

Deliberation in Parliaments

Research Objectives and Preliminary Results of the Bern Center for Interdisciplinary Deliberation Studies (BIDS)

AXEL TSCHENTSCHER/ANDRÉ BÄCHTIGER/JÜRIG STEINER/MARCO STEENBERGEN

Abstract

Deliberation in parliaments aspires to convey public justification to general norms mandatory for all. Deliberative theory looks at the normative and empirical implications of this institutional role. Within the first sections of this article, we want to explain the relationship between the argumentation requirements derived from discourse theory, the legitimation concept that results from the procedural role of parliaments within the legal framework, and the legitimacy requirement that captures the need for public acceptance. Within the last sections, the empirical analysis of discursive elements within parliamentary debates is discussed.

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I. Research Objectives Regarding the Deliberation in Parliaments – An Overview

Deliberation in parliaments aspires to convey public justification to general norms mandatory for all. In deliberative theory, parliamentary debates are supposed to transform the political discourse of the public sphere into a more controlled forum. Even though actors are interested parties and discursive conditions are limited by the requirement to submit to majority decision, the process is expected to yield some argumentation rather than mere bargaining. Argumentation, in turn, is the source of legitimation for the binding outcome. In an ideal deliberative world, the procedural rules of parliamentary debates will lead to the best argumentation possible under real life circumstances and, therefore, to the best procedural legitimation of lawmaking.

Deliberative democratic theory is a branch of applied discourse theory. As such, it belongs to the group of procedural theories of justification. Within the parliamentary procedure, not the decisive vote at the end is considered as the relevant source of legitimation, but the deliberative process preceding that vote. Decisions by majority are a necessary restriction, not a fulfillment of discursive ideals. Equally, limiting parliamentary debates to elected representatives is only an approximation to the ideal of universal participation: if we have to rely on few participants, we can at least try to keep that group as diverse as possible. Deliberative democratic theory should, therefore, focus neither on outcomes nor on representation.

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Among the features that can possibly be assigned to the deliberative process, the aggregation of preferences and channeling of power are not sufficient to achieve legitimation. Deliberative theorists differ markedly from competitive theorists in requiring "good reasons" to be given, i.e. those reasons aspiring to the common good. There is a consensus that self-interested reasoning alone cannot result in sufficient legitimation for lawmaking. But what does count as an adequately "good" reason in real life – considering that *some* self-interest is always involved in debates? To what extent must the argumentative part of deliberation be present among the bargaining aspects? Which procedural features of parliamentary debates encourage non-strategic elements in debates? Can we define an institutional position of parliament within the legal system to facilitate discourse?

Questions like these lead to the research objectives of the Bern Center for Interdisciplinary Deliberation Studies (BIDS).¹ We try to understand which features of legislative proceedings are necessary in order to achieve legitimation (II.), how the actual perception of legitimation (legitimacy) is related to these proceedings (III.), to what extent real parliamentary deliberation consists of discursive elements (IV.), and how can the analysis of deliberative proceedings be improved by looking at individual activity (V.).

II. Legitimation in Legislative Proceedings

Legitimation is a normative concept. It refers to the question whether or not human behavior, judged by its rationale, deserves to be acknowledged as correct. Accordingly, laws adopted by applying a fair legislative procedure ought to be observed. As a normative concept, legitimation is distinct from what people *actually acknowledge* being correct. That other sense of "legitimate" belongs to the sphere of real world perception rather than normative conceptualization and is, by convention, called "legitimacy" (see III. below). Legitimacy can be empirically observed, legitimation cannot. Both are strongly interrelated, but still remain distinct. Some law adopted by parliament can be legitimate in the normative sense (legitimation) without being legitimate in the actual perception of the people (legitimacy). It is also possible, for example in an authoritarian regime, that the decision process in parliament does not fulfill requirements of legitimation, yet the general public is not bothered and grants high grades of legitimacy to the process, perhaps because of the charisma of the president of the country.

Does legitimation lead to legitimacy and vice versa? Most often, a fair design and correct application of parliamentary proceedings will lead to the public perception of the laws as being correct and, therefore, deserving to being followed – no matter

¹ The Bern Center for Interdisciplinary Deliberation Studies (BIDS = www.bids.unibe.ch) is an informal cooperation created in 2007 to combine empirical research of political theory with normative considerations of legal philosophy.

what the specific outcome is. Widespread discontent with the legal system or with political actors can, however, lead to low legitimacy. Such discontent does not by itself mark the laws as illegitimate in the normative sense. But it does indicate some deficiency in the procedures or in their application. Deliberative democratic theory tries to take concerns about contemporary political systems seriously by formulating more demanding requirements for legitimation. Not any kind of democratic government by majority rule is sufficient, but only such that in its parliamentary deliberation adequately mirrors the reasoning of public discourses. The discourse quality of parliamentary debates (see IV. below) thereby becomes a criterion for legitimation. The following observations indicate some consequences of this viewpoint:

1. The discourse quality of parliamentary debates is not the only criterion of legitimation. Deliberation in parliament is, after all, only one relatively small feature within a number of criteria. The diversity of criteria is due to the multi-leveled concept of discursive legitimation:

On the basic level of discourse theory as a theory of argumentation (level one: practical philosophy), discourse rules are describing an ideal speech situation as counterfactual ideal.² On the level of discourse theory as a theory of justice (level two: political philosophy), human rights as well as basic institutional features are defined.³ On the level of discourse theory as a theory of democracy (level three: legal and political theory), the balance between different elements of democratic legitimation is determined.⁴ Finally, on the level of discourse theory as a theory about institutional designs within democracies (level four: political theory), discursive elements in parliamentary debates are distinguished.⁵ Therefore, perfect parliamentary debates (level four) that infringe on prerogatives of the governmental or cantonal competencies (level three) are not legitimate. According to *Habermas'* political philosophy (level two), discursive lawmaking in parliament would even be deficient when the agenda setting took place among politicians (political center) rather than being initiated in civil society (political periphery).⁶

² See R. Alexy, *Theorie der juristischen Argumentation: Theorie des rationalen Diskurses als Theorie der juristischen Begründung* (Frankfurt a.M., Suhrkamp, 1991), 234 ff. (extensive analysis of discourse rules); J. Habermas, *Moralbewußtsein und kommunikatives Handeln* (Frankfurt a.M., Suhrkamp, 1983), 96 ff. (adopting the catalogue of Alexy).

³ J. Habermas, *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats* (Frankfurt a.M., Suhrkamp, 1992), 151 ff. = *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Polity Press, 1996), 118 ff.; R. Alexy, "Diskurstheorie und Menschenrechte", in R. Alexy, *Recht, Vernunft, Diskurs: Studien zur Rechtsphilosophie* (Frankfurt a.M., Suhrkamp, 1995), 127-164 (132 ff.).

⁴ A. Tschentscher, *Demokratische Legitimation der dritten Gewalt* (Tübingen, Mohr Siebeck, 2006), 189 ff.

⁵ Cf. A. Bächtiger, *The Real World of Deliberation. A Comparative Study of Its Favorable Conditions in Legislatures* (Bern, Haupt, 2005), 39 ff., 53 ff.; M. Spörndli, *Diskurs und Entscheidung. Eine empirische Analyse kommunikativen Handelns im deutschen Vermittlungsausschuss* (Wiesbaden, VS Verlag, 2004), 68 ff.

⁶ Cf. J. Habermas, *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demo-*

2. As a related observation: Parliamentary debates are no fail-safe procedure. Even with high quality discourse, parliamentary deliberation does not necessarily lead to legitimation. Substantive safeguards of human rights must frame its power. Those safeguards can itself be based on discourse theory in the sense of political philosophy (level two), but this is outside the narrower scope of deliberative theory.

3. More specifically regarding deliberation in parliament: The truthfulness (Wahrhaftigkeit) of the members of parliament cannot be taken for granted? This might look like a major counterargument against deliberative theory. After all, the truthfulness or sincerity requirement figures prominently in discourse theory.⁷ It also belongs to the set of properties every citizen takes for granted when voting for a candidate. Who would want to elect a representative openly announcing that he or she is going to cheat the public on motives? In general, we would be reluctant to deal with people in any kind of capacity (friends, business partners, guests) once it becomes clear that they are lying about their motives. Therefore, sincerity and truthfulness (Wahrhaftigkeit) are considered "constitutive for any kind of communication by language".⁸ Dishonesty of politicians will accordingly lead to public discontent and thereby influence the actual acceptance of political decisions (legitimacy).

However, to be legitimate in a normative sense means something different. In a normative view of communicative settings, no matter if they are discursive or strategic, the actors are taken by their word, i.e., the outside appearance of their communication. If someone signs a contract with the secret intent of breaking it in case of better opportunities elsewhere, that person is, in view of the normative status of the resulting duties, bound just the same as an honest contractual party. Similarly, some lawmaker, while asserting that his reasoning strives for the common good, but secretly following the agenda of the pharmaceutical industry sponsoring him, will be held by the discursive value of his statements notwithstanding the authenticity of his motives. Parliamentary deliberation can discover the material weakness of his reasoning. Procedural rules about transparency can help to uncover vested interest and warn lawmakers about their colleagues' partiality. But if nothing is discovered, the deliberation still cannot lose its discursive character by mere insincerity. Secret reservations against honest discourse do not count. Real motivation is normatively irrelevant as long as the outward manifestation of the members of parliament marks their motivation as disinterested.

kratischen Rechtsstaats (n. 3), 364 = *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (n. 3), 300.

⁷ J. Habermas, *Moralbewußtsein und kommunikatives Handeln* (n. 2), 98; R. Alexy, *Theorie der juristischen Argumentation: Theorie des rationalen Diskurses als Theorie der juristischen Begründung* (n. 2), 234; both stating the discourse rule: "2.1 Each speaker may only state what he believes in." For details see section III below at pages 6@@ ff.

⁸ R. Alexy, *Theorie der juristischen Argumentation: Theorie des rationalen Diskurses als Theorie der juristischen Begründung* (n. 2), 236.

4. As a fourth and final observation: The lawmaker does not necessarily have to impose actual control over every detail of the legal system in order to make it legitimate. If we look at discourse theory as a theory of democracy (level three), discourse figures as only one, albeit supreme, factor of legitimation for the law. The legitimation is also drawn from non-discursive institutional settings outside of parliament. Judicial independence, for example, strongly contributes to the legitimation of judicial decisions no matter which judges are acting and what laws their decisions are based on. With the more political positions in the administration, personal legitimation by public election can be crucial. And within the hierarchy of administrative action, the power to decide is hierarchically extended from the topmost ministries to the lowest positions. All of this – institutionalization, election, and hierarchy – contributes to legitimation without necessarily involving discourse.

Nevertheless, from the perspective of citizens, legitimation in all these forms will be incomplete without the people's control over the content of state activity. Elected officials are to be bound by law. And the law has to be adopted under the close scrutiny of the public – be it in parliamentary deliberation or, even better, directly by the people's vote after public deliberation. *Discursive control* thereby takes precedence over all other features of democratic legitimation. And even more: These other features have only serving function for enabling discursive control. The hierarchy of legal competencies, for example, is legitimate precisely because it promotes stricter control from the discursive sphere of parliament down to the remotest branches of public administration – it is merely transporting legitimation created elsewhere.

However, the realities of politics and law do not quite work like this ideal picture of democratic legitimation. Legitimate decision-making is not only transported, but also transformed in the process. Judges arrive at unexpected implementations of the law. Ministers deviate from parliamentary expectations. Does this cast parliamentary deliberation in a questionable light? After all, the legislature cannot foresee all specific implementations of law by the executive and judicial powers. Again, as a question of legitimation, it is irrelevant. For discursive control as the pivotal criterion in democratic legitimacy, the form of *potential control* is quite sufficient.⁹

The sufficiency of potential rather than actual control can be illustrated with a normative view on the election process. All citizens eligible to vote have the potential of influencing the outcome. If the participation in the ballot were very low, often less than 50% of the electorate, we would still call the leading candidate legitimately elected. Normatively, we would not consider him less legitimate only because of the low turnout. It is, after all, the prerogative of each citizen to be satisfied with things moving along without his or her interference. The result is assigned to the electorate at large rather than only to those actually casting their vote. The citizens are alto-

⁹ See A. Tschentscher, *Demokratische Legitimation der dritten Gewalt* (n. 4), 125 ff., 195 ff.

gether responsible for the outcome because every one of them had the opportunity to vote.

Accordingly, potential control over the administrative and judicial power is quite sufficient from the normative viewpoint. Parliament retains the competence to stop a judicial line of decision-making or to call government to order.¹⁰ Therefore, as long as public deliberation and parliamentary deliberation are discursive, we can acknowledge discursive control even for those features of the political system that are not by themselves structured as discourses.

III. Between Legitimation and Legitimacy

As we stated in Section II, a high level of legitimation does not always lead to a high level of legitimacy. Although a political decision process may have high legitimation from a normative perspective, empirically citizens may express widespread discontent with the process and its outcome. Such discontent may have many reasons, including a lack of truthfulness on the part of politicians. We focus on this aspect of a lack of truthfulness, since in the *Habermasian* version of deliberative theory, truthfulness (*Wahrhaftigkeit*) is a key element. Other deliberative theorists, such as *Mark E. Warren*, however, give less emphasis to truthfulness than *Habermas*.¹¹

Whether politicians are seen as truthful or not is an empirical question. Before we go to this empirical issue, let us first present what *Jürgen Habermas* means by truthfulness. In an early work, he postulates that “each person may only assert what he believes himself.”¹² He sticks with this assertion when in a very recent work he writes that in deliberation participants must abstain from deceptive behavior (*ohne Täuschung*).¹³ *Habermas* claims that in most social situations it is routine praxis to assume that others are truthful; otherwise one would not engage in any conversation at all. Of course, the facts may show that the assumption of truthfulness does not hold, so that one made a counterfactual assumption.¹⁴

Habermas explicitly bases his theory on the writing of *Immanuel Kant*,¹⁵ so that it is a good beginning to see what *Kant* means by truthfulness. He uses the concept of *Wahrhaftigkeit*, which has a much deeper connotation than the concepts of truthful-

10 Cf. A. Voßkuhle/G. Sydow, "Die demokratische Legitimation des Richters" (2002) *JuristenZeitung*, 673-682 (678).

11 M. E. Warren, "Institutionalizing Deliberative Democracy", in S. W. Rosenberg (ed.), *Deliberation, Participation and Democracy: Can the People Govern?* (London, Palgrave MacMillan, 2007), 272-288.

12 J. Habermas, *Moralbewußtsein und kommunikatives Handeln* (n. 2), 98: „Jeder Sprecher darf nur behaupten, was er selber glaubt.“

13 J. Habermas, *Ach, Europa* (Frankfurt a.M., Suhrkamp, 2008), 148.

14 J. Habermas, *Ach, Europa* (n. 13), 149.

ness or sincerity. It can hardly be translated into English. So what is the meaning of *Wahrhaftigkeit* for *Kant*? The concept certainly includes not telling lies, but it is much broader in its meaning. To be *wahrhaftig* means to be true to one's inner self, to find one's innermost identity, to live an authentic life. For *Kant* to be *wahrhaftig* is to find one's human dignity. He goes as far as to write that not to be *wahrhaftig* is a crime because one destroys one's human dignity.¹⁶ Without human dignity, we become mere speech machines (*Sprachmaschinen*). For *Kant* it is a duty (*Pflicht*) to oneself and to others to be *wahrhaftig*. If we are not *wahrhaftig* with others, we do not respect their human dignity. *Kant* famously postulated that other human beings should always be seen as ends in themselves and not as means for one's own purposes. This is the context in which the Kantian notion of *Wahrhaftigkeit* needs to be placed. In his own life, *Kant* reached a high level of *Wahrhaftigkeit* so that he did not merely teach about the concept but attempted to live by its high standards.

What are the interactions between truthfulness and the other elements of deliberation? Do the other elements only have validity if participants are truthful? Is truthfulness a necessary condition for deliberation to take place? On this issue, opinions of deliberative theorists differ greatly. The argument against the *Habermasian* position runs about as follows: Motives for deliberative behavior do not count. What counts is only the behavior itself. If a participant in a discussion expresses a high level of respect towards another participant, only this utterance matters, whether it is meant truthfully or not.¹⁷ As *Dennis F. Thompson* writes "actual arguments are what matters, not motives."¹⁸ In *Thompson's* view, the key is that deliberators present their arguments in terms that are accessible to the relevant audience, respond to reasonable arguments presented by opponents, and manifest an inclination to change their views or cooperate with opponents when appropriate. This requires some trust, and actions that demonstrate trust, but no special window into the motives or inner life of actors. In the same vein, *Mark E. Warren* argues that "deliberative institutions should not depend upon, or be defined by, the deliberative intentions of participants."¹⁹ *Anne Elizabeth Stie* asks critically "is it important for a researcher to know whether the actors were truthful or not as long as deliberation in these sessions has consequences afterwards? Is this not enough to show that deliberation matters for political outcomes?"²⁰

Let us illustrate this argument against the *Habermasian* position with an illustration of our research in the British House of Commons. In a December 5, 1997 debate,

15 J. Habermas, *Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns* (Frankfurt a.M., Suhrkamp, 1984).

16 I. Kant, *Metaphysik der Sitten* (Akademie-Ausgabe (AA) VI), 1900 ff.

17 See section II above, pages 2@@ ff.

18 Personal communication, January 3, 2009.

19 M. E. Warren, "Institutionalizing Deliberative Democracy" (n. 11), 278.

20 Personal communication, January 5, 2009.

Conservative MP Richard Ottaway addressed MP Estelle Morris, Labour Undersecretary of State for Education and Employment, in the following way: “I am pleased to hear that the Minister’s commitment to special education needs is being developed through the Green Paper. I am also pleased at the tone of her speech.”²¹ The argument against *Habermas* would be that this utterance of respect may or may not have been truthful and sincere, but that this would be irrelevant. The only relevant issue would have been whether Estelle Morris believed that Richard Ottaway indeed was pleased with the substance and the tone of her argument. Therefore, within the framework of deliberative theory it would be pointless to inquire into the motives of Richard Ottaway for his utterance. What would only count is whether the outcome with regard to special education was a good one.

We agree that an expression of respect that sounds truthful may well have effects on outcomes as postulated by deliberative theory so that one can make a good argument that motives can be neglected. We nevertheless feel uneasy if we leave out truthfulness from the deliberative model, because participants in a discussion usually are interested whether other participants are truthful when they use a deliberative vocabulary. As *Robert E. Goodin* puts it: “Coming to understand a person’s motives for acting as he did enables us to explain his past behavior, and to do so in such a way that allows us to predict his future behavior.”²² *Jean de La Fontaine* offers a nice illustration of this point with his famous fable “le corbeau et le renard” (crow and fox).²³ Although crows are not known as great singers, the fox expressed great respect for the singing skills of the crow. In order to show off his skills, the crow began to sing, letting drop the cheese in his beak. By then it was too late for the crow to realize that he had fallen for a shrewd trick of the fox who only was eager to get the cheese. The crow would have been better off knowing that the respect offered by the fox was nothing than strategic flattery. Could it be that in the example of the British House of Commons, Ottaway flattered Morris about “the tone of her speech,” as the fox flattered the crow for the beauty of her singing, in order to get a strategic advantage? Morris may very well have asked herself this question. If participants in a discussion are interested in the truthfulness of the uttered words, scholarly observers certainly also should take an interest.

How can we investigate whether politicians, or for that matter ordinary citizens, mean what they say when they discuss political issues? In our view, *Wahrhaftigkeit* in the Kantian and *Habermasian* sense eludes direct empirical measurement, but we can measure the *perception* of truthfulness. Let us first justify why a direct measurement of *Wahrhaftigkeit* is impossible or at least problematic. As stated earlier, to be

²¹ J. Steiner/A. Bächtiger/M. Spörndli/M. R. Steenbergen, *Deliberative Politics in Action. Analysing Parliamentary Discourse* (Cambridge, Cambridge University Press, 2004), 176-177.

²² R. E. Goodin, “Do Motives Matter?” (1989) 19 *Canadian Journal of Philosophy*, 411.

²³ J. de La Fontaine, *The complete fables of Jean De La Fontaine* (Urbana, University of Illinois Press, 2007).

wahrhaftig means to be true to one's inner self, which raises the question of how we can know what our most inner self is? How do we know whether we are true to this self? We assume that our most inner self is not something fixed that we can discover if only we dig deep enough. We rather assume that this inner self is something malleable and elusive that despite all our inner searching we can never quite know. Such a view of the inner self is compatible with deliberative theory, which – as we have seen above – expects that political actors are open to change their preferences based on the force of better arguments. Such openness would not exist if we would be sure what exactly our inner self is, so that we would have no reason to listen to others in order to be *wahrhaftig*. We would simply do whatever our inner self tells us. According to deliberative theory, talking with others will help us in the search of our inner self. Thus, good deliberation can be instrumental to better understand our own deeper identity, but we will never be quite sure what this identity really is.

This elusive and changing nature of our inner self means that we never quite know whether we are *wahrhaftig* in a particular situation. If a politician or an ordinary citizen supports a specific position, he or she can never be quite sure whether this position is fully compatible with his or her inner self. Outside observers will be all the more uncertain about the *Wahrhaftigkeit* of the taken position. All this means that it seems impossible to measure the level of *Wahrhaftigkeit* in a political setting with a sufficient level of reliability and validity. This does not mean, of course, that we are not able to detect crude lies in a political discussion. But it is a much more subtle issue whether someone is truthful, for example, in referring to the common good. Not being truthful in such a situation is much more difficult to detect than to discover crude lies. The elusive character of one's most inner motives is also forcefully stressed by Goodin: "The point is not just one about veracity in reporting one's own motives. The fear is not so much that the agent will lie, but that without any reality check neither he nor we will have any way of telling what the truth of the matter really is. Nor is the worry that he will necessarily cook the books in his own favour, attributing to himself nobler motives than he in fact harbours. He may do just the opposite, engaging in moral self-debasement and attributing to himself less noble motives than are really at work."²⁴

Although as observers of political discussions, we should be able to identify crude lies, it seems virtually impossible or at least highly problematic to detect untruthfulness in how the deliberative vocabulary is used. As a second best solution to the measurement problem we suggest that we measure the *perception* of truthfulness among the participants in a political discussion. O'Flynn supports this position when he writes: "Although measures of the perception of truthfulness are not as good as measures of truthfulness itself, which should not hold us back."²⁵

²⁴ R. E. Goodin, "Do Motives Matter?" (n. 22), 415.

²⁵ Personal communication, January 15, 2009.

Of course, perceived truthfulness may not correspond to actual reality of truthfulness. But if most participants feel, for example, that people expressed what was truly on their mind, this perception is also an important social reality. Perhaps, there are some participants who are untruthful, but if they hide their untruthfulness in such a way that nobody notices, such untruthfulness has no significance for the group. On the other hand, if most participants feel that they do not trust the other participants on their words, this perception is also an important social reality. Perhaps they are not truthful themselves, so that they project this behavior to the other participants. If most everyone expresses the view that much untruthfulness occurs in the group discussion, this reveals a very different group atmosphere than if the perception is one of mutual truthfulness. On the basis of these considerations, we come up with the following three ideal types of group discussions.

- (1) Perceived truthful deliberation
- (2) Perceived untruthful deliberation
- (3) No deliberation

Under the ideal type of perceived truthful deliberation, participants let everyone speak in a unconstrained way, justify their arguments in a rational, logical and elaborate manner, refer in their justifications to the common good, show respect for the arguments of others, yield to the force of the better argument, and, *most importantly*, take the words uttered by others in the discussion as truthful. Under the ideal type of untruthful deliberation, the same words are uttered as under the first ideal type, but the perception prevails that the words are not meant in a truthful way. Under the ideal type of no deliberation, no deliberative standards are used.

The distinction between (1) perceived truthful deliberation, (2) perceived untruthful deliberation, and (3) no deliberation opens theoretically interesting new perspectives. At the philosophical level, deliberative theory has made many claims about beneficial effects of a high level of deliberation. The deliberative literature is full of optimistic expectations about positive policy consequences of a high level of deliberation. In our context, it is of particular interest that high levels of deliberation are expected to contribute to high levels of legitimacy of the political outcomes. Thus, *John S. Dryzek* and *Valerie Braithwaite*, for example, write that “deliberative democrats believe that to the extent effective deliberation occurs, political outcomes will secure broader support, respond more effectively to the reflectively held interests of participants, and generally prove more rational.”²⁶ We hypothesize that these postulated effects will only occur if deliberation is perceived as truthful. We hypothesize furthermore that the effects are negative if deliberation is perceived as untruthful, whereas with no deliberation there is a middle position between positive and negative effects.

²⁶ J. S. Dryzek/V. Braithwaite, “On the Prospects for Democratic Deliberation: Values Analysis Applied to Australian Politics” (2000) 21 *Political Psychology*, 242.

Thus, we have a more complex set of hypotheses than with the simple distinction between deliberation and no deliberation. What is the rationale for our hypotheses? Let us begin with situations where all the correct deliberative standards are adhered to but the perception prevails that these standards are not followed in a truthful way. This means that participants consider each other as hypocrites, with whom it is most difficult to find a common language. Words do not mean what they say. It is almost impossible to guess what is hidden behind the uttered words. In short, language loses its meaning, and communication breaks down. Under these conditions, there is no transparency – and this lack of transparency can be expected to lower legitimacy.

If a deliberative vocabulary is used, and participants trust each other that words mean what they say, we expect a high level of legitimacy. What matters in particular is that participants are open to listen with respect to the arguments of others and are willing to change their own positions based on the force of better arguments. Such behavior humanizes persons from the other side, which should help with legitimacy.

If there is no deliberation, and participants pursue their self interest in a straightforward manner without embellishing it with a deliberative vocabulary, one knows what others participants want so that deal-making becomes feasible. In this way, legitimacy is not hurt as under perceived untruthful deliberation nor helped as under perceived truthful deliberation so that we expect a middle position between the two other situations.

Although there are certainly other factors influencing the level of legitimacy of political processes and their outcomes, the perceived truthfulness of deliberation has led us to theoretically interesting hypotheses that can be empirically tested in the real world including parliamentary debates. We have not yet undertaken tests for these hypotheses, but we will turn in the next two sections to actual empirical tests of hypotheses related to deliberation.

IV. Discourse Quality in the Reality of Parliamentary Deliberation

So far, much of the literature has had a philosophical orientation, discussing in a normative way the strengths and weaknesses of the deliberative model of democracy. In recent years, however, a small but growing empirical literature has tried to tackle the question of whether deliberation might also constitute an action logic in the real world of politics.²⁷ In our research, we focused on the discourse quality in parliamentary deliberation.

²⁷ See T. Risse, "Let's Argue!: Communicative Action in World Politics" (2000) 54 *International Organisation*, 1-39; K. Holzinger, "Bargaining by Arguing: An Empirical Analysis Based on Speech Act Theory" (2004) 21 *Political Communication*, 195-222; R. C. Luskin/J. S. Fishkin/R. Jowell, "Considered Opinions: Deliberative Polling in Britain" (2002) 32 *British Journal of Political Science*, 455-487; J. S. Dryzek/C. List, "Social Choice Theory and Deliberative Democracy: A Reconciliation" (2003) 33 *British Journal of Political Science*, 1-28; J. S. Dryzek/S. Niemeyer, "Rec-

Some might question whether parliaments are the right locus for such an investigation. Certainly, "(p)arliament looms as the core representative institution which establishes the legal and political conditions of civil liberty".²⁸ Moreover, theorists of deliberative democracy have repeatedly hinted at parliaments as one important sphere of deliberation in real world politics where legitimizing and social integrative functions are performed.²⁹ Yet many political scientists would still argue that parliaments are not really deliberative bodies. Already *Bagehot* noted with regard to the British Parliament: "The main function of the House of Commons is one which we know quite well, though our common constitutional speech does not recognise it. The House of Commons is an electoral chamber ...".³⁰ And *John Uhr* argues that the while major purpose of legislatures is indeed debate and diversity, it is not unanimity and rational consensus.³¹ According to *Uhr*, the majority must eventually win, and parliaments do not provide entrenched protections for minority forces. In a sense, *Bagehot* spurs and *Uhr* echoes conventional research on parliaments, holding that parliaments are little more than "rubber stamps" where majorities approve legislation initiated elsewhere and laid before them by government for ratification.³² As such, consequential deliberative action where actors change their minds in the light of the better argument seems to be barred from legislatures. More recent research on legislatures has criticized the conventional view for underestimating important dimensions of parliamentary activity. This line of research has focused on institutional features of the legislative process that can enhance the legislative influence over policy (such as strong agenda controls of parliaments that raise the transaction costs of governments in the procedure for passing legislation). *Herbert Döring* has nicely summarized this research program: "Parliament, thought by many to be a declining and negligible institution, is apparently not so unimportant."³³ However, deliberation has not figured at all in this new research program. Our research tried to re-examine the existing views by arguing that deliberation is indeed an overlooked logic of action in legislatures, but – in line with the new research on legislatures – that much depends on favorable contextual (especially institutional) conditions.

onciling Pluralism and Consensus as Political Ideals" (2006) 50 American Journal of Political Science, 634-649.

28 J. Uhr, *Deliberative Democracy in Australia: The Changing Place of Parliament* (Melbourne, Cambridge University Press, 1998), 40.

29 See S. Chambers, *Reasonable Democracy: Jürgen Habermas and the Politics of Discourse* (Ithaca, Cornell University Press, 1996), 194; J. Habermas, *Die Einbeziehung des Anders: Studien zur politischen Theorie* (Frankfurt a.M., Suhrkamp, 1996), 369.

30 W. Bagehot, *The English Constitution* (London, Kegan Paul, Trench and Co, 1885; reprinted: Boston, Adamant Media Corporation, 2005), 155.

31 J. Uhr, *Deliberative Democracy in Australia* (n. 28).

32 E.g. G.K. Roberts/J. Lovecy, *West European Politics Today* (Manchester, Manchester University Press, 1988), 126 ff.

33 H. Döring, "Time as a Scarce Resource: Government Control of the Agenda", in H. Döring (ed.), *Parliaments and Majority Rule in Western Europe* (Frankfurt, Campus Verlag, 1995), 27-28.

In order to capture the quality of parliamentary deliberation we developed the discourse quality index (DQI).³⁴ It mainly draws on *Habermasian* discourse ethics, but also incorporates elements of other deliberative models. The unit of analysis of the DQI is a speech act, i.e. the discourse by a particular individual delivered at a particular point in a debate. For each speech, we distinguish between relevant and irrelevant parts, and only the relevant parts are coded. A relevant part is one that contains a demand, i.e. a proposal on what decision should or should not be made. Our emphasis on demands stems from the fact that they constitute the heart of the deliberation. That is, demands stipulate what ought to be and what ought not to be done, and this normative character puts them at the center of discourse ethics. The DQI employs six indicators of discourse quality that permit the coding of legislative debates. These indicators are: (1) level of justification (Do speakers just forward demands or do they give reasons for their position? If so, how sophisticated are the justifications), (2) content of justification (Do speakers cast their justifications in terms of conceptions of the common good or in terms of narrow group/constituency interests?), (3) respect toward groups (Do speakers degrade, treat neutrally, or value groups that are to be helped?), (4) respect toward demands (Do speakers degrade, treat neutrally, value, or agree with demands from other speakers?), (5) respect toward counterarguments (Do speakers degrade, ignore, treat neutrally, value, or agree with counterarguments to their position?), and (6) constructive politics (Do speakers sit on their positions or submit alternative or mediating proposals?).³⁵

In a series of tests³⁶ we could demonstrate that the DQI has good to excellent inter-coder reliability, i.e. there is generally broad agreement where a particular speech act falls on the six indicators. For the debates considered in this paper, two independent coders scored a subset of the speech acts. The rate of inter-coder reliability ranges from a low of .919 for respect toward counterarguments to a high of 1 for content of justification. Cohen's kappa, which controls for inter-coder agreements by chance, ranges from .881 for respect toward counterarguments to .954 for constructive politics. These figures indicate excellent inter-coder reliability.

The DQI also is a valid measurement instrument, in the sense that it has met with considerable support from deliberative theorists.³⁷ For example, *Habermas* writes

³⁴ M. R. Steenbergen/A. Bächtiger/J. Steiner, "Toward a Political Psychology of Deliberation", Paper presented at the Conference on Empirical Approaches to Deliberative Politics, European University Institute, Florence (Italy), May 21-22 2004.

³⁵ We also coded for a seventh indicator: participation. *Habermasian* discourse ethics requires that all stakeholders should be able to participate in the deliberative process. In the context of legislatures, participation is naturally restricted to MPs, so we operationalized participation in terms of disruptive acts (other than normal limitations on debate time) that made it impossible for a legislator to express his or her views. Since there was very little variance on this indicator – disruptions were extremely rare – we do not consider it any further.

³⁶ J. Steiner/A. Bächtiger/M. Spörndli/M. R. Steenbergen, *Deliberative Politics in Action. Analysing Parliamentary Discourse* (n. 21).

³⁷ R. E. Goodin, "Sequencing Deliberative Moments" (2005) 40 *Acta Politica*, 182-196; J. Haber-

that the DQI captures “essential features of proper deliberation.”³⁸ Thus, the DQI appears to have good construct validity.

One feature that the DQI does not capture is truthfulness, which is the absence of deception in expressing one’s intentions. While we acknowledge the importance that certain deliberative theorists (in particular, *Habermas*) have accorded to truthfulness, it causes serious measurement difficulties.³⁹ To judge whether a speech act is truthful is to judge whether stated preferences are sincere or strategic. This is usually impossible to do and we have found that the resulting measures are speculative and unreliable. Our inability to ascertain truthfulness makes it difficult to distinguish between genuine deliberation and strategic action such as bargaining. While this limits the scope of our conclusions, we do not consider this to be a fatal flaw in as far as our research speaks to deliberative theory where (normative) legitimation is of more immediate importance than (empirical) legitimacy.⁴⁰

In order to explore how parliamentarians deliberate in the real world, we conducted a comparative analysis of parliamentary deliberation in Switzerland, Germany, the United States and the United Kingdom.⁴¹ On the one hand, we explored the antecedents of parliamentary deliberation; in concrete, it focused on institutional, cultural, issue-related, group-related, and actor-centric preconditions of high quality deliberation. On the other hand, we also tried to address the “so what” question, namely whether deliberation matters for policy outcomes.

First, let us explore how institutional variables (including partisan rules) affect deliberative quality. Here, a robust finding is that the Swiss grand coalition setting enhances respectful behaviour of MPs. The institutional argument is that grand coalitions open up spaces for less politicized interactions, since parties can jointly profit from policy successes (at least occasionally). To the contrary, government-opposition (or majority-minority) settings – such as British parliament or the United States’ Congress – are conducive to zero-sum games among the parties involved, undermining respectful and constructive problem-solving activities. In a different study, *Bogas* also finds clear differences in discourse quality between the consensus legislature in the Netherlands and the competitive House of Parliament in Great Britain: the former scores higher on all DQI indicators than the latter.⁴² Veto power, in turn, does not

mas, "Concluding Comments on Empirical Approaches to Deliberative Politics" (2005) 40 *Acta Politica*, 384-392; D. Thompson, "Deliberative Democratic Theory and Empirical Political Science" (2008) 11 *Annual Review of Political Science*, 497-520.

38 J. Habermas, "Concluding Comments on Empirical Approaches to Deliberative Politics" (n. 37), 389.

39 See section III above, pages 6@@ ff.

40 See section II above, pages 2@@ ff.

41 J. Steiner/A. Bächtiger/M. Spörndli/M. Steenbergen, *Deliberative Politics in Action: Analysing Parliamentary Discourse* (n. 21).

42 J. Bogas, "Captivated or Complacent Audiences. Assessing Deliberative Quality in Competitive and Consensus Systems" (University of Leiden, Seminar Paper, 2009).

affect discourse quality. Here, the literature is quite ambiguous: some scholars argue that exit in the form of a registered dissent is not a possibility under veto power, leaving persuasion and deliberation to be the best option.⁴³ Conversely, *Austen-Smith* and *Feddersen* argue that veto power and unanimous voting rules creates incentives for some actors to conceal information, rendering information from all discourse participants suspect.⁴⁴ Consequently, the deliberative process tends to break down under unanimity rule. In the light of the inconclusive empirical findings for veto power, we think that future research will need to expand this type of analysis. Evidence from social psychology suggests that effects of decision rules on outcomes may be highly contingent and dependent on other contextual conditions.⁴⁵

Furthermore, presidentialism and lower party discipline enhance respect, although the effects are not robust in all analyses. The argument is that in presidential systems such as the United States, the government is not dependent on legislative confidence and legislators can vote against the government without threatening governmental stability. For deliberation, this means that legislators have more leeway to transcend party boundaries and to be open to argument. Next, in the context of non-publicity, respect levels are higher while justification rationality and common good orientation are lower. Higher respect levels behind closed doors confirm *Stavasage's* formal argument that when representatives make policy decisions in private, they are more likely to allow private information to influence their actions, which, in turn, propels more productive debates.⁴⁶ Conversely, the fact public arenas greatly improve justification rationality and common good orientation supports *Elster's* argument that publicity strengthens "civility" in that actors want to appear reasonable and common good-oriented in public and therefore forward more sophisticated arguments and more common good appeals.⁴⁷ Finally, the type of issue also affects deliberation: less polarized (and less salient) issues lead to more respectful and reasoned debates than highly polarized (and highly salient) issues. This finding contradicts the *Habermasian* idea of "liberal neutrality", stipulating that all types of issues should be equally apt to be submitted to the discourse procedure.

Besides institutional and issue factors, group composition, partisan and actor characteristics matter as well. Focusing on a comparison between first chambers in Switzerland and Germany find that the higher the share of women in committees and

43 M. E. Warren, "Institutionalizing Deliberative Democracy" (n. 11).

44 D. Austen-Smith/T. J. Feddersen, "Deliberation, Preference Uncertainty, and Voting Rules" (2006) 100 *American Political Science Review*, 209-218.

45 T. Mendelberg, "The Deliberative Citizen: Theory and Evidence", in M. X. Delli Carpini/L. Huddy/R. Y. Shapiro (eds.), *Political Decision Making, Deliberation and Participation: Research in Micropolitics* (Amsterdam, Elsevier, 2002), 151-193.

46 D. Stavasage, "Polarization and Publicity: Rethinking the Benefits of Deliberative Democracy" (2007) 69 *Journal of Politics*, 59-72.

47 J. Elster, "Introduction", in J. Elster (ed.), *Deliberative Democracy* (Cambridge, Cambridge University Press, 1998), 1-18.

plenary sessions, the higher the level of respect.⁴⁸ Similarly, *Pedri* finds in the context of two linguistic debates that a higher share of linguistic minorities in committees and plenary sessions of the Swiss parliament decreases respect levels.⁴⁹ These findings confirm psychologists who emphasize the importance of group composition for individual behavior. In experimental juries, *Mendelberg* and *Karpowitz* also found that the female composition of groups affects deliberative virtues.⁵⁰ Second, partisan status and strategies of MPs matter as well. Hereby, *Bächtiger et al.* distinguished between government parties and opposition parties.⁵¹ The argument is that opposition parties are less cooperative and deliberative, since they will not equally profit from policy successes compared to the former.⁵² Indeed, MPs of government parties in Germany and Switzerland score higher on respect than respective opposition parties. This powerful effect of partisan status and strategies also underlines that there is a clear limit to institutional “engineering” of deliberative politics.

While partisan variables and group composition make a difference for discourse quality, the effects of other actor characteristics are modest. Only age has an effect, with elder legislators being slightly more respectful. Gender, different language, longer tenure and the chairperson role do not affect discourse quality (in the case of gender and language, effects materialize only at the group level, but not at the individual level). These results may not be so surprising: legislatures are highly institutionalized and party-dominated settings that wipe out most individual characteristics of legislators.

Considering the size of the effects, one must conclude that the facilitating factors do not bring about a sea change in deliberative quality. On a 9-point respect scale, differences between different institutional and issue contexts are only about .3 and .5 points. This clearly underlines that despite variance in institutional design, parliamentary discourse still shares many similarities. However, the additive combination of the favorable contextual conditions produces more sizeable effects. Indeed, when a less polarized issue is debated in a second chamber of a grand coalition setting, we find debates that have in parts features of “ideal discourses” with actors being highly respectful, reflective, open, reasoned and constructive. Here, differences for respect

48 D. Hangartner/A. Bächtiger/R. Grünenfelder/M. R. Steenbergen, "Mixing Habermas with Bayes: Methodological and Theoretical Advances in the Study of Deliberation" (2007) 13 *Swiss Political Science Review*, 607-644.

49 S. Pedrini, "Culture Matters for Deliberation? A Study of Linguistic Speech Cultures in the Swiss Parliament" (University of Bern, Lizentiatsarbeit, 2009).

50 T. Mendelberg/C. Karpowitz, "How People Deliberate About Justice: Groups, Gender, and Decision Rules", in S. Rosenberg (ed.), *Deliberation, Participation, and Democracy: Can the People Govern?* (Basingstoke, Palgrave, 2007), 101-129.

51 A. Bächtiger/D. Hangartner, "When Deliberative Theory Meets Political Science" (2010, forthcoming) *Political Studies*.

52 See S. Ganghof/T. Bräuninger, "Government Status and Legislative Behaviour: Partisan Veto Players in Australia, Denmark, Finland and Germany" (2006) 12 *Party Politics*, 521-539.

get more sizeable (the difference to a non-ideal setting is 1.4 on the 9-point respect scale).

But are the differences between the Swiss, German, American, and British parliaments institutional or cultural? A rival argument holds that these countries do not only have different institutions but also different political cultures. To shed light on this question, *Bächtiger* and *Hangartner* studied debates where partisan rules varied within a country or cultural context.⁵³ First, they compared a number of policy issues in Germany where the context of debating approximated the Swiss grand coalition setting. In Germany, respect levels changed dramatically and the German debates had identical scores than comparable Swiss debates. Similar results occurred when British debates are conducted under lower party discipline (which is also correlated with the idea that the debate is not a government-opposition affair): here, respect levels are much higher compared to debates conducted under higher discipline. These results provide an important hint that a change in the “institutions” can have a profound effect on deliberative quality, regardless of the country or cultural context.

As mentioned before, the differences in deliberative quality that *Steiner et al.* observed between the different legislatures were not categorical, but rather subtle shifts along a continuum.⁵⁴ So, what is the use of these subtle shifts? Does it really matter if one setting is slightly more respectful than another? This brings us to the relationship between discourse and outcomes. In order to minimize institutional confounding, *Spörndli* analyzed formal and substantive outcomes in a single institutional context, the German Conference Committee (Vermittlungsausschuss), a “consensual” body which tries to reconcile conflicts between the Bundestag and the Bundesrat.⁵⁵ With regard to formal outcomes, he found that in the Conference Committee unanimous or nearly unanimous decisions were typically associated with a high level of discourse in the preceding debates. Rather than polarizing, discourse thus helped the different sides to find a commonly acceptable solution to an issue. With regard to substantive outcomes, power trumped discourse. *Spörndli* found no association between discourse and more egalitarian decisions (in the sense the most disadvantaged in society are particularly helped). In sum, even if deliberative differences between institutional contexts tend to be subtle and power remains an important determinant of outcomes in the political sphere, the above findings indicate that deliberation still captures parts of political reality.

In sum, our research demonstrates that classic and *Habermasian*-inspired deliberation can flourish within parliaments – which many political scientists consider to be

⁵³ A. Bächtiger/D. Hangartner, "Institutions, Culture, and Deliberative Ideals: A Theoretical and Empirical Inquiry", Paper presented at the Annual Meeting of the American Political Science Association, Chicago (US), August 30th – September 2nd, 2007.

⁵⁴ J. Steiner/A. Bächtiger/M. Spörndli/M. Steenbergen, *Deliberative Politics in Action: Analysing Parliamentary Discourse* (n. 21).

⁵⁵ M. Spörndli, *Diskurs und Entscheidung. Eine empirische Analyse kommunikativen Handelns im*

not very likely cases for real deliberative action. However, the chances for more open, respectful and consensus-oriented deliberation in parliaments is highly context-driven.

Yet, much more remains to be explored. First, we are not in a position to fully distinguish between true deliberation and strategic action. Because it is exceedingly difficult to measure whether actors are truthful we must leave it open whether our findings represent instances of true deliberation or whether these are interspersed with episodes of strategic action. Clearly, when parliamentary actors show explicit respect or agree with arguments of others, this behavior goes beyond standard rational choice predictions. In the standard bargaining models, actors are neither supposed to be explicitly respectful nor change their preferences or beliefs. But adopting a more sophisticated rationalist approach, strategic actors could change their opinions in the light of new information about the consequences of their actions.⁵⁶ As such, drawing a clear-cut distinction between deliberative and strategic action becomes a difficult, if not futile, enterprise. But we call once more attention to a recent line of thought in political philosophy that denies the importance of drawing such a distinction. As *Mansbridge* stresses, deliberative elements such as respect in bargaining or negotiated processes should be considered an integral and legitimate part of democratic deliberation.⁵⁷

Second, our empirical research also hints at possible trade-offs in deliberative democracy. We find that institutional contexts with loose coupling between representatives and their constituencies (e.g., non-publicity, or grand coalitions which reduce the magnitude of political competition and obscure the transparency of policy-making)⁵⁸ improve key elements of deliberation such as respect. Thus, a further institutionalization of the classic and *Habermasian*-inspired deliberative model in the real world of politics might exactly need to build on institutional designs that de-couple politicians from their constituents and lower the pressures of representation of the former. This, however, may create serious questions of accountability and legitimacy. Or, as *Mackie* puts it: “[i]t is worrisome that each of the discourse-improving institutions is also one that reduces accountability of representatives to the citizenry”.⁵⁹ But this trade-off may be potentially cured: in the Swiss case, for instance, a more deliberative political system is coupled with direct democracy. In this institutional scenario, deliberating politicians are more directly accountable to citizens, who can scrutinize deliberatively achieved political decisions via direct democratic votes.

deutschen Vermittlungsausschuss (n. 5).

56 D. Austen-Smith/T. J. Feddersen, "Deliberation, Preference Uncertainty, and Voting Rules" (n. 44).

57 J. Mansbridge, *Conflict and Self-Interest in Deliberation* (Mimeo, 2005).

58 B. G. Powell/G. D. Whitten, "A Cross-National Analysis of Economic Voting: Taking Account of the Political Context" (1993) 37 *American Journal of Political Science*, 391-411.

59 G. Mackie, "Deliberation, but Voting Too", in R. Cavalier (ed.), *Deliberative Democracy: Theory and Practice* (Albany, State University of New York Press, forthcoming).

V. Future Analysis of Deliberative Proceedings

A first goal of a future research agenda is to develop more unified analytical frameworks in the study of deliberation. Existing deliberative research has long proceeded on separate analytical tracks. Comparative scholars have explored institutional and issue contexts that favor deliberation, but they have only recently begun to study psychological and other actor-centric variables that can affect deliberative quality as well (as we have detailed in section IV).⁶⁰ Psychologists, in turn, have focused on group and individual-level characteristics that affect deliberation, but they have largely ignored that institutions may matter for deliberation too. In the future, we need to bring together institutional, group-related, and individual factors in an even more comprehensive analytical and research design. Moreover, future research must also dig below the institutional surface and explore dynamical aspects of deliberation and argumentative quality. For instance, it may matter how a deliberative process starts: a question is whether this is done respectfully or disrespectfully, which may lead to different deliberative dynamics afterwards (path-dependent effects). Or, research has neglected that not every argument is per se good and convincing. Rather, as *Ulbert* and *Risse* argue, persuasive arguments must resonate with existing norms and general standards of appropriateness.⁶¹

A second goal is to develop a second version of the DQI.⁶² The new measure operationalizes the analysis of political communication in a way that incorporates classic and *Habermasian*-inspired concepts of deliberation and the insights of critics that emphasize the importance of the non-rational, more socio-emotional elements of communication (e.g., story-telling and rhetorics). In developing the measure, we build on the DQI with its four basic components of participation, justification, respect, and constructive politics. In so doing, we draw on a more interactive concept of communication that emphasizes qualitative differences in political communication (e.g. conventional, cooperative and collaborative discourse). The new measurement instrument goes beyond the DQI as follows: (1) it introduces a new dimension of ‘uptake’ which takes an in-depth look at interactive processes; (2) it more carefully distinguishes among the different levels or quality of reasons given and arguments made; (3) it includes non-*Habermasian* forms of communication such as rhetorics, story-telling, humor, and bargaining; (4) it develops a sequential approach to the analysis of how an interchange develops over time.

⁶⁰ See D. Hangartner/A. Bächtiger/R. Grünenfelder/M. R. Steenbergen, "Mixing Habermas with Bayes: Methodological and Theoretical Advances in the Study of Deliberation" (n. 48).

⁶¹ C. Ulbert/T. Risse, "Deliberately Changing the Discourse: "What Does Make Arguing Effective?"" (2005) 40 *Acta Politica*, 351-367.

⁶² A. Bächtiger/S. Niemeyer/M. Neblo/M.R. Steenbergen/J. Steiner, "Disentangling Diversity in Deliberative Democracy. Competing Theories, their Blind-Spots, and Complementarities", (2009, forthcoming) *Journal of Political Philosophy*.

Moreover, we have started a project for assessing the ability of the DQI to separate true deliberative action from more strategic forms of communication.⁶³ Thereby, we compare philosophically relevant debates to a number of highly strategic debates (such as budget planning) in Switzerland. If there is variance between the two types of debates with regard to deliberative quality, this will provide us with a crucial validity check of the DQI. Put differently, if we could demonstrate, for instance, that justification rationality or respect levels are lower in highly strategic debates, then this would give an important hint that the DQI indeed taps into true deliberative action.

A third goal consists in re-thinking the potentials of existing institutional arrangements for their deliberative capacity. Such a research program starts from the premise that established institutional arrangements entail path-dependency which makes large-scale institutional reforms in direction of deliberative ideals difficult to achieve in the short run. But in the context of the political sphere, one promising avenue is to reconceptualize the normative potentials of specific types of democracy. Thereby, one can start from the idea that all types of democracy have potentials and limits as well as their own philosophy or even ‘teleology’.⁶⁴ In this regard, we could distinguish among modal, degenerative and generative versions of specific democratic types. Take consensus democracies and deliberation: a modal version would be the ‘bargaining grand coalition’ with only sporadic deliberative elements such as respect and argumentation-induced opinion change; the degenerative version would be a polarized grand coalition with a strong tendency for confrontation, disrespect and gridlock; and the generative version would be the ‘deliberating grand coalition’, trying to find optimal solutions for policy problems in a respectful and reasoned fashion. Take Westminster systems and deliberation: these institutional settings are not generally geared towards classic, *Habermasian*-inspired deliberation; but a generative version might be geared towards more expansive forms of deliberation involving a competitive British debate style including good rhetorics and humor. Such competitive debates may help to promote democratic goals such as transparency and accountability. Conversely, a degenerative version of Westminster systems would involve playing the man, not the ball; it would involve personal attacks, ridiculing the political opponent, as well as “plebiscitary reason”⁶⁵ whereby political contents are reduced to slogans.

The empirical question is then under what conditions modal, degenerative and generative versions of specific institutional arrangements are produced. Here, deliberative theorists can profit from insights from empirical research focusing on the “mi-

⁶³ A. Bächtiger/A. Tschentscher, "Deliberative Demokratie zwischen Faktizität und Geltung", in P. Becchi/C. B. Graber/M. Luminati (eds.), *Interdisziplinäre Wege in der juristischen Grundlagenforschung* (Zürich/Basel/Genf, Schulthess Juristische Medien, 2007), 99-121.

⁶⁴ A. Wendt, "Why a World State is Inevitable" (2003) 9 *European Journal of International Relations*, 491-542.

⁶⁵ S. Chambers, "Reconciling Empirical Research and Normative Theory" (2005) 40 *Acta Politica*, 255-266.

cro-mechanisms” underlying the working of specific institutional settings. As to consensus settings, our own research shows that while consensus institutions do contribute to the quality of discourse, they are not the only story. The powerful effect of partisan variables in the Swiss grand coalition setting underlines that there is a clear limit to institutional ‘engineering’. In other words, the deliberative behavior of parties strongly varies within the same institutional setting, showing that deliberative willingness is a potent driver of the quality of political discourse. Thus, in order to approach the generative type of consensus systems, much will depend on the willingness and the possibilities of parties and politicians to deliberate. In concrete, different parties and politicians must be able to jointly profit from policy successes. Or, as *Barack Obama* has lucidly observed in the *New York Times* (September 26, 2008): “When you’re not worrying about who’s getting credit, or who’s getting blamed, then things tend to move forward a little more constructively.” In the context of consensus systems, the problem who gets the credit or who gets the blame is strongly tied to the concrete setup of coalition governments. *Fisher* and *Hobolt* provide empirical evidence that in a coalition government composed of two parties, the head-of government’s party is subject to greater retrospective voting than the other coalition party.⁶⁶ In other words, the head-of government’s party tends to profit more from policy successes. Conversely, in coalition governments with more than two parties in the government, policy clarity and retrospective voting are substantially reduced. Transferred to deliberative capacity, this may mean that coalition arrangements involving several parties open up a greater space for deliberation, since it is more difficult for parties to use political successes for partisan electoral advantages (as well as being blamed for unpopular policy decisions). However, such “micro-mechanisms” and “micro-logics” need to be further explored in experimental research.

⁶⁶ S.D. Fisher/S.B. Hobolt, "Coalition Government and Retrospective Accountability" *Paper presented at the annual meeting of the MPSA Annual National Conference, Chicago, on April 03 (2008)*.

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