

THE STRUCTURE OF DELIBERATIVE PROCESS. AN ETHICAL ATTEMPT

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—Abstract —

The purpose of this paper is to highlight the structure of a deliberative process starting from a normative explanation, first individually (Rawls) and then extended to the concept of deliberative politics reflected in social institutions and understood as an “ideal case” of making the decision within the group. On the other hand I will try to outline the extent in which that such differences/complementarities can be noticed, the scope of the concept of deliberative democracy of that of the concept of democracy discourse in two stages: in the first instance I will consider how Habermas filters the result of deliberative action through the discourse theory (here at least two types of elements are important: communicative action, discourse principle as a principle of globalization based on a reasoning technique). In fact one can see that there is a conversion of the deliberative process with one with a dual purpose discursive structure: as deliberations to acquire a legitimizing force and subsequently to be socially integrated as citizens expect that the deliberation results to have a reasonable quality – the result of a decision process, the deliberative model provides an invariably true and balanced solution. The second stage brings into question the instrumental rationality critique (according to Dryzek, the instrumental rationality can be defined as the ability to design, select and execute through the best methods the clarified purposes). This type of criticism, primarily highlights a number of accents considered antidemocratic by Dryzek, noticed in political practice, political institutions or even in the individual actions arising from the official use of the instrumental rationality as effective instrumental action, and on the second hand, it determines all the elements of a new paradigm, based on communicative rationality, that of the discursive democracy.

Key Words: deliberative reasoning, instrumental rationality, communicative action, communicative rationality, discursive democracy

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1. The deliberative reasoning structure reconstruction – a normative explanation

At the individual level, the rational deliberation is a decision-making model that takes into account alternatives that can provide context to solve a problem. Logic that calls such reasoning goes beyond the binary logic that actually gives the possibility of affirmation or negation/denial a fact. Denial does not represent an alternative in this case, an alternative offers the assertion of something else than what was given, the contradiction between the baseline datum and alternative/s has no relevance in this type of reasoning. Here we take into account only the conditions of possibility, to satisfy some needs, of computing or efficiency etc.

For Rawls, the individual, rational deliberation represents choosing a “life plan” of several plans after a “careful reflection, in which the agent reviewed in the light of all the relevant facts, what it would be like to carry out these plans and thereby ascertained the course of an action that would best realize his fundamental desires.” (John Rawls, 1999: 366) In the definition of deliberative rationality, as Rawls says, we must assume that there are no errors of calculation or reasoning, that data is correctly assessed, that the agent has set priorities, that the information he has about the situation are complete and that the decision in these circumstances is able to act, to determine the consequences of his actions.

When Rawls speaks of calculation errors in fact he considers the principles underlying the deliberative reasoning. Rawls calls them “counting principles” because through these principles we can understand the purpose – this understanding varies depending on the description – but mostly we calculate the number of goals made by a plan or another, or assess possibilities of success. Basically, these principles, if used, are intended to control, order, plan and anticipate the wishes and will of any individual.

Rawls essentially speaks of three main counting principles: 1) **the effective means principle**, which says that “we are to adopt that alternative which realizes the end in the best way. More fully: given the objective, one is to achieve it with the least expenditure of means (whatever they are); or given the means, one is to fulfill the objective to the fullest possible extent (...) deliberation must always take this form, being regulated ultimately by a single final end” (Rawls, 1999: 361-362) 2) **the principle of inclusiveness** – to be effective in most cases, it needs either of a better analysis of all the alternatives, or by another principle to test the viability of the decision before being considered as applicable. In theory, Rawls says we should adopt the plan’s ability to achieve and the goals of an alternative plan and still some more; 3) **high probability principle**. In this case we are considering at least two planes are almost identical. High probability principle provides the possibility that “some objectives have a greater chance of being realized by on plan than the other, yet at the same time none of the remaining aims are less likely to be attained. (...) A greater likelihood of success favors a plan just as the more inclusive end do. When these principles work together the choice is as obvious as can be.” (Rawls, 1999: 362) To these principles, Rawls adds one but which does not include it in this category. This principle seems to indicate that the deliberative reasoning remains an imperfect, open one, if preferred a positive term, and that there is always another alternative that the individual, may not take into account in the decision making process, for the simple reason that it is not available. It may, also be seen as a “principle of prejudice” – here the meaning of the term prejudice should be understood in a Gadamerian style¹, namely of prior judgement, conducted before applying any principle of counting. On the other hand, this principle can be of great value to the deliberations of the group and aims to involve all in the act of deliberation, which could be affected by a decision. Rawls calls this principle of “postponement” and states that “if in the future we may want to do one of several things but are unsure which, then, other things equal, we are to plan now so that these alternatives are both kept open”. (Rawls, 1999: 360)

¹ For Gadamer the concept of prejudice is “not necessarily mean a false judgment, but part of the idea is that it can have either a positive or a negative value. This is clearly due to the influence of the Latin *praejudicium*. There are such things as *préjugés légitimes*” (Gadamer, 2004: 273)

Rawls sets out several differences between a rational and subjectively rational plan: the first is based on persuasion, the second just on assumption. At the individual level, the failure of a rational deliberate act can be due either to incorrect beliefs or incomplete information. For Rawls rational deliberation is “an activity like any other, and the extent to which one should engage in it is subject to rational decision. The formal rule is that we should deliberate up to the point where the likely benefits from the improving our plan are just worth the time and effort of reflection. Once we take the cost of deliberation into account is unreasonable to worry about finding the best plan, the one that we would choose had we complete information.”(Rawls, 1999, 367)

At this level of rational deliberation, Rawls assigns to that person who deliberates a specific skill; i.e. the individual knows what she wants, which are his desires and preferences, what are his intended purposes, is able to distinguish between alternatives and can establish a coherent order. Whereas, within the group rational deliberation, the competence, capability is not restricted to groups composed of specialists. Groups of individuals whose competence was not confirmed, it has been demonstrated (Caluwaerts, Ugarriza, 2012: 6) that they make good decisions similar to those expert-only groups.

II. The discursivity as condition of possibility of deliberation process

In this part of the paper we will try to determine, based on the extended structure group deliberative process, the complementarities, differences noticed between the two major political theories of Habermas and Dryzek initiated around the concept of discursive democracy². If Habermas filters the result of deliberative action through the discourse theory to define and determine the form and content of the concept of discursive democracy, Dryzek reaches the same result through a critique of instrumental rationality. Although in some areas, Dryzek completely distances himself from Habermas’s conception, for example when talking about tradition (Dryzek, 1990:18) or rejects the connection that Habermas creates between communicative rationality and the world. In the case of the concept of

² The concept of deliberative democracy is often seen as „an American version of Habermas’s theories, it is a theory upon which Rawlsian political liberals and Habermasian critical theorists have converged”. (Rostboll, 2008:109)

deliberative democracy analysis, Dryzek rather approaches Arendt because of the political and social distinction, because Dryzek says: “„True politics consists of free, relaxed discourse about matters of principle: liberty, participation, institutional reconstruction, and so forth. The “social” in contrast, is the domain of collective problems of inequality, crime, poverty, exploitation, unemployment, environmental decay, and the like”. (Dryzek, 1990: 20) Despite these differences, Dryzek and Habermas build their theories on a common element essential for any early fluency, communicative rationality. For Dryzek, the communicative rationality takes a series of tasks performed by instrumental rationality. To Habermas, communicative freedom, a derivative of communicative rationality, in conjunction with the speech principle takes shape, through institutionalization of a principle of democracy. Thus, for Dryzek, in agreement with Habermas, the communicative rationality “provides only procedural criteria and Arguments about how disputes about how Might Be resolved and Principles Might be constructed.” (Dryzek, 1990:18) This procedure is regarded by Dryzek as one discourse and has the ability to tolerate a plurality of values, practices, beliefs, paradigms of gender (women, men).

In general, the deliberative processes at the group level, with political implications, have therefore solving the collective problems between equal in rights citizens, through reasoning and argument and reasoned public choices. The role of institutions in this context is to establish a structure for free public deliberation; by this action institutions became legitimate. The deliberative procedure can be summarized by the following postulates, as they were outlined by Habermas (Habermas, 1996: 305-309) but outlined by Cohen³ the first four principles, the other principles were formulated by Habermas and play an strictly applied at a political level: 1) the deliberative processes must take place in an argumentative form, i.e. an exchange of information and arguments between the parties introduce and critically test proposals; 2) the deliberations are comprehensive and public. No opinion can be excluded from the principle, all the

³ For Joshua Cohen, as it will be seen in the first four principles of the deliberative process, the deliberative democracy is coagulated around the justification political ideal: “According to this ideal, to justify the exercise of collective political power is to proceed on the basis of a free public reasoning among equals. A deliberative institutionalizes this ideal. Not simply a form of politics, democracy, on the deliberative view, is a framework of social and institutional conditions that facilitates free discussion among equal citizens”(Cohen, 1997: 412)

views have equal opportunity to be part of the final decision; 3) Deliberations are free from external coercion. The only restrictions incurred by participants in the act of deliberation are induced by communication assumptions and reasoning rules; 4) Deliberations are free from internal coercion that could affect participants' gender. Each participant has an equal opportunity to be heard, to introduce new subjects under discussion, to contribute, suggest and criticize the proposals. Besides these basic principles, Habermas also introduces other three principles, principles of transition from a deliberative generic form to a particular group, specific to the deliberative political processes. Here we find some similarities with the deliberative process at the individual level outlined by Rawls. If Habermas says: 5) deliberation, as a rationally motivated agreement, can be indefinitely continued or in case of a break, resumed at any time. However, political deliberations must be signed by a majority decision given the decision pressure (responsibility). At an individual level, Rawls invokes, of efficiency reasons, the interruption of the deliberative process due to deliberation costs, especially if the purpose of your time worth less than deliberation; 6) political deliberations can be extended to any matter that may be regulated in the equal interest of all. This does not mean that themes and issues traditionally considered "private" could be removed from the discussion. In particular, these problems are publicly relevant as they relate to the unequal distribution of resources on which the exercise of the right to communicate and participate in the deliberations depends – the distinction public – private; 7) political deliberations also include the interpretation of needs and desires to change pre-political attitudes and preferences. Here we must take into account that the process of deliberation is viewed and analyzed in a particular context, towards a group of people, a community bounded in space and time with specific forms of life and traditions, but is not designated as a political community of citizens. The deliberative decision-making process is democratic only whether the universal principles of law, common to each group of people, because they regulate common conditions of life / life in an impartial manner.

The context in which these processes are inserted as they were described above must meet a number of conditions: for Habermas the ideal situation is the

companies of “MDP” type⁴ that is: modern, dynamic, pluralistic; while for Dryzek a company to implement these processes, as a factual ideal, should also work as well as the scientific societies, therefore based on a paradigm able to solve collective problems and as a political ideal, Popper’s open society.

Between the social practice, the political practice and theory a huge difference and instrumental rationality installs, defined by Dryzek in simplest terms as the ability to design, select and execute the best means goals, cannot recover it. Transposed to social, political and theoretical level, the instrumental rationality, according to Dryzek (Dryzek, 1990: 5-14) congenitally destroys spontaneity, egalitarianism and some significant aspects of the human association with inspection and technical expertise for the benefit of the political power or private interests. In a streamlined instrumental world, individuals are viewed as counting machines with impoverished subjectivity. Similarly, Dryzek notes that instrumental rationality suppresses individuality, it provides the power and technology to create material conditions for human freedom, but that tech does nothing more than to suppress individual freedom⁵. At the political institutions level, where the instrumental rationality is manifested – as an expression of bureaucratization – becomes ineffective when faced with complex social problems. The instrumental rationality, from Descartes onwards, as the model of problem solving, breaks, fragments and isolates fragments from a complex problem in order to better understand and solve them. Dryzek criticizes the guidance of this instrumental rationality which inevitably leads to bureaucracy and division of labor.

The difference between social practice, policy, with its institutional structure and theory can be reduced by discursivity. Discursivity is understood in this context as a medium that is inserted between these elements and is capable of using communicative actions based on agreement to harmonize the different elements that come from the socio-political practice (e.g. subjective elements – beliefs,

⁴ Habermas quoted here Dahl identifying the social indicators that promote the democratization of society: “An MDP society disperses power, influence, authority, an control away from any single center toward a variety of individuals, groups, associations. And... it fosters attitudes and beliefs favourable to democratic ideas.” (Dahl, 1989: 307, *apud* Habermas, 1996: 317)

⁵ A good example highlighted by Dryzek is the feminist discourse that has noticed that the supposed technological fertility control that would enable them to be master their own body actually degenerates in a control of the experts on the female body.

customs, etc. – that the individual brings them within the expanded group) and theoretical-logic elements – or argumentative dictated by rationality.

2. CONCLUSION

As a brief conclusion of this paper to manifest Dryzek discursive elements, on the one hand, through criticism – pure criticism, indirect criticism, constructive criticism, critical theory – because, regardless of type, offering critical alternatives. In these circumstances, the critique becomes the condition of possibility of the deliberative process; on the other hand, of discursivity, Dryzek – at this level undisclosed elements of the instrumental rationality can be recognized, that manifest by a tendency to break down, to dismantle a complex problem –discursively deal with those challenges facing the society: poverty, environment, crime, unemployment, etc.

To Habermas, through the theory of discourse, the discursive process brings a unifying and generalizing even cosmopolitan component. Firstly, it is unifying, because through discourse theory, Habermas combines elements of two competing democratic models – the liberal model and the republican model – to highlight the formation of political will and opinion. The success of deliberation does not depend in any way of the collective action of citizens, but discursively, of the institutionalization of procedures and communication conditions. In the second place, it is cosmopolitan because the concept of discursive democracy operates at macro-social level.

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