

CHAPTER 9

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DELIBERATION
AND EQUALITY
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POLITICAL systems are democratic to the extent that people are empowered to participate in political practices—such as voting, representing, deliberating, and resisting—that contribute to self- and collective-rule (Warren 2017). Equality distributes empowerments that enable those affected by collective endeavors to participate in, and influence democratic practices. In this chapter, I explain why equality and inclusion are required before deliberation functions democratically, and I identify institutional arrangements for promoting equality and empowered inclusion in deliberative practices.

In the first section of this chapter, I elucidate the relationship between equality, inclusion, and deliberation in democratic systems. I describe two distinguishable values of equality required for distributing empowerments that enable people's participation in forming individual and collective judgments and decisions: the value of universal moral equality, and the value of equity. I argue that both values can and must be achieved to empower those affected by collective endeavors to participate in deliberative processes of linking personal preferences into collective agendas, and implementing agendas as democratic collective decisions.

In the second section, I describe different practices and institutional arrangements for promoting equality and empowered inclusion in deliberative practices. I begin by describing how deliberation requires a legal framework guaranteeing liberties and participation rights to engender formally equal opportunities for participation. Within this legal context, positive efforts must be made to ensure disempowered social group members can use these opportunities. Finally, I turn my attention to the different ways equality's twin values can be achieved when designing face-to-face deliberative "micro-institutional" forums, such as deliberative mini-publics.

EQUALITY AND INCLUSION IN DEMOCRATIC SYSTEMS

Political systems are democratic to the extent that people are included in political practices (such as voting or deliberating), can communicatively link personal preferences into collective opinions and agendas, and are empowered to turn collective agendas into collective decisions (Warren 2017). Democratic processes always *begin* with inclusion, since collective agendas and decisions are only “democratic” to the degree that those affected by collective outcomes are empowered to influence them (Beauvais 2017; Fung 2013; Goodin 2007; Young 2000).

There is a close relationship between equality and inclusion. Note that by “equality” I mean “structural equality,” or equality between the members of salient social groups such as class, gender, ethnic, or linguistic groups (rather than, say, where there are idiosyncratic differences between individuals) (Harell and Stolle 2010). Social groups are an expression of social relations, and structural equality between social groups denotes egalitarian social relations (Young 2011). The problem with inequality is that it engenders asymmetrical empowerments which prevent disempowered social group members from participating in political practices whose outcomes, nevertheless, affect them.

Equality contains two distinguishable values: universal (moral) equality and what I call equity (cf. Williams 1973; Beauvais and Bächtiger 2016). Universal moral equality distributes symmetrical empowerments by recognizing certain liberties that guard against coercion. Universal moral equality involves abstracting from social circumstances as well as recognizing the fundamental sameness of common humanity, by treating people as if they shared a universal starting point—such as the same baseline of moral worth—and had the same fundamental needs, such as the need for life and liberty.

However, members of different social groups do not “arrive at life’s starting lines” with the same resources even if they share the same baseline of moral worth (Williams 2000, 60). So the second value of equality—which I refer to as *equity*—requires the demands of justice to attend to social circumstances, and recognizes systematic differences (such as structural inequalities) between the members of different social groups (see also Beauvais and Bächtiger 2016). “Justice” refers not only to the redistribution of wealth when large economic inequalities distort empowerment, but more generally to the promotion of conditions enabling social group members to develop and exercise their individual and collective capacities (Young 2011, 39). Unlike universal moral equality, the value of equity lies in treating members of different social groups as if they have *different* starting points—in their access to wealth and power, or their physical, cognitive, or linguistic styles and abilities—and so have different needs for developing and exercising individual and collective capacities to their fullest extent.

As I have suggested, structural inequalities threaten to *undermine* democratic governance precisely because inequalities engender asymmetrical power relations that entail exclusions. Inequality and the resulting exclusions can be thought of as “systematic constraints” on social group members, limiting their ability to exercise and develop their individual capacities and preventing their participation in political practices (Young 2011, 41). Not only does inequality prevent political practices such as deliberating or voting from functioning democratically, but its disabling constraints and resulting exclusions contribute to harms of oppression. The absence of universal moral equality historically permitted the exclusion of racial minorities and women from legal standing as “persons,” and helped maintain racist and patriarchal systems of oppression. Even when the moral equality of all citizens is legally recognized, failure to address remaining inequities contributes to the ongoing powerlessness and marginalization of members of historically disempowered social groups (Williams 2000; Young 2011).

ACHIEVING EQUALITY AND INCLUSION IN DELIBERATIVE PRACTICES

Both the value of universal equality and the value of equity can, and must, be accommodated in democratic systems, to ensure that different political practices—such as voting, deliberating, and representing—entail the inclusion of those affected by collective outcomes. Empowered inclusions enable speakers to communicatively form personal preferences into collective opinions and wills, and to implement those collective wills as democratic collective decisions. In this section, I focus on achieving equality and inclusion in deliberative political practices.

By “deliberation” I mean “practices that generate influence through the offering and receiving of cognitively compelling reasons about matters of collective concern” (Warren 2017, 47). As a generic tool for achieving democratic functions, deliberation is especially suited for communicatively relating individual preferences to collective judgments. It also helps to ensure that people know the reasons that justify collective judgments, “so that individual self-government extends through collective self-government” (Warren 2017, 44).

Universal moral equality must be recognized in the legal framework defining the context of political and deliberative practices, so that those affected by discourses cannot be barred from participating in them. This constitutional or legal framework must enable empowerments by recognizing “the universal right to equal individual liberties” as well as “participatory rights,” which include not only voting rights but also the right to speak and associate (Habermas 1998, 458). The constitutional or legal recognition of universal liberties guards against coercion and distributes symmetrical empowerments as formally equal opportunities for participation. This is the first step to promoting inclusive deliberation that contributes to democratic public opinion and will formation.

Furthermore, within this “framework guaranteed by constitutional rights,” the mass media must effectively channel public communication through a pluralistic, open network of subcultural publics that develops “more or less spontaneously” within the public sphere (Habermas 1998, 307). In addition to legally recognizing universal liberties and democratic participatory rights, democratic systems require a self-regulating media independent of market forces (Chambers 2009). Protecting mass media from market forces requires efforts to make media more equitable, such as campaign finance reforms, or regulating political advertisements during and between elections (Bohman 1996). Other positive efforts to make media more equitable might include public subsidies for local and regional public television and radio, local or minority language programs, and internet and phone infrastructure in remote areas.

As I started to explain, even when a legal framework of universal liberties and participation rights ensures social group members have formally equal opportunities to participate in political practices, and a self-regulating media channels communication through different publics, inequalities can produce asymmetries in social group members’ abilities to *use* these universal empowerments. For instance, structural inequalities engender external exclusions when the poor and members of other historically disempowered groups do not have the time or resources to participate in political practices at all. Inequalities also engender “internal exclusions,” when members of disempowered groups are formally present in deliberation but their utterances are given less weight, or are ignored (Young 2000). As I explained in the previous section, people do not arrive at life’s starting lines with the same capacities and resources. People vary in their facultative and rhetorical abilities (Knight and Johnson 1997; Rosenberg 2007; Young 2000), and stereotypes, loaded metaphorical language, and aggressive conversational behaviors do disproportionate harm to disempowered social group members (Beauvais 2015; Mendelberg, Karpowitz, and Oliphant 2014; Young 2011).

When structural inequalities entail external and internal exclusions that prevent historically disempowered group members from using their political rights or from influencing deliberative processes, communication can become “distorted,” and contribute to maintaining social hierarchies and harms of oppression (Bohman 2000a; 2000b; Habermas 2001). Distributing symmetrical empowerments that engender deliberative inclusion also requires pursuing the value of *equity*, and positive efforts to develop individual and collective capacities. This means that deliberation must be underwritten by *enabling rights and practices* that attend to social circumstances, and aim to ensure the participation and equitable influence of all social group members in the variegated, interlocking deliberative sites in democratic systems.

Enabling rights include social programs designed to increase individual and collective capacities, among them the provision of public services such public education and healthcare, and redistributive efforts such as unemployment insurance or social security. Public services and social welfare rights help mitigate the exclusionary consequences of socio-economic inequalities, which otherwise might deprive disadvantaged social group members from having the skills, resources, or time to deliberate. As I have mentioned, positive efforts can also increase the accessibility and responsiveness

of public media so as to ensure more genuinely universal and equitable access to these means of communication (Bohman 1996).

State or civil society actors can help ensure that members of all social groups make use of their formal opportunities for participation, and can in particular promote more equitable influence by encouraging members of disempowered groups to participate in the public sphere. For instance, in the 1960s the Canadian federal government began publicly funding minority language protection, multicultural, and women's advocacy groups to try and achieve the policy goal of a more unified, harmonious country (Pal 1995). Public support for these organizations helped increased participation in the public sphere by members of historically disempowered groups, enriching public deliberation and opinion formation. Furthermore, by maintaining the links thus created, the government established a communication channel between these groups, typically under-represented in electoral politics, and Canada's federal legislative, decision-making body.

Organizers of civic associations or public meetings may also use selective recruitment techniques to ensure that members of disempowered social groups are adequately represented (or even over-represented) in deliberative venues in civil society, to help boost their discursive authority in deliberative interactions. Consider Nancy Fraser's (1990, 67) description of the "feminist subaltern counterpublic," with its diverse array of "lecture series, research centers, academic programs, conferences, conventions, festivals, and local meeting places." Precisely *because* these "parallel discursive arenas" are disproportionately comprised of women, almost exclusively feminists, they empower feminist women to participate in and influence counterdiscourses, and to "formulate oppositional interpretations of their identities, interests, and needs," which feed back into broader public discourses about women's interests and roles in society.

Most deliberative interactions take place in civil society: through the mass media's highly mediated and unidirectional communication flows, in the rational discourses about matters of collective concern that take place in civic associations and religious or cultural groups, and in everyday conversations (with neighbors, at parent-teacher association meetings, and so on). Many important deliberative interactions also take place in state institutions, including legislatures, the courts, the bureaucracy, and through the dialogue between state institutions and civil society. And most reforms designed to promote equal opportunities for participation, and equitable influence in deliberative processes in the mass public, pertain more to the macrostructural context within which deliberation takes place. The hope is that "once the established rules constitute the right game—one that promises the generation of considered public opinion—then even the powerful actors will only contribute to the mobilization of relevant issues, facts, and arguments" (Habermas 2001, 420).

Promoting equality and inclusion in public deliberation is not in essence about regulating the nature of face-to-face interactions: it is scarcely feasible to assign referees to regulate every such interaction in the public sphere, nor to ensure everyone is using their discursive faculties in an equal or egalitarian way. Yet a growing body of research is focusing on how to design small-scale deliberative forums that are "symmetrical,

face-to-face, and equal” (Chambers 2009, 339; see also Warren 2007), or what I refer to as “micro-institutional deliberation.”

ENGINEERING MICRO-INSTITUTIONAL DELIBERATION

Studies of micro-institutional deliberation typically focus on small-scale, face-to-face forums and institutions such as deliberative mini-publics, where “citizens can deliberately come together to choose a course of action” (Chambers 2009, 332). A growing body of empirical research on micro-institutional deliberation lends insight into different institutional design choices for promoting equality and inclusion in micro-institutional deliberative forums. In this section, I review the empirical literature on institutional design choices related to participant selection methods, facilitation styles, communication formats, and decision rules.

The requirement for face-to-face interaction imposes practical limitations on participation, and those designing deliberative events must decide who gets to participate and how they are selected. One of the most popular selection methods is self-selection, where deliberating groups are open to any interested participants (at least, until the deliberating group is at capacity). Self-selection promotes a kind of universal opportunity for participation that ostensibly ignores social circumstances.¹ The primary benefits of self-selection include ease of implementation, and the kind of legitimacy that comes with allowing people to use their formal equalities to influence things they care about. Of course, self-selection is not always blind to social circumstances. Since historically empowered social group members are often more likely to participate in political practices, self-selection can produce more homogeneous groups that reflect these inequalities (Urbinati and Warren 2008; Warren 2001).

Another popular selection technique for promoting universal equality is random selection. However, rather than creating an open opportunity for participation, random selection promotes universal equality through the principle of justice referred as “*isegoria*,” or the equal *chance* for every member of a population to have their voice heard (Dworkin 2000, 194–8). Furthermore, random selection prevents empowered social group members and powerful organized interests from over-selecting into deliberations, and thus helps prevent asymmetrical empowerments from engendering exclusions in deliberative bodies. Compared with self-selection, random selection also tends to do a better job of ensuring a diverse range of voices are included, which—in addition to promoting inclusion—promotes cognitive diversity and epistemic benefits related to learning (Landemore 2013).

One drawback of a purely random sample is that it still does not guarantee the representation of disempowered social group members, particularly when they are only a small proportion of the population. This problem is exacerbated when the deliberating

groups are also small, since smaller random draws are, of course, less likely to be representative. Random stratified sampling—a random sample designed to ensure the proportionate representation (or over-representation) of certain groups—can be used to overcome these problems.

Random stratified sampling retains the fairness embodied in the principle of *isegoria*, but is more attentive to social contexts. Because of these attributes, it is one of the preferred techniques for selecting participants for mini-publics, including deliberative polls, citizens' assemblies, and citizen juries (Fung 2003; Grönlund, Bächtiger, and Setälä 2014; Smith 2009). For instance, random stratified sampling was used to ensure the representation of Indigenous participants in the Australian Citizens' Parliament (Dryzek 2009), as well as in citizens' assemblies in Canada (Beauvais and Warren 2015; Warren and Pearse 2008). Because Indigenous citizens comprise a small proportion of the population in both Australia and Canada, they likely would have been excluded in a purely random draw. By ensuring their representation in the citizens' parliament and assemblies, organizers helped ensure that the resulting deliberations and collective will formation were attentive to these historically disempowered group members.

However, as I discussed, even when members of disempowered social groups are formally represented in conversations, internal exclusions can undermine their discursive influence. Purposive sampling (or targeted recruitment) can be used specifically to recruit participants based on some social or sociodemographic criteria, and to achieve at least a given minimum—a “threshold presence”—of disempowered group members in mixed groups (Kymlicka 1995; Mansbridge 1981). Purposive sampling can also be used to promote “enclave deliberation among the disempowered,” when groups are mostly or entirely populated by members of disempowered social groups. While enclave deliberation is sometimes treated with skepticism because of the concern that it may contribute to groupthink and polarization (Sunstein 2000), this problem is mitigated if the enclave meets under deliberative conditions (Grönlund, Herne, and Setälä 2015). Although greater diversity in deliberation is generally associated with positive epistemic outcomes such as learning (Bohman 2006; Landmore 2013), enclave deliberation among the disempowered can produce many of the same benefits as heterogeneous deliberation (Karpowitz, Raphael, and Hammond 2009).

Another important institutional design choice for promoting equality and inclusion in micro-institutional settings is facilitation. This is one of the most important techniques for ensuring participants' internal inclusion (Landwehr 2014), since facilitators can ensure that everyone can use the formal opportunities to speak and, by ensuring that different sides of the debate are heard, can promote equity. It is useful to think of facilitation style in terms of a three-category distinction: passive, where the facilitator plays a “turn-taking enforcer” role; moderate, in which the facilitator moves the conversation along as a “designated driver,” without adding new interpretations; and active or involved, with a “quasi-participant” facilitator who editorializes or interprets the conversation (Dillard 2013, 220). Passive facilitators may be most effective in ensuring everyone can use their formal opportunities to speak, while moderate and active

facilitators may achieve more equitable discourses that are attentive to disempowered group members. Moderate and active facilitators can engage in a kind of “discursive representation” (Dryzek and Niemeyer 2008) to speak for those who are not present. For instance, they might offer hypotheticals (“What would you reply if someone argued that because of p , q ?”) to increase awareness of diverse views and engender empathetic concern for those affected by the outcomes of collective opinions and decisions, even if not present in homogeneous deliberating groups (Landwehr 2014).

Communication format can also have an impact on equality and inclusion in micro-institutional settings. Specifically, there is the question of whether deliberation should involve more combative, argumentative discussion formats (such as dialectical inquiry and devil’s advocacy), or more consensual, supportive communication. There is a concern that debate-style, argumentative forms of deliberation may suppress marginalized voices and contribute to the internal exclusion of the disempowered. For instance, research shows there is a gender bias when assigning roles such as devil’s advocate, as women’s reputations can be harmed when they appear to challenge men (Sinclair and Kunda 2000). Summarizing their findings on gender inequality in deliberation, Mendelberg, Karpowitz, and Oliphant (2014, 35) conclude “that egalitarian discussion rests not on adversarial but on supportive communication, which lifts women’s authority.”

However, while argumentative communication formats carry the risk of marginalizing the disempowered, debate can promote epistemic benefits related to learning, by unraveling inconsistencies, bringing to light unconsidered facts, and pushing participants to provide more, and better, reasons for their positions (Manin 2005). Experimental research suggests both dialectical inquiry and devil’s advocacy can lead to a higher level of critical evaluation of assumptions and better-quality recommendations than consensus decision-making (Schweiger, Sandberg, and Ragan 1986). When making institutional design decisions, practitioners should be clear on what goals they want to achieve, as well as be attentive to the context within which deliberation takes place. For instance, where disempowered group members’ status is lower (for instance, if they are the numerical minority in a mixed group), consensual communication that achieves the goal of equal influence may be more appropriate. But where disempowered group members’ status is higher (such as in enclave deliberation), more argumentative formats that achieve deliberation’s epistemic aims might be preferable (Beauvais and Bächtiger 2016).

Finally, if deliberating groups are expected to reach a collective decision, the decision rule affects how participants interact with one another, with consequences for equality and inclusion. For instance, experimental research reveals that the wrong institutional rules can exacerbate women’s internal exclusion in deliberation (Karpowitz and Mendelberg 2014; Mendelberg, Karpowitz, and Oliphant 2014). Thus, under majority rule when there are few women—and women’s status is lowest—the balance of male interruptions can contribute to women’s internal exclusion, silencing women’s voices. This problem appears to be mitigated when women’s authority is highest, such as when they comprise the majority under majority rule.

CONCLUSION

Democracies begin with the empowered inclusion of those affected by collective endeavors. Political systems are only democratic to the extent that people are empowered to participate in political practices—voting, representing, deliberating, resisting, and so on—that contribute to self- and collective rule (Warren 2017). In this chapter, I described how equality’s twin values distribute symmetrical empowerments that enable participation in forming individual and collective judgments, and identified institutional arrangements for promoting equality and empowered inclusion in deliberative practices.

Both universal moral equality, which requires abstracting from social circumstances, and equity, which requires attending to social circumstances, are essential for distributing symmetrical empowerments that entail inclusion in political practices, including deliberative practices. Institutional arrangements that promote the twin values of equality include, firstly, a legal framework guaranteeing liberties and political rights to engender formally equal opportunities for participation. Democratic systems require a self-regulating media that is independent of market forces. Furthermore, positive efforts—including social welfare programs, and actively engaging disempowered group members in civil society—must be made to ensure disempowered social group members can use their opportunities for political and deliberative participation.

A growing body of research also offers insight into the different ways equality’s twin values can be achieved in “micro-institutional” forums, such as deliberative mini-publics. Organizers designing these kinds of micro-institutional forums have choices related to participant recruitment, facilitation style, communication style, and decision-making which have different consequences for empowering participation and both external and internal inclusion. Practitioners organizing micro-institutional forums should consider the goals of deliberation and the context within which the deliberation is taking place, with an eye to potential consequences or trade-offs of institutional design choice (Beauvais and Bächtiger 2016).

Interestingly, most empirical studies of deliberation focus on these kinds of modest, small-scale deliberative settings, and ignore the question of how structural reforms impact deliberative quality in the unbounded mass public (Chambers 2009). Of course, some of research on micro-institutional deliberation offers lessons for deliberative moments in the broader public. For instance, the finding that the wrong institutional rules can exacerbate women’s internal exclusion in deliberation, while the right institutional rule can close the discursive authority gap between men and women, offers important lessons for parliamentary committees or other decision-making groups in civil society and private industry. However, we cannot ignore deliberation in the mass public, since it comprises the context within which smaller-scale deliberative events take place, and can determine their success or failure.

For instance, small-scale deliberative mini-publics may produce excellent policy proposals, only to be ignored by the “benighted” mass public (Chambers 2009; cf. Warren and Pearse 2008). Alternatively, the outcomes of micro-institutional deliberations could be ignored by decision-makers or, worse, used as legitimating devices for their pre-determined policies (Johnson 2015; Pateman 2012). Micro-institutional processes also risk falling capture to organized interests in civil society (Beauvais and Warren 2015); this is particularly true if those interests do not expect to like the outcomes (Hendriks 2011). No matter how effectively we learn to design micro-institutional deliberative forums, deliberation in the mass public is likely to remain the primary means for individuals to link their own preferences to collective judgments, as well as to learn about the reasons that justify those judgments. Future research might look more specifically at which institutions, including legal frameworks, redistributive schemes, and public media policies, most effectively contribute to inclusive deliberation in the unstructured mass public, and at ways of integrating micro-institutional deliberative forums into broader public discourses.

NOTE

1. Of course, institutional design choices can and should be made with an awareness of context in which the deliberation takes place. Allowing participants to self-select into a deliberating body could result in enclave deliberation—though that might be the intention of the organizers: for instance, if organizers wished to encourage deliberation among a disempowered minority group, they could invite residents from disproportionately minority neighborhoods to self-select into a deliberative process. The result should be enclave deliberation among the disempowered.

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