fertile soil for the seeds of deliberative democracy' (Baber and Bartlett, 2005, p. 133). It is suggested that these associations can make significant contributions to the institutionalisation of deliberative democracy due to their ability for representation of diverse groups, and in doing so open up many issues to public debate that would otherwise not make the agenda. Baber and Bartlett further keep with the second generation agenda approach by advocating that inequalities between civil society associations be reduced through public funds being transferred to associations that represent subordinate and disenfranchised groups (Baber and Bartlett, 2005, p. 200). Although they are concerned about the co-optation of civil society and the danger this presents to environmental social movements, they conclude that the centralisation of social movements is unavoidable (Baber and Bartlett, 2005, p. 196).

O'Flynn does not simply suggest that we make consociational structures more deliberative, but looks to make such political institutions more open and responsive to citizens' deliberation within civil society too. Consociational democracy is criticised for not having a sufficient focus on civil society, where crosscutting identities and interests can be articulated and represented. Such processes are possible and essential, because although in ethnically divided societies ethnic claims and conflict will inevitably take precedent, other demands and claims must be made, met, and resolved: 'citizens will not be able to think of themselves as sharing a common national identity unless there is some common basis upon which they can engage with one another on non-ethnic terms' (O'Flynn, 2006, p. 141).

O'Flynn argues that the discourse that occurs and emerges, within and between the array of cross-cutting networks, enables representation of a diversity of interests and facilitates citizens to hear the views and experiences of other groups and to conceive of themselves as citizens rather than just a member of an ethnic group (O'Flynn,

2006, p. 142). Therefore polarised groups are brought into contact, which helps foster tolerance, encourages civic identity formation, and increases the scope for compromise. Nevertheless, the state must support weaker groups to ensure that they are not excluded from these processes and can effectively represent themselves (O'Flynn, 2006, pp. 149-50). Once again this is indicative of an attempt at realising the insights of the second generation approach.

Civil society can also act as a counter to the power of political elites, ensuring that the decisions they do make within the consociational structures are publicly justified to all, and are consequently more compatible with the norms of deliberative democracy. It is the presence of opposition that causes people to publicly justify their preferences and decisions and therefore encourages the approximation of deliberative democracy (O'Flynn, 2006, p. 157). This is essential in a consociational democracy where the elites, for all ethnic groups, are included in government, resulting in the absence for the need for public justification of decisions. This means there is a lack of reciprocity, and no opposition to the government, so no need for public reason (O'Flynn, 2006, p. 156). Therefore, it is unclear whether the decisions emerging from consociational structures have been arrived at through bargaining or deliberation and if all interests have genuinely been considered.

Contrasting Approaches to Public Policy

Despite the apparent influence of second generation deliberative democracy on the Baber and Bartlett, O'Flynn, and Parkinson and the fact that micro and macro deliberation can be identified in all three approaches to institutional design, the differences between each should be apparent from the discussion above. Many of these differences are due to the fact that each author is attempting to establish the conditions required for deliberative policy-making in very different contexts. Baber and Bartlett focus on environmental policy, Parkinson and O'Flynn on public policy more generally, the former in western liberal democracies and the latter in deeply divided societies. Consequently they also address distinct issues, particular to the context. This highlights the diversity of third generation deliberative democracy. For Baber and Bartlett the issue is deliberative democracy across borders, for Parkinson it

is deliberative agenda-setting, and for O'Flynn it is constructing an inclusive national identity.

Transnational Deliberative Democracy

Baber and Bartlett argue that transnational institutions are necessary if deliberative institutions are to include all those affected by a decision and if environmental problems are to be met, in a globalizing world. Approximating democratic deliberation across borders is an issue which the second generationalists have turned their attention (Gutmann and Thompson, 2004; Bohman, 2007). Whereas aggregation of preferences across borders is complex, deliberation is much more attainable. Once again Baber and Bartlett see nongovernmental organisations making a significant contribution to cross-border deliberation and point to the International Whaling Commission as a good example of an international organisation that has facilitated effective deliberation amongst key NGOs. However, these macro discursive processes need to be lined to micro decision-making. The EU's European Environmental Bureau is seen as an appropriate model to achieve this (Baber and Bartlett, 2005, pp. 136-41).

Deliberative Agenda Setting

In all the micro-deliberative case studies Parkinson considered, the limitation of the agenda proved to be a significant issue in relation to their legitimacy (Parkinson, 2006, p. 128). This might be inevitable with micro deliberative sites as they need a relatively narrow and focused agenda to ensure that the issue is thoroughly deliberated, the absence of which was a weakness of the Belfast citizens' jury (Parkinson, 2006, p. 132). The principal problem with this is that it means the micro process of deliberation can be framed. In the citizens' juries in Leicester and Belfast the participants felt the agenda had been excessively restricted prior to the commencement of the forums, with scope of decisions and funds available to support the recommendations from the jury severely limited in both cases (Parkinson, 2006, p. 48 & 50). To amend this undemocratic agenda setting Parkinson suggests that local and national governments have committees whose function is to gather submissions from civil society groups. This could be combined with processes like an 'electronic

town hall' where thousands of citizens would assemble to debate and vote on the agenda before it is formalised (Parkinson, 2006, p. 170), making agenda setting a more equal and deliberative process.

National Identity

Ultimately O'Flynn's book addresses whether it is possible to generate and sustain a national identity in divided societies, where there is also a need to 'institutionally recognise and accommodate competing ethnic identities' (O'Flynn, 2006, p. 32). In the divided societies that O'Flynn considers, there is a commitment to live together and share political power and a political system, but they still require some bond to enable them to move to a sustainable democracy (O'Flynn, 2006, p. 36).

O'Flynn is fully aware of, and addresses, the tension that exists between the need for democracy to be grounded by a common national identity, and how such a 'common' identity can exclude many: 'the demand for homogeneity tends to narrow the range of acceptable interpretations of a society's national identity and corresponding forms of political expression' (O'Flynn, 2006, p. 126). It is such considerations that have prompted Habermas to argue 'democratic citizenship need not be rooted in the national identity of a people' (Habermas, 1996, p. 500). The second generation deliberative democrats are even more adamant that an identity cannot be shared by all in diverse societies. They argue that unity and consensus upon a shared national, or cultural identity, cannot be a prerequisite for deliberative democracy. Deliberative models that assume a common identity is in place, prior to the commencement of deliberation, fail to meet the condition of Rawls's reasonable pluralism, which requires that; 'no comprehensive moral or religious view provides a defining condition of membership of the foundation of the authorization to exercise political power' (Cohen, 1997, p. 408). O'Flynn accepts that a genuinely common national identity cannot be in place prior to the commencement of deliberative democracy, given the diversity of identities that exist in modern multicultural and ethnically divided societies, it is unlikely that shared understandings of a national identity will exist prior to debate. However, discursive challenges to perceived shared national cultural norms and values can deteriorate the trust necessary for public deliberation. Yet, if we exclude issues of the content of national identity from collective deliberation, then

minority cultural groups are excluded from the prevailing identity (O'Flynn, 2006; Festenstein, 2005, p. 153; Elstub, 2008, pp. 93-4).

For O'Flynn, deliberative democracy is an important mechanism to generate the normative standards that, if approximated in practice, can generate 'an overarching civic identity' that can include citizens with diverse ethnic affiliations (O'Flynn, 2006, pp. 8-9, p. 36). This is because deliberative democracy seeks to ensure 'equal citizenship to all individual members, irrespective of their more particular affiliations' and moreover, means that citizens and groups are in control over the nature of this civic identity (O'Flynn, 2006, pp. 75-6). However, O'Flynn fails to consider what is to ground the trust required to ensure deliberative obligations are abided by in the first place, in order for this civic identity to be generated. This inclusion, derived from the reciprocity and publicity inherent in democratic deliberation, helps create, but also relies upon, the presence of a collective civic identity to ground democratic processes. It seems we have come full circle. The solution might once again be civil society. Cohen and Rogers have suggested a 'civic consciousness', that includes a recognition and commitment to democratic procedures and norms, can be generated through participation in civil society (Cohen and Rogers, 1995, pp. 43-4). As this identity only requires a common set of general political values through which all other conflicts should be resolved, it is open to a plurality of identities, and yet could still provide the foundation of trust necessary for the commencement of deliberative democracy (Elstub, 2008, p. 130). Whether this is possible in divided societies though, is another question.

Conclusion

Second generation deliberative democracy reconciled the first generation theories of Rawls and Habermas with the empirical realities of social complexity, making the theory of deliberative democracy more realistic, and practically achievable in the process. In doing this second generation deliberative democracy offers distinct interpretations of public reason, preference change, consensus and forms of applicable communication within deliberative democracy. All these features are accepted, to varying extents, by Baber and Bartlett (2005), O'Flynn (2006) and Parkinson (2006).

These authors are contributing to the formation of a third generation of deliberative democracy that has an increasing institutional and empirical focus. Essentially the third generation deliberative democratic theorists attempt to put second generation deliberative democracy in to practice in contrasting contexts.

The evolutionary developments of deliberative democracy away from the original assertions of those from the first generation have led Saward (2003, p.161) to suggest that democratic theory has now moved 'beyond deliberative democracy'. Neither does he see this development negatively. Rather Saward encourages the move away from thinking of contrasting democratic models, to a more 'ecumenical' understanding of democracy that is 'sensitive to context, open-ended, productive, and adaptable'. Through its second and third generations, deliberative democracy has certainly become more contextualised, indefinite, and tractable, so it could be argued that as deliberative democracy evolves it moves more towards the overarching approach to democracy craved by Saward.

Nevertheless all three books considered here still assert the importance of a 'deliberative' model of democracy, rather than democracy per se. This is precisely to do with the normative elements, associated with this model, established by the first generation deliberative democrats. Saward (2003) is certainly right that deliberation is not sufficient and many other institutional devices are essential to promote democracy. However, as Elstub (2008, pp. 63-5) and Thompson (2008) argue a focus on 'deliberative' democracy is still justified as theories of democracy like rational choice theory, social choice theory, competitive pluralism and elitism exist, and are based on power and self interest and see no role for deliberation. Moreover, the role of these other devices should be justified from a 'deliberative perspective' (Thompson, 2008, p. 513 & 515).

Therefore, while these third generation deliberative democrats should be applauded for seriously considering how deliberative democracy could operate in practice, caution is required. If deliberative democracy accommodates the features of social complexity too excessively, and comes to resemble the current institutional frameworks too closely, it will be more amenable to practice, but will cease to be a critical theory that offers a radical alternative to liberal democracy, and the distinct features of the

deliberative model will be lost. As Thompson explains 'theory challenges political reality. It is not supposed to accept as given the reality that political science purports to describe and explain. It is intended to be critical, not acquiescent' (Thompson, 2008, p. 499). Thompson (2008) further argues that although empirical research on deliberative democracy is essential to deepening theoretical understandings of democracy, it must be guided by normative theory. There is then a need for a symbiotic relationship between the two, which is difficult to achieve. Democratic theory must remain at a critical distance from reality, if it is to provide suggestions for 'externally justifiable' institutional reform. Yet this distance must not be excessive or these suggestions will fail to provide practical guidance (O'Flynn, 2006, pp. 22-3). Deliberative democracy's third generation, and the three books considered here, effectively manage this challenging balancing act. Other third generation deliberative democrats must strive to do the same, if deliberative democracy is to progress as a realisable and desirable ideal. The concern is that the trend of compromising the normative elements of the theory at the expense of accommodating current reality will continue. Therefore, we must not lose sight of the first generation Habermasian and Rawlsian normative arguments that first propelled deliberative democracy to its dominant role in studies of democracy.

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