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The Epistemic Standards of Public Reason*

Abstract: Many contemporary philosophers have adopted the deliberative theory of democracy, according to which, a political decision is legitimate if it was established by a deliberative procedure. In this article I argue that the important objections which affect proceduralist and epistemic versions of this theory can be overcome if we carefully distinguish the epistemic and the political dimensions of democratic deliberation, instead of trying to derive one from the other. Moreover, we have to understand how does the deliberative process itself contribute to the legitimacy of the political decision and what is the role of the standards and conditions that are justified independently of the procedure. Using this distinction I will try to demonstrate that the deliberation itself is insufficient to secure the epistemic correctness and the political legitimacy of political decisions.

Key words: deliberative democracy, epistemic standards, conditions of possibility, conditions of reality, legitimacy

One of the most important problems in contemporary political philosophy is that of the legitimacy of political decisions in the context of a democratic decision-making process. According to the followers of deliberative democracy the legitimacy of political decisions is based on a public deliberation process in which every citizen that is affected by a public policy has the opportunity to participate and to present his opinion, to argue for or against the policy, to change his view or to hold it if he was not convinced by the arguments provided by other participants in the public debate. The final decision should be the one that is supported by the best arguments.

1. The problems of proceduralism and substantialism

The difference between various deliberative models is determined by the ways in which different authors explain how this procedure is supposed to work. We can classify the diversity of deliberative theories in two main categories: proceduralist views and substantialist views (Gutmann, Thompson, 2004 : 23-24). Proceduralists hold that a decision is legitimate simply because it is the result of a deliberative procedure that was accepted by all the parties. In their opinion, all the standards and the rules that govern the debate must be established as a result

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of the deliberative procedure and they depend on it. Substantialists believe that the standards and the rules must be substantial principles (truth, justice, morality, and so on), that are independent of the procedure. The most important substantialist view is the epistemic conception of deliberative democracy. Epistemic substantialists hold that the legitimacy of political decisions is based on the fact that they are the right ones from an epistemic point of view. They think that the standards and the rules should be at least partially independent of the procedure. In their opinion, the superiority of the deliberative procedure is based on its superior epistemic value: its results are more likely to be right than the results of all the other democratic procedures like pure voting or bargaining (Marti, 2006 : 33).

Unfortunately, both these views are confronted with some serious objections. Pure proceduralism is, in my opinion, an inconsistent position. The main thesis, according to which the standards and the rules of the deliberation procedure are totally dependent on the procedure itself, conflicts with the need to avoid the relativity of standards and rules and the problems of circularity or *regresus ad infinitum* in the attempt to justify them. If the standards are totally dependent on the procedure, then what guaranties do we have that the same standards will govern the next procedure? And even if we ignore this issue of the stability of standards from one deliberative event to the next, another problem will remain unsolved: how do we justify the standards that apply in a single deliberative event? If the justification is provided by the same procedure, circularity threatens. If it is provided by a previous deliberation, then we can ask how we justify the standards of this previous procedure, and so *regresus ad infinitum* threatens.

Epistemic substantialism is confronted with other serious objections. In a strong reading of substantialism the standards are totally independent on the procedure and of the participants' beliefs and desires. This view faces two difficulties: one metaphysical, concerning the status of this totally independent standard, and the other epistemological, concerning the cognitive access to it. In a weaker reading the standards are only partially independent on the procedure and of the participants' beliefs and desires. The problem with this reading is the ambiguity of this "partially independent standard": a standard that is neither totally dependent and neither totally independent of the procedure. But, if the standard is to play its role, the justification force must rely either in the procedure or in something independent of it. But this would mean that we would have to choose between proceduralism and strong epistemic substantialism.

Both, strong and weak versions of epistemic substantialism face another important problem: even if we admit that the parties in a debate will reach rational consensus regarding the epistemic right solution, this would not mean that the decision is legitimate. Some citizens could recognize the epistemic superiority of a solution without voting for it: they could choose to follow their interest and not the common interest. If we agree that the individual is the ultimate authority at giving his consent for a political decision, then we have to

agree that we can't restrict this autonomy in order to guarantee that every citizen will choose only the solution that is best supported by arguments.

One way we could try to solve these problems is to assume the provisional character of the principles supported by substantialists and proceduralists. This view is defended by Amy Gutmann and Dennis Thomson. They observe that if we assume the existence of fixed substantial principles, these principles would preempt the moral and political authority of the citizens, and would improperly constrain democratic decision-making, including deliberation itself. If we admit that there are fixed procedural principles, then these principles might not be sufficient because they could produce unjust outcomes. Moreover, even procedural principles have some substantial content: for example, we have to rely on some moral substantial basis even when we affirm that the majority rule is better than the minority rule. And this means that procedural principles can be controversial too. In Gutmann and Thompson's view, the solution to this problem is to assume that procedural and substantial principles are politically provisional. They should be open to revision in an ongoing process of moral and political deliberation (Gutmann, Thomson, 2004: 25-26).

However, I don't think this is an authentic solution to the problems they mention. First, we should note that the superior political authority of the citizens is a substantial moral and political principle that cannot be considered open to revision or established by deliberation. Without this principle and others, like that of full and equal political membership, of liberty, autonomy, and so on, the democratic deliberation itself cannot exist. Secondly, we should observe that the deliberative process of arguing and reasoning consists in the applying of some principles accepted by all the parties. Nothing can be established by deliberation if there won't be some standards that will be accepted previously to the deliberation.

Another important problem that was raised against all the models of deliberative democracy is that the process of arguing and reasoning which corresponds to this theory can be discriminatory. This objection is usually mentioned by the followers of feminism and multiculturalism. They argue that the so called "neutral" and "objective" ideal of public reasoning privileges the modes of expression typically associated with highly educated white people. In their opinion, these norms are culturally specific and discriminatory (Young, 2000: 38). So, these critics think that the deliberative models are biased and further disadvantages already disadvantaged citizens. Gutmann and Thomson try to offer a response to this objection by underlining the fact that those disadvantages are features of the political system that are not strengthened by deliberation. On the contrary, deliberation permits those groups to find representatives that are capable to articulate their interests and ideals. In this way, it offers the weak a weapon that can significantly reduce the discriminatory effects of the inequalities (Gutmann, Thomson, 2004 : 49-50).

I believe that this response to the objection is unsatisfactory, and does not address the real issue. The problem that is mentioned by the critics is that deliberation excludes some citizens from the democratic decision making procedure. They emphasize the fact that if those citizens have to “articulate” their opinion in a language they are not familiarized with, the language of a dominant group, then their inferior political status is perpetuated.

So, the defender of these prominent models of deliberative of democracy faces some serious difficulties in explaining the following problems: how the standards and rules of the deliberation itself can be justified, what is the basis of the legitimacy of political decisions, how can we deal with the problem of deliberative inclusion without allowing political discrimination? In the following sections of this article I will argue that by distinguishing the epistemic and the political dimensions of deliberative democracy we can better understand these issues and we can better appreciate the role of the deliberative procedure in democracy.

2. A Kant-style compromise

I believe that the difficulties of the theories mentioned above come from the fact that they try to derive one dimension of deliberative democracy from the other. Deliberative democracy presupposes two different dimensions: one epistemic (deliberation) and the other political (democracy). To each of these dimensions corresponds a different objective: to deliberation corresponds the epistemic need to know which is the correct solution to a political problem and to democracy corresponds the objective to secure the political autonomy of all the citizens. Proceduralists try to derive the epistemic dimension from the political one: to argue that the decision that was agreed upon is always the correct decision. The followers of the epistemic conception try to argue that the political autonomy must be restricted in such a way to secure the possibility that the right decision will be adopted by all the citizens.

In my opinion, the epistemic and the political dimensions of deliberative democracy should remain independent from one another if we do not want to trade one objective for the other. This could be accomplished only if we admit, in the style of Immanuel Kant, that whenever we try to understand a complex process, instead of attempting to reduce one dimension of that process to the other, we should try to identify the specific contribution of each aspect to the process as a whole. So, we can say that there are two kinds of conditions that must be satisfied by any deliberative democratic procedure: the epistemic conditions and the political conditions. But, then we have to analyze another problem: how will these conditions work and what will be the relationship between them?

3. Conditions of possibility and conditions of reality

In the recent book *Arta dezbaterilor publice*, Constantin Salavastru distinguishes between *conditions of possibility* and *conditions of reality* of the public debates. The conditions of possibility are those rules without which the debate could not take place: those that must be previously accepted by all the participants in a debate as the rules of their discursive behavior. In this category he includes rules like the conversational maxims from the theory of Herbert Paul Grice: Maxims of quality – *Do not say what you believe to be false*, and *Do not say that for which you lack adequate evidence*; Maxims of quantity – *Make your contribution as informative as is required (for the current purposes of the exchange)*, and *Do not make your contribution more informative than is required*; Maxim of relation – *Be relevant*; Maxims of manner – *Avoid obscurity of expression*, *Avoid ambiguity*, *Be brief*, and *Be orderly* (Salavastru, 2009 : 38-46).

The conditions of reality are the rules that govern the debate after it started and without which the debate could not be successful. In his opinion this category contains rules like: use the best reason you got; don't contradict yourself; don't change the meanings of your term, and so on. The distinction between the conditions of possibility and the conditions of reality depends on the context of the public debate: in some contexts a condition will be included in the first category and in other contexts it will be included in the second category. If we can't start the debate without a commitment to respect one condition, then it is a condition of possibility, and if we can't succeed in a debate that has started without a commitment to respect that condition, then it is a condition of reality (Salavastru, 2009 : 29-30).

In believe we can use this contribution in the analysis of deliberative democracy to understand better the relation between the epistemic and the political dimensions of this democratic decision-making procedure. In this way we can realize how the Kant-style compromise mentioned above could work.

If we want to use the distinction between conditions of possibility and conditions of reality, first we have to specify the role it will play in our analysis. As I mentioned above, a condition of possibility is one without which the deliberation could not exist. So, the condition of possibility itself must independent of the deliberative procedure. A condition of reality is one without which the deliberation could exist, but it would not succeed. This means that the condition of reality itself is dependent on the way the deliberative procedure is developed in practice. The distinction between procedure-independent and procedure-dependent conditions is very important if we are concerned with the role that the deliberative procedure itself plays in the process of reaching legitimate political decisions. If some conditions or standards, that are necessary and sufficient for political legitimacy, are dependent on the procedure, then the democratic deliberation procedure is sufficient for securing the legitimacy of political decisions. If they are independent of the deliberative procedure, then the procedure is insufficient for securing the legitimacy of the political decisions.

And this will be true not only about the legitimacy, but also about the epistemic correctness, the morality and all the other values associated with a political decision.

4. Political and epistemic dimensions of deliberation

We should observe that all the conditions of possibility mentioned above are conditions of an epistemic and conversational nature. But, it is obvious that no authentic democratic deliberation could exist if the participants in the debate do not recognize each other a set of basic political rights like: equal and full political membership, liberty, autonomy, the right to participate in the deliberation process, to argue for or against a solution, to follow his interest and so on. These are the political conditions of possibility for the process of democratic deliberation and they should be accepted by the parties in the debate before the starting of this procedure. So, they can not be justified or contested in the course of the deliberation. Their justification should be based on something independent of the deliberative procedure.

But, someone can ask: if these basic political rights are not justified by the deliberative procedure, then what is the significance of deliberation anyway? In my view, we should distinguish between deliberation as a democratic *decision-making process* and deliberation as an *epistemic process of public reasoning* with the aim of tracking the right solution to a problem. So we can't trade the political conditions of possibility for the epistemic conditions of possibility. The participants to the deliberative event have to make a different commitment for each dimension: a political commitment and an epistemic one. They will accept some basic political rights and some basic epistemic standards that will govern the process of public reasoning.

However, the importance of deliberation itself is mainly epistemological: we are democratically deliberating and not deliberating if democracy should or shouldn't be assumed as the best political regime. Deliberation is the process by which we try to reach the right decision. What characterizes only deliberation among all the democratic procedures is the reasoning process and the epistemic standards that make the epistemic process of deliberation possible, standards like: the best solution is the one that is supported by the best arguments, only non-contradictory arguments should be permitted, do not use fallacious or arguments, do not argue for something you know it is false, take into consideration the arguments offered by other citizens, be open-minded and ready to change your view if another opinion is supported by better arguments, and so on.

But, if we do not deliberate on whether the basic political rights should be adopted or not, what will be the subject of our deliberation? We will deliberate on practical and contextual issues that occur in the life of a pluralist political community. Even if citizens agree on the principles governing basic political rights, there will remain many problems concerning the applying of

these principles to all the issues on which their interests and opinions would conflict.

5. Epistemic standards of public reason

Deliberation is a process of public reasoning about the most appropriate way to find a solution for a social problem. But, how do the parties in the public debate decide which is the right decision? The most obvious answer will be that they apply some epistemic standards that were accepted by everyone previously to the starting of the debate. Without this set of standards being established, the debate could not take place: all the opinions that were expressed would be equally justified. These standards help us track the solution that was supported by the best argument and identify which argument will be the best. The justification of the epistemic standards themselves can not be offered as a result of a deliberation between the participants to that procedure: in such a case, circularity or *regressus ad infinitum* would threaten. So, how are they justified?

In my opinion, if we want to answer this question, we have to use another distinction between two types of standards that are applied in democratic deliberation: *formal* and *factual* standards. When we argue that a solution is the most appropriate way to solve a social problem we use both logical and factual arguments: we check if it is logically and factually correct. When we verify the logical validity of the arguments we use the rules of logical correctness. Normal people have the natural capacity to apply these rules. Unfortunately, this capacity it is not infallible: there are many fallacious arguments that seems to be intuitively right. This is the reason why, in many cases, using logical reasoning in a public debate might require the presence of some experts in the field of logic and theory of argumentation.

When we verify the factual correctness of the arguments we check the compatibility between that argument and some part of reality. Many times this could be accomplished by any participant in the public deliberation. But, other times the presence of an expert in that field or of a direct witness will be required. In many cases this will be necessary because normal people do not have the expertise needed in order to understand all the complex aspects of the society they live in. As, Guido Pincione and Fernando Tesón, argue in the book *Rational Choice and Democratic Deliberation. A Theory of Discourse Failure*, common citizens do not have the resources that are necessary in order to acquire this kind of information. This is the reason why their judgments and their recommendations regarding the solutions to complex social and political problems are usually wrong. A deliberation between common citizens would only strengthen these wrong judgments. This process is what they call a „discourse failure” (Pincione, Tesón, 2006 : 17).

Many times the process of public deliberation presupposes also the analysis of some moral issues: of what is the just (good, morally right) way to work out a social problem. And, in a pluralist society, this problem is a very

difficult one: there are many different moral views regarding the same issue, and they are equally legitimate. Sometimes, a common ground can be found if we manage to argue that a solution is compatible with all the moral perspectives of the parties in the debate, but this is an exception, at best. We cannot prove from within a deliberative procedure that a substantial moral view is the right one.

So, it seems like the all these standards which are applied in a public deliberation must be justified independently of the procedure itself. The deliberative procedure itself has also some conditions of reality, which are procedure-dependent and influence both the legitimating process and the reasoning process: the accuracy of information that are available, the force of the arguments that are used, the epistemic competence of the parties, their ability to communicate with others and to understand their opinions, and so on. However, the contribution of these conditions is more that of securing a proper environment for the applying of the procedure-independent standards.

But, this means that the deliberative procedure itself is *epistemically insufficient*. It is not sufficient to gather a number of citizens and get them to agree on a set of epistemic rules. They have to adopt those logical and factual standards that govern the correct way of reasoning. In the same time they have to find a solution to the problem of the plurality of moral substantial views.

6. Legitimacy : political not epistemic

The distinction between political and epistemic conditions of deliberative democracy provides us with an answer to a difficult problem concerning deliberative democracy: the problem of the legitimacy of political decisions. In the view of its defenders, the theory of deliberative democracy is supposed to offer legitimacy to the decisions that are adopted by the means of a deliberative procedure. If the legitimacy is based on the fact that the result of the deliberation is the right one from an epistemic point of view, then why not admit that a group of experts could realize the same work without the participation and consent of the common citizens?

The legitimacy of the political decisions is a political problem and not an epistemic problem. This is the reason why we can not admit that a political decision is legitimate when it is adopted only by a small group of experts, even if it is the right epistemic decision. In such an elitist regime, "epistocracy" as Cristina Laffont calls it, even if the right solution was found, this does not mean that common citizens would give their consent for it :

"Even if someone could know better than me which political decisions are in my own interest, this does not mean that *anyone could be better than me at giving my own authorization* to act on them" (Lafont, 2006 : 11-12).

If we will force the individuals to give their consent for the decision that was established by the experts, then we will be violating their political autonomy.

Cristina Laffont argues that this problem does not affect her view according to which if the parties in the debate reached rational consensus regarding the solution to a social common problem, then this consensus is a secure way to satisfy the conditions of democratic legitimacy because “public deliberation can contribute to reaching the reasoned assent of the members of a particular political community precisely by bringing about a unanimous consensus on those views that are supported by the force of the better argument” (Lafont, 2006 : 15).

Of course there is an obvious problem with this line of argument: rational consensus is hardly ever possible in pluralist societies. Laffont anticipates this objection and tries to offer an answer by providing a “deliberative interpretation of majority rule”. In her opinion, by tracking the force of the better argument, deliberative democracy can contribute in the same time to determining where the burdens of proof lie in the deliberative process. If a minority failed to provide convincing arguments in a debate, then the recognizing of this failure can provide a reason for that minority to consent to the view of the majority. This does not depend on surrendering their judgment regarding the substantive correctness of the decision. The result of the deliberative procedure is not a final and decisive one; a further deliberation could lead to a different result if the members of the minority will succeed in finding convincing arguments that support their view. So, Laffont argues that the minority accepts the decision of majority neither because it is correct, nor because is more likely to be correct, but because it is more likely to reflect the force of the better argument available at a given time: “The minority’s failure to provide convincing arguments here and now requires them to accept the majoritarian outcome of the deliberation process even by their own lights and thus voluntarily” (Lafont, 2006 : 20).

In my opinion, this answer faces two main objections. First, there is an ambiguity in the description that Cristina Laffont offers for the way in which the deliberative interpretation of the majority rule is supposed to work. She holds that the members of the minority have to accept the view of the majority if it is supported by the better argument, even if they are not convinced by that view: they don’t have to abandon their judgments concerning the substantive correctness of the decision. But, I don’t understand how it is possible for them to recognize the superiority of the majoritarian view and, in the same time, to hold their own judgments. And if they are not convinced by that view, why should they have an obligation to accept it, even provisionally? Moreover, how can we understand this sort of acceptance as a voluntary one?

The only available answer would be that they have made an epistemic commitment before the deliberation started to accept any result of the debate that will be supported by the better argument. But, who decides what will be the better argument and how? If it will be the one that is the most convincing, then the majoritarian view is not (by hypothesis) the most convincing one for the members of the minority and so they don’t have to accept it. If it will be the one

that is voted by most participants in the deliberation, then I don't see why the minority should also vote for it since the epistemic commitment does not apply in such a case: the votes do not have an intrinsic epistemic significance. So, in either case the minority has no obligation to accept what the majority considered as convincing or voted for. And, in neither case, such an obligation could be interpreted as voluntary.

Second, even if the minority has made an epistemic commitment before the debate started to accept the view considered as convincing by the majority, this doesn't mean that the minority has made a political commitment to vote for this view. Because, if the minority would make such a commitment, then the theory of Laffont would face the same problem as the elitist model she calls "epistocracy": even if the opinion of others is better supported by arguments than mine, this does not mean that I have an obligation to vote for it or that I always have to give my consent for it. Such an obligation will violate my political autonomy.

So, in my opinion, there can't be any deliberative interpretation of the majority rule. Moreover, even if there will be an epistemic consensus between the parties in the deliberation, the difference between the epistemic commitment to recognize the better argument and the political commitment to vote for it would still exist. Even if all the parties in the debate recognize the epistemic superiority of one solution, it does not mean that the votes of all the citizens will always follow. The political dimension of consent is an autonomous one, and every participant in the deliberation could accept or reject a solution for his own reasons. So, I think we should conclude this section by saying that the epistemic rightness of a solution makes it the right one and not the legitimate one. Only the free consent of all the political autonomous citizens could secure the legitimacy of the decision.

7. Inclusion : political not epistemic

I believe that the distinction between the epistemic and the political conditions of deliberation can help us offer an answer to another important objection against deliberative democracy, mentioned by Iris Marion Young in the paper *Communication and the Other: Beyond Deliberative Democracy*. She objects to the theory of deliberative democracy arguing that this model excludes all those groups of citizens (especially cultural minorities) that do not meet the conditions imposed by the model of public reasoning: an "objective", "neutral" and rational discussion. In her opinion, the different cultures, values and styles of arguing must be conceived as a resource of the political debate. Everybody benefits from the plurality of perspectives brought by these differences. Such a process will help them transcend their own views and will enhance the social knowledge of all the participants (Young, 2006 : 127-128).

The problem with this theory of "difference as a resource" is that it doesn't say anything about the way citizens will transcend the "partiality" of

their views. All the benefits of the model that Young mentions concern the understanding of the fact that there are other legitimate perspectives regarding a social problem, but nothing is said about how this understanding will help citizens to reach a more comprehensive solution that transcends all the partial views. Moreover, I think that the objective of inclusion of all differences conflicts with the objective of transcending the partial views. If the difference is such an important resource, then the affirming of the personal view is not only a right but also an obligation. Every citizen should hold on to his opinion if we want a very comprehensive perspective regarding a social problem. But, this contradicts the thesis that every individual should attempt to transcend his opinion and to be ready to understand that issue from the perspective of others. So, there is an inconsistency in the theory of “difference as a resource”: we cannot hold in the same time that we have an obligation to maintain the difference and an obligation to transcend it.

I believe this problem is caused by the confusion Young makes between the epistemic and the political dimension of deliberation. She thinks that the standards of rational argumentation would exclude some groups of people because she confuses the epistemic fact that some theses are better supported by arguments than others, with the political discrimination between citizens. But, if we acknowledge the fact that inclusion is a political aspect of deliberation and not an epistemic one, then admitting the fact that some opinions are better supported by arguments does not imply political exclusion. Even if one opinion is the right one, no citizen is forced to give his consent for it: no matter if he chooses to accept or to reject that opinion, he will manifest freely his will in every case. Moreover, all the citizens have the political right to participate in the political process of consenting to a decision even if some citizens would not or could not actively involve in the reasoning and arguing process.

8. A two-steps procedure: rational argumentation and political consent

In final part of the previous section we concluded that rational argumentation does not imply exclusion. By allowing people to hold on to their view we do not promote political discrimination. Moreover, we argued that there is no obligation to transcend the personal opinion and to consent to the opinions of others, even if they are better supported by arguments. But, then we are confronted with another problem: how do the participants in a deliberation decide that a solution should be adopted or not if they do not have an obligation like the one mentioned above?

Once again the answer is to distinguish the epistemic dimension of consensus from the political dimension of consent. When some people decide to develop a deliberative procedure for establishing what is the best policy concerning a social problem, they rely on a political commitment to mutual recognition of the basic political rights that secure the political autonomy of

every citizen, and on an epistemic commitment to respect the epistemic standards which secure the fact that they will be able to track the best thesis regarding what should be done to solve that social problem. But, each commitment governs its own domain: we have to accept a thesis from an epistemic point of view if it is better supported by arguments than all the others, but we do not have an obligation to give our consent for it, or to vote for it.

So, in my opinion, the participants in a deliberation can decide whether a thesis is the right one from an epistemic point of view, but the deliberative procedure alone is not sufficient to guarantee a political decision. Of course, the decision that a solution is the right one from an epistemic point of view can influence the political decision to vote for it, but there is no necessary connection between them. For example, I might understand that a decision is the right one from an epistemic point of view, but I could nevertheless reject it because it is not compatible with my interests, or because it is compatible only with some of my interests, but not with all of them.

The defenders of the deliberative model believe that deliberation will always entail political consent because they do not realize that the deliberative procedure of adopting a political decision presupposes two different steps: the first is rational argumentation and rational consensus and the second is a procedure of political acceptance and consent.

9. The insufficiency of deliberation for legitimacy

From what we argued so far it follows that deliberation is not sufficient for securing the legitimacy of political decisions. We have to combine deliberation with some other democratic procedures like voting and bargaining in order to assure that both the steps of the decision-making procedure mentioned above were accomplished.

The political insufficiency of deliberation is also recognized by two prominent defenders of deliberative democracy, Amy Gutmann and Dennis Thompson in the book *Why Deliberative Democracy?*, in which they affirm: “Deliberation must end in a decision, but deliberative democracy does not itself specify a single procedure for reaching a final decision. It must rely on other procedures, most notably voting, which in themselves are not deliberative” (Gutmann, Thompson, 2004 : 18.). But they argue that this is not a fatal disadvantage of deliberative democracy because this is a model that can accommodate many different kinds of decision making procedures to reach final decisions, including voting and executive order, if they are justified in a deliberative forum (Gutmann, Thompson, 2004 : 19).

A similar approach regarding the legitimacy of laws and political decisions is defended by Jane Mansbridge in the article “*Deliberative Democracy*” or “*Democratic Deliberation*”?, in which she affirms that we should distinguish “deliberative democracy” from “democratic deliberation”. The first view holds that the legitimacy of laws and political decisions is based

only on a process of public reasoning with the aim of promoting the common interest. The second view holds that in democracies laws have mixed sources of legitimacy consisting both from deliberative and aggregative processes (Mansbridge, 2007 : 251).

This second theory that Jane Mansbridge defends, “deliberative neo-pluralism”, allows emotional discourse to intertwine with rational discourse and allows for many interpretations of the common good. In her opinion, the legitimacy of the decision rule comes not only from the deliberative choice (or hypothetical deliberative choice), but also from those ideals that are intrinsic to aggregative procedures. So, she argues that the core concept of “weighing” in deliberation could include negotiation and bargaining, and can even accommodate self-interest: “I suggest the term “neo-pluralist” to describe an approach to deliberation that, unlike the original version of pluralism, values and promotes the common good, seeking ways to advance that good within democratic processes, while at the same time valuing the expression of self-interest and legitimating aggregative procedures that rest on coercive power, such as majority rule” (Mansbridge, 2007 : 267).

So, we can admit that the legitimacy of a political decision is obtained by a complex political process in which deliberative and aggregative procedures combine. However, their contributions do not have the same significance in this process. If the epistemic process of deliberation and its outputs could represent *a reason* to choose one solution, the act of choosing itself and the aggregative procedures of voting or bargaining are the ones that *offer legitimacy* to that solution. Sometimes, under the most favorable conditions, these procedures could be so closely related that they seem to overlap: for example, people deliberate on an issue, they reach consensus regarding one solution and they accept it unanimously. But, even in such cases the epistemic consensus and the political consent must be carefully distinguished. And, the distinction becomes obvious when consensus is not possible and a majority rule must be adopted.

10. The contributions of deliberation

In the previous sections I was concerned with the task of strictly circumscribing the contributions of deliberation mainly in a negative manner: by showing that some important concepts like legitimacy and inclusion must be conceived as political rather than epistemic aspects of democratic decision-making procedures. Moreover, I argued that, not only the basic political standards, but also some important epistemic standards of logical and factual rightness must be understood as conditions of possibility for the deliberative process. They must be procedure-independent standards that cannot be revised in the light of the deliberation. This procedure cannot secure the fact that an epistemic or political solution would be obtained. So, the deliberation procedure is politically and epistemically insufficient: we need other standards and procedures to complete it.

However, this does not mean that a deliberation procedure has no contribution to the democratic process. On the contrary, there are some significant features of this procedure that are very important for democracy. First, deliberation provides citizens the opportunity to gather more information concerning public affairs, to see them from many perspectives, to articulate their view in reasonable terms, to form or transform their opinions, to better understand others, and so on. These are the epistemic conditions of reality for a deliberation and the signs that the epistemic process was successful. Secondly, deliberation promotes open-mindedness, communication, tolerance, reasonability, political and social participation and awareness, and other important values. These are some of the political conditions of reality for democratic deliberation and the signs that the decision-making process was successful.

The deliberative procedure represents a public forum where people, theses, arguments, counterarguments, and epistemic, political and moral standards meet. It creates the possibility for more comprehensive perspectives regarding a common problem, and the tendency to look for a solution that is in conformity with the common interests. It also helps in the process of legitimating a political decision and in the inclusion of many categories of citizens, but it is not the basis of legitimacy or inclusion. Using the distinction between procedure-dependent and procedure-independent conditions, we can say that there are many aspects of democracy that depend on the deliberation. It is an important aspect of democracy, but not the only one, and not even the most basic one.

We can synthesize by saying that the main contribution of deliberation is the fact that it represents an appropriate forum for political discussions in the context of a pluralist society, that positively affects the character of a political community, and constitutes an epistemic process of arguing and reasoning with the aim of reaching the right solution. It offers people the opportunity to organize, to participate, to inform, to communicate, to know each other, to argue, and so on, but it does not guarantee the fact that the two objectives associated with the two dimensions of deliberative democracy (legitimacy and rightness) will be accomplished. Deliberation will always give us the chance of an epistemic and political agreement, but by itself it doesn't do anything else. It's up to each and every one of us to use this opportunity to inform, to communicate, to reason, to argue, to apply political and epistemic standards, to compare personal and common interest, to negotiate and to vote, and, if it is possible, to make this agreement happen.

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