



Having a Voice in a Deliberative Democracy

The Political Effectiveness and Structural Inequality of Deliberative Democracy

In a deliberative democracy, policy making is justified by the rational public deliberation of all those affected. To this end, the state provides procedural guarantees for continuous rational deliberation and collective opinion formation, aimed at reaching a collective decision. Apart from these procedural features, a deliberative democracy also heavily relies on the personal rational abilities of its citizens. This requires certain common abilities, like certain standards of argumentation, the freedom of discussion and the possibility of rational deliberation. The structural inequality argument specifically focusses on this ‘difference blind’ approach to individuals’ abilities. This critique argues that deliberative democracy is unable to address underlying unequal societal structures. Consequently, the outcome of rational deliberation is no longer constructed by ‘all those affected’ but only by individuals who are able to make their voice heard in the public deliberation.

This thesis focusses on this critique, examines possible solutions, and argues that structural inequality can never be completely eradicated in democratic deliberation. However, by realizing political equality as the equal opportunity for political effectiveness, the practice of democratic deliberation should not be regarded illegitimate.

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Introduction

In a democratic state, political policy and laws are constructed by its citizens. Today, this generally means popular sovereignty or collective self-government. The will of the people is the source of legitimate political authority and decision making. Multiple political philosophers have discussed the best way to establish a representative democracy. For example, Thomas Hobbes has argued that political authority can be in the name of the people by consent of the people, but he contested popular sovereignty. Jean-Jacques Rousseau, on the other hand, has advocated popular sovereignty and argued that legitimate political authority requires all citizens' participation in law-making. For Rousseau the political state requires collective autonomy for "the impulsion appetite alone is slavery and obedience to the law one has prescribed for oneself is freedom".¹ People should have a say about the power that is exercised: not through the direct delegation of political power, but by active participation in political decision making. However, such requirements pose certain problems. For example, how can the state verify the 'will of the people'? What justifies its rule? What happens when 'the people' disagree?

Rousseau's approach to democracy is the basis of a democratic theory that stresses the importance of collective decision making by means of active participation and discussions of all those affected: deliberative democracy.² In other words: popular sovereignty equals the will of the people. Democratic rule can solely be justified by the process and product of collective public deliberation.³ It is this "obedience to the law one has prescribed for oneself" that makes "man truly the master of himself".⁴ Jürgen Habermas elaborated on this theory of popular sovereignty in his "discourse model of democracy".⁵ He stressed the importance to establish procedural measurements for a democratic state with this deliberative type of popular sovereignty. Only 'proceduralized popular sovereignty' could translate public deliberation to practical political procedures. This would make the deliberative debate the authority of political policy. Such procedures would be open for interpretation as long as they reflect democratic decision making, stemming from the deliberative political debate among its citizens and not from political institutions themselves.⁶

¹ J-J. Rousseau, and J. T. Scott. "The major political writings of Jean-Jacques Rousseau: the two discourses and the social contract", (Chicago: The University of Chicago Press, 2012) 176.

² Rousseau, "The major political writings of Jean-Jacques Rousseau", 174.

³ Ibid, 179.

⁴ Ibid, 176.

⁵ J. Habermas, "Three Normative Models of Democracy" Constellations 1.1 (1994) 7.

⁶ Habermas, "Three Normative Models of Democracy" 8.

Nevertheless, proceduralized popular sovereignty requires every citizen to think about and discuss political topics. Ultimately, they have to carefully decide on a collective decision. Only by the participation of all, everyone's interest is represented in the public discussion.⁷ In this way, laws constructed by democratic deliberation are the only means of organizing society in such a way that those subjected to the laws can see themselves as authors of said law. Therefore, the outcome of the deliberative democratic procedure counts (provisionally) as the will of the people.⁸ However, this practice of rational democratic deliberation assumes that every individual has the ability to participate in democratic deliberation.⁹ However, several questions on political equality and effectiveness arise when considering citizens' personal ability to participate in deliberative political debates. The theory of deliberative democracy assumes that everyone is equally effective in democratic deliberation as everyone else. It does not regard personal differences or actual abilities.¹⁰ This paper focusses on this 'difference blind' approach to the individuals' abilities. Accordingly, the second main theory of this paper focusses on the structural inequality argument. This theory derives from the definition by Iris Young. The structural inequality argument is rooted in the assumption that society is a construction based on the social differences among individuals, resulting in disadvantages for certain groups in society. Political policies do not regard the divergent interests of citizens and, subsequently, do not help to overcome these differences.¹¹ Thus, the structural inequality argument argues that difference blind policies ignore and thereby maintain structural disadvantages.

In the case of deliberative democracy Young notes that a society's historical character provides unequal starting points influencing deliberative debate for individuals. Prejudice about gender, culture, and education influences individual's ability to participate. These differences are not compensated in the debate, meaning that disadvantaged individuals fail to have the same political effectiveness as others.¹² Thus, while deliberative democracy presupposes equality by treating everyone as equal despite their differences in the proceduralized popular sovereignty of deliberative democracy, it overlooks the unequal

⁷ Habermas, "Three Normative Models of Democracy" 10.

⁸ Ibid, 9-10.

⁹ I. M. Young, "Communication and the other: Beyond deliberative democracy" in: S. Benhabib ed., *Democracy and difference: Contesting the boundaries of the political* (Princeton: Princeton University Press, 1996), 123-124.

¹⁰ I.M. Young, "Structural Injustice and the Politics of Difference" in: T. Christiano and J. Christman, *Contemporary Debates in Political Philosophy*, (Chichester: Wiley-Blackwell, 2009), 362-363.

¹¹ Young, "Structural Injustice and the Politics of Difference", 365.

¹² Young, "Communication and the other: Beyond deliberative democracy", 124.

starting points of its citizens prior to the procedure.¹³ This claim is a serious charge against the legitimacy of deliberative democracy. As James Bohman states: “Citizens can neither have influence nor achieve their goals, if they are unable to function adequately in the public arena”.¹⁴

This thesis critically assesses how a deliberative democracy can overcome the criticism of the structural inequality argument. It focusses on the question how a deliberative democracy can be effective in conjunction with structural inequality. It subsequently aims to solve this partly practical and partly theoretical problem by proposing a different approach to equality and providing practical solutions to implement this approach in a deliberative democracy. Accordingly, the main question will be as follows: can the criticism about the practice and legitimization of a deliberative democracy, posed by structural inequality, be solved by a different definition and practical implementation of equality in the theory of deliberative democracy? In order to answer this question properly, there is a need to answer several other relevant questions. Namely: what is the role of equality in a deliberative democracy? What does the structural inequality argument criticize in particular, regarding the role of equality in deliberative democracy? Moreover, what solutions could the theory of deliberative democracy theory offer to invalidate this argument? For this, I examine three solutions: (1) transforming a deliberative democracy into a communicative democracy; (2) defining a capacity-based conception of deliberative democracy and; (3) using the systemic turn in deliberative democracy to incorporate a different approach of equality in a deliberative democracy.

I will argue that the practical problem posed by the structural inequality argument can never be completely eradicated. However, the introduction of a different notion of equality can legitimize the practice of democratic deliberation. I derive this notion of equality from Jack Knight and James Johnson. They describe equality in democratic deliberation as ‘political equality’, meaning the “the equal opportunity of political effectiveness”.¹⁵ In the first chapter, I will outline the role of equality within the theoretical model of deliberative democracy, following the theory of Jürgen Habermas. The second chapter addresses the argument of structural inequality regarding the notion of equality in a deliberative democracy.

¹³ I. M. Young, "Difference as a resource for democratic communication" in: J. Bohman and W. Rehg, *Deliberative democracy: Essays on reason and politics* (Cambridge: MIT Press, 1997), 398-399.

¹⁴ J. Bohman, "Freedom: Capabilities, Resources, and Opportunities" in: J. Bohman and W. Rehg, *Deliberative democracy: Essays on reason and politics* (Cambridge: MIT Press, 1997), 325.

¹⁵ J. Knight and J. Johnson, "What sort of political equality does deliberative democracy require?" in: J. Bohman and W. Rehg, *Deliberative democracy: Essays on reason and politics* (Cambridge: MIT Press, 1997), 280.

The description of the origin and development this theory follows Iris Young's explanation. The final chapter examines why structural inequality cannot be eradicated by one of the three proposed solutions. However, I will subsequently argue that the capacity-based conception of democratic deliberation and the systemic turn in a deliberative democracy provide different interpretations of the practice of deliberative democracy. Accordingly, such a system is not necessarily 'illegitimate' when it falls victim to structural inequality. By providing these different interpretations of deliberative democracy and equality, the basic requirements for equality and legitimacy in a deliberative democratic state can be determined. These new interpretations can be used to critically evaluate the practice of deliberative democratic societies and the extent of their legitimate value.

I. Political Equality and Deliberative Democracy

There are many definitions of 'equality'. In this essay, equality is understood as equal opportunities for individuals in the realm of politics: 'political equality'. However, the exact definition and realization of political equality remains open to different philosophical interpretations. The structural inequality argument focusses on political equality in the theory of deliberative democracy. This chapter starts out by examining the role and definition of political equality within this theory. It will do so by contrasting deliberative democracy to the two main concepts of democratic theory: the 'liberal' and 'republican' view distinguished by Jürgen Habermas.¹⁶ Namely, deliberative democracy specifically differs from these concepts in regard to promoting political equality. Habermas' theories can expose these differences clearly, particularly emphasizing the importance of communicative rationality. Secondly, the chapter will focus on the practice of deliberative democracy and what kinds of equalities are required for its successful execution. I will trace the origin of deliberative democracy back to Rousseau's notion of a political state, elaborating on this with Seyla Benhabib's theory. Finally, the theoretical and practical assumptions of the definition and role of political equality in deliberative democracy will be explained.

I.I Political Equality in Democratic Theory

According to its general definition, democracies are ruled by the will of the people. A main task of the democratic state government is to determine the will of the people and executing it. The theory of deliberative democracy and, specifically, the inherent notion of communicative rationality stress the importance of intersubjective communication as a means to decision making. It expresses the importance to come to an agreement instead of a compromise in the political debate.¹⁷ This is Habermas response to the two dominant normative theories of democracy. All three theories pursue the conception of political equality - the equal opportunity in terms of political power or influence - but execute it differently. Understanding the importance of rational deliberation and notion of political equality within deliberative democracy requires contrasting its arguments with the dominant democratic theories and their notion of political equality. Here, liberal and the republican view are addressed. These

¹⁶ Habermas, "Three Normative Models of Democracy" 1-10.

¹⁷ L. Mitrović, "New social paradigm: Habermas' Theory of communicative action", *Sociology, Psychology and History* 06 (1999), 221.

distinctions are also addressed by Habermas in his essay *Three Normative Models of Democracy*. This paragraph will follow along his framework.

I will start by describing the liberal view on democracy. Here the democratic process has the task to “program the government in the interest of society”.¹⁸ Accordingly, the government is the “apparatus for public administration and the society is a market-structured network of interactions among private citizens”.¹⁹ This means that political processes solely include the pursuit of private interests against the government apparatus. Thus, the will of the people is solely constituted by their individual interests and preferences. These individual preferences are the input for the democratic process. By means of aggregation (e.g. voting) the political outcome is a compromise of those individual preferences. This compromise is, subsequently, supposed to embody the will of the people.²⁰ Individual’s political participation is thus measured by voting: the only manner in which citizens can express their preferences. As a result, Habermas states that “voting decisions have the same structure as the acts of choice made by participants in a market”. Namely, the majority vote determines who gets to execute political power: “the tyranny of the majority”.²¹ This market-structured network of interactions among private persons results in “a political process of opinion- and policy-formation that is shaped by the competition of groups of individuals who join into a collective to try to maintain or acquire positions of power”.²² Liberal democracy thus views political equality as influencing the government apparatus with your preference by the right to vote.²³

The republican view differs from the liberal view. The republican view on democracy argues that the will of the people is constituted by citizens’ shared view of the common good.²⁴ Instead of the political outcome being the assembly of majority votes, individuals own political policy instead of being subject to it by coming to a mutual understanding. In other words, the republican view differs from the liberal view in two ways:

¹⁸ Habermas, “Three Normative Models of Democracy”, 1.

¹⁹ Ibid.

²⁰ Ibid, 3.

²¹ The vulnerability of democracy was distinguished as the ‘tyranny of the majority, one of the most popular phrases in the history of political philosophy about the threat of majority rule. The idea was suggested by John Locke, constructed by Alexis de Tocqueville and promoted by John Stuart Mill. T. Nyirkos, *The Tyranny of the Majority: History, Concepts, and Challenges* (New York: Routledge, 2018) Introduction 1-7.

²² Habermas, “Three Normative Models of Democracy”, 3.

²³ Ibid, 2.

²⁴ Ibid, 1.

1. Instead of a personal conception, citizens share a conception of the common good, and;

2. The conception of the common good is not in terms of personal preferences or individual interests.²⁵

Consequently, for the republican view ‘politics’ is conceived at what Habermas calls “the reflective form of substantial ethical life (...) and acting with full deliberation as citizens, further shapes and develops existing relation of reciprocal recognition into an association of free and equal consociates under law”.²⁶ Thus, the will of the people is a shared conception of the common good, established by cooperation and deliberation. Self-legislation is constituted by the practice of institutionalized public deliberation, the communication-aspect thereby securing legitimacy. From a republican point of view, political equality is thus shaped by the practice of deliberation resulting in a common ethical identity within a group.²⁷

However, both theories are problematic regarding democratic society and political equality. The liberal view takes the citizens private interest and pre-political morality as given, while the republican view presupposes pre-political community and collective identity.²⁸ The liberal view regards the democratic process as a form of compromises between competing interests where voting and collective action is the only means for citizens to influence this process. The liberal view assumes too easily that every citizen has the ability to construct and promote their personal interests and that each personal interest is equally important. This ability in the liberal model is translated to the right to vote as: in theory, it should realize enough opportunities for individuals to make their political preferences known. However, having an equal right to vote, does not guarantee an equal outcome. Because of the market system, namely, the majority vote determines political policy. This disregards the ‘self’-legislation a true democracy requires. Democracy as ‘the rule of the people’ cannot entail that a large portion of a society has to abide by the will of others.²⁹ The minority vote is silenced because their voice was overruled by the majority. Moreover, thereafter, their political influence is minimal. They simply need to do what there are told. Therefore, the equal right to vote is not the correct means to achieve self-legislation. Such a system provides

²⁵ Habermas, “Three Normative Models of Democracy”, 6.

²⁶ Ibid, 1.

²⁷ Ibid.

²⁸ Ibid, 6-7.

²⁹ Ibid, 7-8.

a partial rather than general will of the people, imposing it on the whole society. Thus, the equal right to vote is not representative of political equality.

The republican model emphasizes ethical values instead of personal preferences in politics. However, according to Habermas the republican model is “too idealistic in its use of values to construct democracy”.³⁰ He points out that “there is a necessary connection between the deliberative concept of democracy and the reference to a concrete, substantively integrated ethical community”.³¹ In other words, ethical values as the source for politics already need to be determined before the political state is established. Thus, individuals should already be congregated into a cultural group, with a clear understanding of themselves and their communal norms. Such a group, then, is not established by political ideals but by cultural foundations.³² In this way there is no majority rule: every political ideal derives from an ethical view. Individuals only support that ideal because they identify themselves with the ethical community supporting it. Consequently, there are different conceptions about political policy. Namely, the vast cultural differences can result in radically different world views. Accordingly, Habermas concludes that “the republican model of democracy can only truly result in decentralized self-governance”.³³ The republican model cannot provide one overriding political policy, also meaning that the republican model cannot provide and safeguard a general notion of political equality: divergent conceptions of equality are based on different ethical values. The republican model provides no guideline for safeguarding a common concept of equality through their notion of political equality based on ethical values. Habermas claims that “as equality and justice are moral considerations they cannot be a product of divergent ethical values”.³⁴

Thus, Habermas distinguishes liberal and republican models of democracy to help understand the perception of democracies. This distinction also shows how personal motivation in democratic decision making can be perceived. However, here I find that Habermas’ distinction of the liberal model puts too much importance on the competition of personal interests and the republican model puts too much trust on a common sense of the common good. I would like to suggest that every individual is driven by private interest to a certain extent, but everyone can translate their personal interests into a notion of the common

³⁰ Habermas, “Three Normative Models of Democracy”, 4.

³¹ Ibid.

³² Ibid, 5.

³³ Ibid, 5-6.

³⁴ Ibid.

good. Individuals in a society are aware that the realization of their personal interests can be restricted if they have to abide by policies for the common good, but the realization of their personal interests can also be diminished when no common good is constructed. It is therefore, in their own interest to create a stable society in which everyone is able to pursue their personal interest within a notion of the common good.³⁵ Thus, in a society individuals are not solely self-oriented or self-less. However, notions of the common good can differ from each. Therefore, I agree that the means to political decision making cannot rely on voting or ethical values alone because they do not provide the opportunity to reach a common understanding. Both the liberal model as well as the republican model are too short-sighted in their perception of the democratic reality. Habermas, however, uses both to introduce a third model of democracy. This ‘deliberative model’ should provide a way to reach common agreements regardless of different personal interests. I will continue to critically assess whether this model constructs a more realistic practice of a democratic reality and its perspectives of reaching a common understanding.

I.II The Framework of Deliberative Democracy

So far, I have outlined the two models of democracy on which Habermas bases his argument for the need of different democratic standards. I will proceed to describe how the ‘discourse model of democracy’, better known as deliberative democracy, safeguards a concept of political equality neglected by the two other models. To this end, I will start to outline the practical and theoretical implications of the theory and its exact definition of political equality. Firstly, notions of deliberative democracy are derived from Jean-Jaques Rousseau’s theory. Secondly, I will elaborate on the practice of discourse theory shaped by Habermas, extending this with Seyla Benhabib’s ‘norms of equality’.³⁶ The emphasis will be on the importance of collective rational democratic deliberation for the realization of political equality in a deliberative democracy.

Rousseau was one of the first philosophers to stress the importance of collective participation in democracy. He argued that participation makes citizens capable of conscious

³⁵ The tension between social cooperation and non-cooperation can be derived from a mathematical study of ‘game theory’ by John Forbes Nash. In philosophy “game theory deals with games in which all players have preference orderings over the possible outcomes of the game focused on the fundamental conflict between liberal values and principles of efficiency and stability”. B. De Bruin, "Game theory in philosophy." *Topoi* 24.2 (2005), 197-208.

³⁶ S. Benhabib, “Toward a Deliberative Model of Democratic Legitimacy” in: S. Benhabib ed., *Democracy and Difference: Contesting the Boundaries of the Political*, (Princeton: Princeton University Press, 1996) 67-94.

self-government. He shaped his argument with the initial notion that society is a threat to the natural goodness of humankind. According to Rousseau, “social virtue and vice is cultivated in the community of mutual dependence where exploitation and oppression arises which results in inequality”.³⁷ Hence his famous quote: “men are born free but everywhere he is in chains”.³⁸ However, he questioned how these chains can be rendered legitimate. Consequently, Rousseau argued to reconcile the freedom of individuals and state authorities finding a form of association that citizens remain as free as before: liberty by the means of political participation. This conception of socio-political liberty would connect individual freedom and self-government with political participation.³⁹ Such political participation requires membership to a political state. This membership embodies ‘moral freedom’ that is understood as “obedience to the law one has prescribed for oneself” in which citizens act according to their rational will, ideally reflecting the common good.⁴⁰ Moral liberty makes it possible for citizens to be author of the law and making “man a true master of himself”.⁴¹ Citizens exercise their autonomy and thereby safeguard their freedom. However, this requires participation of all individuals affected by society’s political policy. According to Rousseau, only a self-governed government can be considered legitimate and provides complete freedom.⁴²

Building on Rousseau’s argument, Habermas constructed the discourse model of democracy.⁴³ Habermas argued that the discourse theory “has the success of deliberative politics not depend on a collective acting citizenry but on the institutionalization of the corresponding procedures and conditions of communication”.⁴⁴ In other words, the discourse model relies on the procedural process of political opinion- and will-formation, allowing citizens to participate freely. Accordingly, “this proceduralized sovereignty and a political system that is based on the variety of preferences fits perfectly with the idea of a decentered society”.⁴⁵ Habermas indicates that discourse theory “works with the higher-level intersubjectivity of communication processes that flow thorough both the parliamentary

³⁷ Rousseau, "The major political writings of Jean-Jacques Rousseau", 171-172.

³⁸ Ibid, 163.

³⁹ Ibid 174.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid, 176.

⁴³ Habermas, "Three Normative Models of Democracy", 8.

⁴⁴ Ibid, 7.

⁴⁵ Ibid.

bodies and the informal networks of the public sphere”.⁴⁶ The so called ‘intersubjective rational communication’ connects decentralized societies, turning “communicative power into political power”.⁴⁷ This view argues that the will of the people is constituted by the outcomes of institutionalized procedures of communication. Moreover, it acknowledges the absence of a collective identity at the very beginning of society. However, citizens must come to political agreements instead of compromises.⁴⁸ Democratic means of input are based on personal preferences and a view of the common good, based on these preferences. Such public deliberation influences democratic decision making. This interaction ideally transforms personal preferences into an outcome preferred by all. Hence, deliberative democracy supplies individuals with the means to create and pursue a desired collective political reality. This approach relies on the act of rational communication: “citizens should exchange arguments and consider different claims that are designed to serve collective welfare”.⁴⁹ Through this conversation “citizens can come to an agreement about what procedure, action, or policy will best realize their common conception of public good”.⁵⁰ Ultimately, the outcome will benefit all because it is safeguarded by the act of rational communication, producing an outcome all rational individuals agree on.⁵¹ This communicative rationality is executed between agents who are able to talk to each other and to (dis)agree with each other. It is intersubjective, meaning that it is created because of the interaction between persons, and by one single person.⁵² Therefore, public democratic deliberation is paramount for the justification of a deliberative democratic state. Public deliberation is “valuable for its result, valuable for its process of democratic deliberation before collective decision making and it is valuable for its condition as political justification”.⁵³

In this way, rational public deliberation does not only improve the quality of legislation. It also helps citizens understand their society and its needs, creates more support among citizens for political policy and develops citizens’ ability to influence political policy.⁵⁴ I agree that public democratic deliberation, theoretically, provides a better alternative

⁴⁶ Habermas, “Three Normative Models of Democracy”, 8.

⁴⁷ Ibid, 9-10.

⁴⁸ Ibid, 6.

⁴⁹ Ibid.

⁵⁰ Ibid, 9.

⁵¹ Habermas, *On the pragmatics of communication*, (Cambridge: MIT Press, 1998) 186-188 and Mitrović, "New social paradigm: Habermas' Theory of communicative action", 222.

⁵² Habermas, *On the pragmatics of communication*, 189.

⁵³ T. Christiano, "The significance of public deliberation" in: J. Bohman and W. Rehg, *Deliberative democracy: Essays on reason and politics* (Cambridge: MIT Press, 1997), 244-245.

⁵⁴ Christiano, "The significance of public deliberation", 244.

for political decision making because it requires active participation of citizens, challenging them to interact with one and other. A socio-political dialogue provides more possibilities for reaching an understanding than voting. Namely, the nature of voting entails a competition of different options rather than to strive for cooperation. However, the practice of public democratic deliberation is more demanding on a political society than voting: it requires citizens to participate in democratic deliberation besides their private lives, have an opinion on every political matter and actually find an agreement amongst millions of opinions. This raises question whether such a political state is manageable, at all. However, as these are more practical concerns about the feasibility of deliberative democracy, this thesis is mainly concerned with its legitimization. It is assumed that collective rational deliberation is essential to the legitimization of deliberative democracy. I will continue to define political equality and its role in a deliberative democracy.

I.III Deliberative Democracy and the Role of Political Equality

Advocating for deliberative democracy, Seyla Benhabib agrees on the importance of public deliberation. She states that “a public sphere of deliberation about matters of mutual concern is essential to the legitimacy of democratic solution”.⁵⁵ According to her, certain standards and rules are required to realize democratic deliberation. This is necessary to bring about justified political rule, because “in essence only those general rules of action and institutional arrangements can be claimed legitimate and morally binding if they are agreed to by all those affected by their consequences”.⁵⁶ She constructs three essential features for democratic deliberation that can justify its political policy:

1. “Participation in deliberation is governed by the norms of equality and symmetry; all have the same chances to initiate speech acts, to question, to interrogate, and to open debate;
2. All have the right to question the assigned topics of conversation, and;
3. All have the right to initiate reflexive arguments about the very rules of the discourse procedure and the way in which they are applied or carried out.”⁵⁷

These features can be better understood as the ‘norms of equality’ for deliberative democracy. These norms state that individuals should initiate the practice of democratic deliberation from

⁵⁵ Benhabib, “Toward a Deliberative Model of Democratic Legitimacy”, 68.

⁵⁶ Ibid, 68.

⁵⁷ Ibid, 70.

an equal standing point. Everyone has the right to engage and participate in democratic deliberation without any social or other kinds of restrictions. This means that all participants should be equal in social standing and are not restricted in their abilities to participate in rational democratic deliberation. Furthermore, there should be no requirements concerning individuals' personal identities of those who which to participate.⁵⁸ Accordingly, political equality in a deliberative democracy is defined as the equal opportunity to participate in the public rational deliberation, engaging in a fair and reasonable debate among all citizens.

This definition of political equality plays two roles in the legitimization of deliberative democracy. First, it legitimizes the practice of rational democratic deliberation which, in turn, legitimizes the political policies in a deliberative democracy. When these norms of equality are not adhered to, the policies constructed are illegitimate, providing no legitimization for deliberative democracy. Only social equality among citizens in public deliberation safeguards the legitimacy of political outcomes and the procedure of democratic deliberation.⁵⁹

Nevertheless, these norms are not necessarily guaranteed by democratic deliberation. The equal opportunity to participation cannot be guaranteed by providing practical conditions that realize democratic deliberation. These practices, albeit deliberative in character, can still be used to silence, exclude or coerce others who are less able to use the deliberative practice to their benefit. When these practices occur, they are rendered illegitimate and citizens can therefore object to them. Normative requirements are thus not easily realized or safeguarded in practice. Therefore, when illegitimate practices occur that limit people's opportunities to participate in democratic deliberation, while not being obviously detectable or generally acknowledged, a deliberative democracy can be perceived as legitimate while being the exact opposite. Thus, normative ideals simultaneously require practical provisions. Such conditions convert norms into practice, allowing for effective monitoring. For deliberative democracy, this means that the equal opportunity to participate in democratic deliberation should be defined as the actual ability to influence the debate besides a normative notion of equality in opportunity. Only then, political equality in the democratic deliberative process is guaranteed.

I.IV Political Equality in a Deliberative Democracy

As mentioned, Habermas distinguishes between the liberal, the republican and the discourse models of democracy. Each model has different interpretations of self-government and

⁵⁸ Benhabib, "Toward a Deliberative Model of Democratic Legitimacy" 70.

⁵⁹ Ibid, 71.

political equality, providing the legitimacy of this form of self-government. However, as argued, the majority vote in the liberal model and the communitarian interpretation of a society in the republican model cannot provide for the construction of legitimized political policy by ‘all those affected’. Habermas therefore, introduces the discourse model based on the concept of rational democratic deliberation. The outcome of public rational deliberation is justified by the fact that citizens can participate in public deliberation to come to a collective rational agreement. It is the unconstrained process of democratic deliberation among citizens of equal standing that underlies the political justification of deliberative democracy. Only then, citizens can come to a collective rational decision that serves. In this way, socio-political equality guarantees both the result and process are guaranteed by political equality.⁶⁰

Deliberative democracy does not treat the political decision making process as a market place or its citizens as collective actors. Instead, it provides for political equality by accommodating institutionalized requirements for public deliberation and equal participation in democratic deliberation to come to a collective consensus. This notion of political equality is “governed by the norms of equality and symmetry” meaning that all citizens should have the equal opportunity to “initiate speech acts, to question, to interrogate, and to open debate” in the practice of democratic deliberation.⁶¹ However, this norm of equality does not specify how such equal opportunities should be governed, suggesting that participation in democratic deliberation and influencing the debate are one and the same thing. There is no distinction between the opportunity to participate in democratic deliberation and the opportunity to influence democratic deliberation in its definition of political equality.

⁶⁰ Christiano, “The significance of public deliberation”, 245-246.

⁶¹ Benhabib, “Toward a Deliberative Model of Democratic Legitimacy” 70.

II. Structural Inequality in Democracy

The model of deliberative democracy was established as a solution between the two existing democratic models, emphasizing the equal opportunity of individuals to participate in public rational deliberation. Interestingly, criticism has pinpointed a weak point in this notion of political equality: the normative ideal regarding the equality of participation in democratic deliberation cannot be realized by the practice of a deliberative democracy in reality. The theory, in its practical adaptation, can fall victim to power relations and unequal personal capacities, affecting and determining the political effectiveness of a person. This critical notion stems from a broader social theory on social structures and political theory: the structural inequality argument.

According to this view, each society's social structure is determined its specific by abilities and power relations, asking for a different approach of equality.⁶² Understanding this different approach of equality and translating it to the political practice of democratic deliberation, requires understanding the essence of structural inequality theory. This theory has a different starting point than general political theories: the politics of difference. The concept of structural inequality is rooted in this foundation. I will outline the concept, and subsequently examine the threat it poses for the practice and theory of deliberative democracy and its legitimacy. In doing so, I am following Iris Young's explanation of the politics of difference and structural inequality. She is one of the main advocates of this approach in social and political theory. Ultimately, I will propose a different approach to political equality, as proposed by Jack Knight and James Johnson. I will continue to assess if this approach helps neutralizing the tension between structural inequality and deliberative democracy.

II.I Politics of Difference: the Structural Inequality Model

As Young explains, the politics of difference is a collective name for several social movements that occurred during the 1980s and 1990s. Each movement advocated more awareness for the equal treatment and rights for its own respective minority group. However, the overall tendency urged more general equal treatment in the current social structure, for all groups alike. The current situation, in their view, did not provide equality. They felt that the current social structure did not represent their needs sufficiently. Society was too much defined by historically dominant interpretations that constructed a certain social reality based

⁶² Young, "Structural Injustice and the Politics of Difference", 368.

on differences in gender, race, sexuality or culture. Despite the emancipation of colored individuals, gays and women, which had promoted more inclusiveness and social and economic chances for them, general equality was not necessarily promoted.⁶³ The emancipation movements prompted the development of a new practical political view that made these social differences the core of political reality: a politics of difference.⁶⁴ However, why does more inclusion of different minorities not promote equality according the politics of difference? It has been argued that this was due to the dominant societal paradigm at that time: the liberal equality model. This approach defines equality as the equal treatment of individuals and their resources.⁶⁵ Every person, regardless of their age, sex, culture or preferences, should get the same treatment and equal access to the same resources to achieve their desired social or political needs. This can be understood as the equal right to vote, the right to assembly and the right to education. The liberal approach, in theory, does not make any distinction in their policy to privilege a certain social group. Accordingly, the liberal approach assumes that everyone gets equal chances and that these equal chances provide equality: equality by nondiscrimination.⁶⁶ However, the politics of difference paint another picture.

Equality based on nondiscrimination ignores culture, gender, racial or sexual differences in a positive way: it does not privilege anyone because of these differences. However, at the same time, it fails to recognize an individual's personal social position or specific needs.⁶⁷ The politics of difference addresses this difference-blind ideal in political theory, showing that it promotes inequality instead of equality. Young states that "equating equality with equal treatment ignores deep material differences in social position, division of labor, socialized capacities, normalizing standards and ways of living that continues to disadvantage members of historically excluded groups".⁶⁸ Advocates of the politics of difference, generally known as feminists, anti-racism and LGBT (lesbian, gay, bisexual or transgender) activists, often argue that they are unable to achieve the same standard of living as other 'normal' individuals: those who are not female, have no colored skin or certain

⁶³ Young, "Structural Injustice and the Politics of Difference", 363-364, 368.

⁶⁴ Ibid, 362-363.

⁶⁵ Ibid, 365.

⁶⁶ Knight and Johnson, "What sort of political equality does deliberative democracy require?" 288-289.

⁶⁷ Young, "Structural Injustice and the Politics of Difference", 362, 365 and I. M. Young, "Difference as a resource for democratic communication" in: J. Bohman and W. Rehg, *Deliberative democracy: Essays on reason and politics* (Cambridge: MIT Press, 1997) 386.

⁶⁸ Young, "Structural Injustice and the Politics of Difference", 362.

appearance, or are not heterosexual.⁶⁹ This phenomenon is further elaborated upon by the structural inequality model as outlined by Young. In this model, she tries to explain why different social groups are disadvantaged and why social differences cannot be overcome by liberal policies.⁷⁰

She initiates her argument by stating that difference constructs society. Societies are not necessarily founded on what unifies them, but largely also constructed by the differences among their citizens. When individuals interact, their differences become clear towards each other. These distinctions define people as part of a certain group when they show similarities to the specified differences of this group (for example: gender, cultural definitions, or political preferences). These diverging traits are thus a main source for influencing one's status, power, and privilege in the social structure. Young concludes that one's ethnicity, gender, age or preferences determine your social status and your possibilities within the society.⁷¹ Individuals are placed in a societal field by class, gender, race, nationality, religion, et cetera. Despite their personal, individual identity and preferences, they are viewed and treated by others within the framework of this social structure.⁷² Nevertheless, this does not explain how these social differences result in inequalities. To this end, Young takes the model of structural inequality one step further. She introduces the 'durable inequality'-model in which social processes produce and maintain advantages and disadvantages for individuals or groups in general.⁷³ Young turns to the 'merit principle' to explain this development. This principle holds that every person wishing to obtain a certain position in society should have an opportunity to do so. Consequently, everyone is judged by their abilities, the best candidate ending up getting the desired position.⁷⁴ Young counters the argument that this principle would stand for equality: "difference-blind liberalism promotes inequality because it does not acknowledge the structural equality it upholds and thereby maintains the process of structural inequality".⁷⁵ I will illustrate this claim in the example below.

One of the most obvious examples of structural inequality is the social position of people with physical and/or mental disabilities. Here, Young addresses the "lack of fit between the attributes of certain persons and structures, practices, norms, and aesthetic

⁶⁹ Young, "Difference as a resource for democratic communication", 383-385.

⁷⁰ Young, "Structural Injustice and the Politics of Difference", 363.

⁷¹ Young, "Difference as a resource for democratic communication", 388.

⁷² Ibid, 390.

⁷³ Young, "Structural Injustice and the Politics of Difference", 362.

⁷⁴ Ibid, 364.

⁷⁵ Ibid, 363.

standards dominant in the society”.⁷⁶ According to the merit principle, everyone has an ‘equal’ opportunity to achieve their desired standard of living. Individuals compete for certain achievements in life, like job positions or studies. From everyone that meet the requirements, the most suitable individual is chosen. As a result, individuals with no mental or physical shortcomings hold a more favorable position. While not being necessarily ‘bad’, this phenomenon results in some serious consequences for individuals who do not fit the perfect picture. Society, subsequently, becomes a game of winners and losers with a preference to winners, shaping itself to their needs. This results in universities and businesses lacking tools to accommodate people with disabilities and society providing fewer opportunities for disabled people as opposed to others.⁷⁷

Consequently, societies mostly build and maintain structures in which ‘winners’ thrive. This results in major disadvantages and challenges for disabled people. They suffer from limitations in “earning a living through satisfying work, having a rewarding social life or to living like any autonomous adult”.⁷⁸ In this way, society determines what life they are able to live, barely providing opportunities to social change or advancement. They are caught in a social structure that defines for them what they can achieve without regarding what they actually can or want to achieve: structural inequality.⁷⁹ As long as the social structure is based on the merit principle, certain skills and abilities are preferred over others without taking note of any the mental and physical differences among the participants. The principle thus assumes that everyone has the same social starting point. Consequently, the needs of disabled persons are overshadowed which result into them having more difficulties to pursue the professional and private life they desire. Thus, this difference blind ideal widens rather than diminishes the gap between different groups in society by providing equality of opportunity.

Young describes more examples of the ‘promotion of inequality’.⁸⁰ All examples come down to the same statement: ‘difference-blind liberalism’ does not acknowledge the structural inequality society maintains for these groups. Treating everyone equally is not enough to safeguard equal outcomes. Contrarily, such ‘equal treatment’ produces more

⁷⁶ Young, “Structural Injustice and the Politics of Difference”, 365.

⁷⁷ Ibid, 364-365.

⁷⁸ Ibid, 364-365.

⁷⁹ Ibid, 365-366.

⁸⁰ Difference in race give persons of a certain appearance a social disadvantage because of the historic prejudices and therefore they have a harder time trying to fight this stigma because they experience limitations because of this stigma. For gender difference it goes to show that women have equal opportunities with men to attain positions of high status but by being indifferent to gender specific difference an environment is constructed in which women have a harder time achieving their goals than men. Ibid, 366-369.

inequality.⁸¹ Thus, the structural inequality model confirms that the inequalities that the advocates of the politics of difference claim to fall victim to “arise from processes of the division of labor, social segregation and lack of fit between hegemonic norms and interpreted bodies”.⁸² However, agreeing that societies have a tendency to highlight differences among individuals to categorize people, I feel that they do not purposely disregard these differences in policies to promote disadvantages. Essentially, it should not matter for your social position what you look like or what your preferences are: it should be your abilities.

Therefore, only the diverging abilities should underlie different social positions. Liberal policies are thus not ‘difference blind’ enough, because individuals can be prejudiced by their appearance or character. However, this does not disregard the notion that not everyone is suitable for every ‘desired position’. Personal, individual differences indicate that not everyone fits the ideal requirements for every position in society. Furthermore, these different distinctions are necessary to uphold a functional society: it requires doctors as well as garbage men. Moreover, most modern societies show that individuals can achieve their desired position despite their so-called ‘differences’. Hard work and dedication are just as important for pursuing one’s desired position besides the equal opportunity to do so. The constraints of personal differences on the equal opportunity to pursue one’s desired position can thus be hard to determine. The outcome is a mixture between personal effort, supply and demand for certain positions in society, and social circumstances. The structural inequality model argues that social circumstances might cause structural disadvantage, but highlights only a single factor thereof. I will continue to assess to what extent the equal opportunity to participate in democratic deliberation is influenced by structural inequality.

II.II Structural Inequality in a Deliberative Democracy

Understanding structural inequality does not immediately clarify why social differences would pose a problem for deliberative democracy. Deliberative democracy presupposes that everyone has equal opportunities to participate in political discussion and influence democratic outcomes. Therefore, it is the best practice for democratic decision making, providing a platform for public discussion while taking into account all social perspectives. Young does not deny that group difference necessary for just decision making as “the plurality of perspectives motivates individuals to express their proposals as it appeals to

⁸¹ Young, “Structural Injustice and the Politics of Difference”, 369.

⁸² Ibid, 366.

justice rather than an expression of self-interest” and “the confrontation with different perspectives, interest and cultural meanings gives individuals insight on their partiality and reveals their own experience as perspectival”.⁸³ However, Young indicates that eliminating political or economic power from the democratic decision making process does not make individuals equal speakers.⁸⁴ Her claim is based on several arguments. The theory of deliberative democracy clearly distinguishes itself in that it is a discourse-oriented model of democracy, which holds that political and economic power should have less influence on democratic decision making. Deliberative democracy solely focusses on the process of democratic deliberation to realize a legitimate democracy. However, Young argues that disregarding political or economic influence is not enough to make people equal speakers in democratic deliberation.⁸⁵ Hereby, she underlies that while everyone can participate in deliberative democracy, not everyone has the right capacity to do so. Namely, this capacity is also socially and culturally determined.⁸⁶ Young adds an important nuance to the claim of structural inequality: not everyone has to fall victim to structural inequalities but “it violates a principle of substantive equality of opportunity”.⁸⁷ To understand this, I will explain how social and cultural differences restrict individuals’ capacity to become equal speakers, and why this becomes embedded as a structural inequality.

The critique of the structural inequality argument against deliberative democracy is concerned with the underlying unequal structures that influence the public debate. It argues that deliberative democracy “privileges a certain mode of discourse and is thereby silencing others”.⁸⁸ Young explains that, since the Enlightenment, communication has been defined by western institutions and has been mainly male-dominated. Moreover, societies have been prone to class and race-difference and have historically been dominated by white and upper-class norms. This development has produced a privileged mode of discourse shaped by “the rationalist, male, univocal discourse that disregards the emotions, multiplicity and differences in the articulation for shaping a voice in the public sphere”.⁸⁹ According to Young, this form of communication is formal and general, but not a universal form of reasoning. It is “culturally specific and the use of such speaking style is a sign of social privilege”.⁹⁰

⁸³ Young, "Difference as a resource for democratic communication", 403.

⁸⁴ Young, "Communication and the other: Beyond deliberative democracy", 122.

⁸⁵ Ibid, 122-123.

⁸⁶ Ibid.

⁸⁷ Young, "Structural Injustice and the Politics of Difference", 363.

⁸⁸ Young, "Communication and the other: Beyond deliberative democracy", 124.

⁸⁹ Ibid, 123-124.

⁹⁰ Ibid, 124.

Nevertheless, the ‘universal discourse’ of deliberative democracy is criticized because it is not truly inclusive of all voices it needs to represent. It prefers the expression of one mode of discourse for official policy making, disregarding other usage of language, expression or communication. However, this does not mean that these different discourses are completely excluded from the debate or that they have no say in it. They are required to voice their concern in a way that matches the dominant discourse and procedures.⁹¹ In short, the critics on deliberative democracy are skeptical about the claim that the democratic deliberative processes lead to the will of the people legitimizing political policy. Namely, one discourse does not cover all different modes of communication.⁹²

The structural inequality argument shows that people in disadvantaged positions have a harder time participating and voicing their concerns in the public sphere. This violates the right to equal opportunity to participate in democratic deliberation. Overall, a generally acknowledged mode of expression and procedural requirements are necessary for democratic deliberation to operate. Wider inclusion of divergent expression complicates the formulation of common understandings. Divergent expressions then still need to be translated to understand their exact meaning in regard to other expressions concerning the same political topic in the deliberative debate. However, such a system maintains structural inequality if these inequalities arise during democratic deliberation. Therefore, structural inequality in a deliberative democracy shows that political equality, defined as the equal opportunity to participate in democratic deliberation, is insufficient to provide equal influence on democratic decision making. I will continue to consider a different notion of political equality that overcomes structural inequality in a deliberative democracy.

II.III What Kind of Equality does a Deliberative Democracy require?

Deliberative democracy, in theory, is a powerful tool for just decision making and legitimate political policy. However, in practice, the system can fall victim to structural inequality. Structural inequality shows that not all persons have the same ability to influence the political debate. Deliberative democracy requires rational deliberation, but the expression of rational deliberation is not the same for every person. Difference of language, expressions, gestures, education, social status, personal freedoms, opportunities, and priorities determine how individuals can operate in democratic deliberation regardless of equal political liberties among

⁹¹ Young, "Communication and the other: Beyond deliberative democracy", 124-125.

⁹² Ibid, 124.

them.⁹³ Nevertheless, democratic deliberation assumes that all its participants are equally equipped to use their preferred mode of expression to engage in its practice. However, while advocating for the deliberative model of democracy, Knight and Johnson acknowledge that:

(...) if a citizen is unable, for whatever reason, to effectively accomplish this task, she will be unable to affect the collective decision-making process. Through this failure her interests and goals will most likely go unaccounted for in the democratic process. This violates the fundamental notion that democratic outcomes are the product of the interests of equal citizens.⁹⁴

Knight and Johnson state that deliberation “revolves centrally around the uncoerced give and take of reasoned argument”.⁹⁵ They argue that defining political equality as the equal opportunity to participate in democratic deliberation “presupposes equality of resources needed to ensure that an individual’s assent to arguments advanced by others is indeed uncoerced” and “requires equal capacity to advance persuasive claims”.⁹⁶ They mean that social status, material wealth, and education determine the political influence of individuals and their ability to express themselves freely. Thus, a society might provide equal political resources for individuals while they have unequal capacity to influence the political deliberation. In that case, the democratic outcome is illegitimate.

To that end, Knight and Johnson further argue that a deliberative democracy requires a “more substantive notion of equal opportunity of political influence”.⁹⁷ Institutionalizing this current form of political equality in deliberative democracy fails to guarantee effective participation. Deliberative democracy requires citizens to “engage in the process of mutual persuasion”, but does not incorporate this requirement in its definition of political equality.⁹⁸ Therefore, the more substantive notion of political equality they propose contains political equality as well as equal opportunity for political effectiveness. With this definition they don’t mean an equal opportunity by providing the same procedures and resources for everyone to be able to participate. This entails a broader inclusion of the equal opportunity for political effectiveness. Namely, it does not solely provide the opportunity to make political interests known in the public deliberation, but also emphasizes the actual influence of this opportunity

⁹³ Young, "Communication and the other: Beyond deliberative democracy", 126.

⁹⁴ Knight and Johnson, "What sort of political equality does deliberative democracy require?", 292.

⁹⁵ Ibid, 281.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid, 309.

on the deliberative decision making process. This definition of political equality provides one important distinction: an individual can fail to be politically effective either by not utilizing the provided means that guarantee political influence, or; by not being able to utilize the provided means.

This view highlights the need for equality in abilities to provide an equal opportunity of political effectiveness. Effective rational democratic deliberation both depends on the capacities of the individual and the procedural standards provided by a deliberative democracy. As long as “each participant does not have the cognitive capacities and skills to effectively articulate and defend persuasive claims, no real equality of opportunity for political influence is provided”.⁹⁹ Knight and Johnson agree that individual capacities are both influenced by historical and social inequality structures subordinating other views that change that dominant paradigm.¹⁰⁰ Their notion of political equality, incorporating structural inequality, provides space to make its normative ideal a reality by adding a requirement: political effectiveness. This is an important addition to the normative ideal of political equality. The structural inequality model shows that, previously, political equality was unable to address inequalities in the practice of democratic deliberation. Knight and Johnson provide a different interpretation that captures the difference between a normative ideal and its practical implications. By connecting political equality to the equal opportunity for political effectiveness, social inequalities of influence are no longer ignored. In fact, they become the core requirement for political equality. If this normative requirement can be translated to practical requirements, structural inequality in a deliberative democracy can be significantly reduced.

II.IV Political Equality and Structural Inequality

This chapter has described the structural inequality critique on deliberative democracy. While deliberative democracy renders the outcome of the political deliberation legitimate in case of universal participation, critiques show that this is not necessarily the case. The structural inequality model shows that unequal social structures in a democratic society can influence the practice of democratic deliberation. These unequal structures derive from broader social developments based on historical events, social status and political dominance. In turn, these socio-political structures result in a preferred discourse for the procedural practice of

⁹⁹ Knight and Johnson, "What sort of political equality does deliberative democracy require?", 297-299.

¹⁰⁰ *Ibid*, 299.

democratic deliberation. It thereby excludes different forms of communication or expression and forces participants to abide by one particular discourse. Consequently, participation no longer guarantees equality in participatory opportunities, because participation should rely on personal abilities to be effective in the preferred deliberative discourse. Therefore, political equality understood as the equal opportunity to participate in deliberative democracy is insufficient.

Knight and Johnson introduce a definition of political equality that “is characterized as the equal opportunity of access to political influence”.¹⁰¹ They underwrite that the equal opportunity of political influence requires that the participation of individuals should be voluntary and their decision making should be uncoerced by social status or the political power of others. Moreover, every individual should be able to participate in the process of mutual influence while having an equal amount of impact, regardless of their social position. However, according to the structural inequality argument, exactly these requirements are undermined by underlying social structures. Therefore, their notion of political equality adds an important nuance to it: one should not only have the equal opportunity to participate in public deliberation, but also equal opportunities to influence its. These are both necessary conditions for the realization of political equality.¹⁰² This different approach might be a solution to the existence of structural inequality in democratic deliberation.

¹⁰¹ Knight and Johnson, "What sort of political equality does deliberative democracy require?", 392.

¹⁰² *Ibid*, 281-282.

III. Solving Structural Inequality

As outlined, the principles of deliberative democracy can be traced back to Rousseau's nature of mankind and moral liberty.¹⁰³ The political state government is only legitimate if each individual subjected participates in the democratic process. By determining your own boundaries, you remain completely free. To be author of the law in a deliberative democracy one must participate in public deliberation, coming to a rational agreement within differences, preferably without any further debate. Criticism has, however, argued that the public debate is biased in its discourse and that individuals who are less familiar with this discourse have a harder time contributing to the public debate. Democratic deliberation thus fails to recognize that giving everyone an opportunity to participate in the democratic process does not directly mean that everyone can effectively do so. Therefore, a different approach to political equality in a deliberative democracy is needed. Such a theory should take individual abilities to participate in the democratic deliberation and successfully influencing its outcome into account. This final chapter considers different answers to structural inequality within deliberative democracy, looking for ways to realize Knight and Johnson's definition of political equality as the equal opportunity for political effectiveness in practice.

First, Iris Young proposes a solution based on her own structural inequality model: a communicative model of democracy. Second, I will introduce a capacity-based conception of deliberative democracy, derived from Jason Bohman and Amartya Sen, which Knight and Johnson find most suitable for their definition of political equality.¹⁰⁴ Finally, Asfoun Afhasi has introduced new opportunities for deliberative democracy based on Jonathan Kuyper's literature on the systemic turn in deliberative democracy.¹⁰⁵ Its conclusion finds that structural inequality is not easily eradicated in practice, but that a combination of these solutions provide a new approach on the legitimacy of a deliberative democracy despite its shortcomings to fall victim to structural inequality.

¹⁰³ Rousseau, "The major political writings of Jean-Jacques Rousseau", 174.

¹⁰⁴ J. Bohman, "Freedom: Capabilities, Resources, and Opportunities" in: J. Bohman and W. Rehg, *Deliberative democracy: Essays on reason and politics* (Cambridge: MIT Press, 1997,), 321-348.

¹⁰⁵ J. Kuyper, "Democratic deliberation in the modern world: The systemic turn" *Critical Review* 27.1 (2015), 49-63 and A. Afsahi, "Disabled Lives in Deliberative Systems" *Political Theory* 00 (2020), 1-26.

III.I Solutions to Structural Inequality I: Communicative Democracy

A deliberative democracy is focused on the give and take of proceduralized rational argumentation. Critiquing this, Iris Young claims that the current discourse is not inclusive enough to overcome structural inequality and thereby, maintains it.¹⁰⁶ Her solution is “to tighten the gap between the public sphere of deliberation and the private sphere of communication”.¹⁰⁷ She feels minorities are better able to express their opinions within the private sphere, using their preferred manner of communication, than in the public sphere.¹⁰⁸ Therefore, with regard to deliberative democracy, Young proposes a theory of ‘communicative democracy’. With this theory, she hopes to “make way for a deliberative conception that is open to means of expression beyond the rational expression of mainstream deliberative democratic theory”.¹⁰⁹ She frames the standard solution provided by the politics of difference to overcome structural inequality as “formally challenging the rules that allow institutions and individuals to explicitly confine some categories of persons to a disadvantaged or subordinate position”.¹¹⁰ She argues explicitly for a proceduralized solution because

(...) public and private institutional policies and practices that interpret equality as requiring being blind to group differences are not likely to undermined persistent structural inequalities and can tend to reinforce them. Even in the absence of formally discriminatory laws and rules, adherence to normal rules and practices of occupational assignment will tend to reproduce given categorical inequalities unless institution take explicit action to counteract such tendencies.¹¹¹

To remove unjust social inequality, Young argues explicitly that it is necessary to recognize group difference and “compensate for disadvantage, revalue some attributes, positions or actions or take special steps to meet the needs of and empower members of disadvantaged groups”.¹¹²

Moreover, she argues that participants should “rather turn to, than ignore, each other’s differences like class, gender, religion or culture”.¹¹³ In doing so, the participant will not be

¹⁰⁶ Young, "Communication and the other: Beyond deliberative democracy", 122.

¹⁰⁷ *Ibid*, 123.

¹⁰⁸ *Ibid*, 123-124.

¹⁰⁹ *Ibid*, 132.

¹¹⁰ *Ibid*.

¹¹¹ Young, "Structural Injustice and the Politics of Difference", 364.

¹¹² *Ibid*, 368.

¹¹³ Young, "Difference as a resource for democratic communication", 403-404.

forced to deviate from their particular experience and interest, as the current discourse of deliberative democracy requires from them.¹¹⁴ This alternative mode of communication would provide a basis for a more democratic, communicative theory. Namely, each social position has its own perspective on public society which, through the communicative process, is transformed into a collective understanding of society that helps the collective to “come to a better democratic decision”.¹¹⁵ This transformation is not based on argumentation but on different modes of communication. However, this solution has been criticized by Seyla Benhabib who remarks that these modes of communication solely address the critique posed by the structural inequality argument.¹¹⁶

Benhabib argues that it is not necessary to formalize and institutionalize these aspects of everyday communication. She does not deny the benefit of a more “heterogeneous model of the public sphere” because it helps understand the vastly different opinions and modes of expression.¹¹⁷ However, she points out that this “expression of multiple associations” is already possible in current public life.¹¹⁸ She follows Nancy Frasers’ distinction between ‘opinion-making’ and ‘policy-making’ public bodies. Namely, opinion-making public bodies, like social movements, can encourage us to “reconsider and rethink controversial issues and bring to light the different views and preferences for the public sphere”.¹¹⁹ In other words, social differences can already be expressed in the public sphere through networks, congregations, and private initiatives. The voices that these opinion-making bodies represent can work their way into and thereby influence the policy-making bodies.¹²⁰ Accordingly, Benhabib argues that “these forms of communication do not need to become official part of general legislative communication”.¹²¹

Furthermore, as the distinction between opinion-making and policy-making bodies represents how so many different forms of communication eventually can influence the public sphere of deliberation, the question of equal opportunity of political influence remains. The opportunity of political influence is determined by individuals’ ability to participate and make their voice heard. Its equality is determined not only by the individuals’ ability to express themselves, but also by their political influence on others and the outcome of democratic

¹¹⁴ Young, "Communication and the other: Beyond deliberative democracy", 126.

¹¹⁵ *Ibid*, 127.

¹¹⁶ Benhabib, "Toward a Deliberative Model of Democratic Legitimacy", 82.

¹¹⁷ *Ibid*, 83.

¹¹⁸ *Ibid*.

¹¹⁹ *Ibid*.

¹²⁰ *Ibid*, 84.

¹²¹ *Ibid*, 83-84.

deliberation. Therefore, distinguishing between opinion-making bodies and policy-making bodies does not eradicate the problem of political effectiveness within structural inequality. Even the implementation of institutions and constitutional guarantees for opinion- and policy-making public bodies does not safeguard individual's effectiveness on democratic deliberation. There is more at stake than the individuals' ability and resources to express themselves: it is whether their contribution has any influence on the democratic decision making process. Therefore, to guarantee political equality as the equal opportunity of political effectiveness, one cannot be politically effective independent of others. This is in line with rational deliberation, which is attained by a process based on interaction and dialogue. Here it is important to determine what is required to grant political equality as an equal opportunity for political effectiveness through interdependency. This means that political influence is not only provided by giving individuals more means to express themselves, it requires influence on the outcome of democratic deliberation as well.

III.II Solutions to Structural Inequality II: the Capabilities Approach

As Knight and Johnson introduce a different notion of political equality, they also argue how this can best be practically realized. Their solution provides equality of capacities that can be used effectively.¹²² They derive this solution from Amartya Sen's capabilities approach, extended to deliberative democracy by Jason Bohman. The capabilities approach was introduced by Amartya Sen in the 1980's as an approach to measure justice in economic welfare.¹²³ To this end, he divides individual's personal freedom in 'functionings' and 'capabilities'. This is the distinction in defining an individual's state of being in terms of what they are achieving, on the one hand, and what they could be achieving considering the circumstances, on the other hand.¹²⁴ A functioning is a 'being or doing' that explains the achievement or accomplishment of an individual. For example, a person can be healthy, well-nourished, or illiterate. It is a definition of who they are, a constituent for them as a person. A capability, on the other hand, defines what a person could achieve or accomplish a certain functioning.¹²⁵ Preferably, functionings and capabilities coincide, meaning that everyone is capable of achieving everything they desire. However, the reality is different. For example, a person can desire to have the functioning to receive higher education, but does not have the

¹²² Knight and Johnson, "What sort of political equality does deliberative democracy require?", 298.

¹²³ A. Sen, "Equality of what?" *The Tanner lecture on human values 1* (1979), 197-220.

¹²⁴ Sen, "Equality of what?", 217-218.

¹²⁵ *Ibid*, 218.

capability to do so because of personal or social circumstances.¹²⁶ They might be poor, have a learning disability, or the government might not offer an adequate educational system. Thus, the capabilities of an individual determine what they are actually able to achieve. Because these achievements are different for every individual, the capabilities approach offers a useful insight in determining what an individual needs to achieve their desired functioning instead of constructing one solution for all.¹²⁷

Therefore, Knight and Johnson argue that the capabilities approach might provide the solution to structural inequality in political equality for a political society founded on deliberative democracy. Achievement of political equality in terms of the capabilities approach means something different for everyone. Individuals could lack a specific education, social status or the ability to voice their opinion. These divergent ‘set-backs’ all require different solutions to obtain the ‘functioning’ of political equality. Thus, their capabilities determine both to what extent they can achieve political equality, and the requirements for them to reach equal deliberative democratic positions. Accordingly, Jason Bohman, one of the main advocates of this so called ‘capacity-based conception’ of political equality, argues that “there is a criterion prior to the achievement of political equality: the equality of effective social freedom”, defined as “the equal capability for public functioning”.¹²⁸

Bohman structures the notion of this capability around two equalities he believes are required for legitimate deliberative democracy: “citizens must be equal and their reasons must be given equal consideration”.¹²⁹ According to the structural inequality argument, both types of equalities are often taken for granted in a society that is perceived to provide equal opportunity through equal political procedures or equal resources. He therefore, introduces the ideal of effective social freedom. Such freedom can provide for “a conception of equal standing in deliberation and at the same time shows the fundamental diversity of human beings with regard to their public functioning”.¹³⁰ Equality, then, can be more easily determined in terms of a capability because it “not only emphasizes the importance of active citizenship but also promotes to reconcile the potentially conflicting demands of diversity and equality”.¹³¹ This approach more critically addresses differences in political society, yielding the question “which differences among people are unacceptable for the democratic ideal of

¹²⁶ Sen, "Equality of what?", 218.

¹²⁷ *Ibid*, 218-219.

¹²⁸ Bohman, "Freedom: Capabilities, Resources, and Opportunities", 322.

¹²⁹ *Ibid*, 321.

¹³⁰ *Ibid*, 322.

¹³¹ *Ibid*, 326.

equal recognition and respect in deliberation”.¹³² Difference, in this sense, is not ‘wrong’ but celebrated in multicultural societies. Meanwhile, however, it helps to specify the problematic differences for democratic society as described by what the structural inequality argument. By doing so, it provides a more substantial notion and means of achieving political equality as the equal opportunity to political effectiveness.

Combining the capabilities approach with deliberative democracy underwrites the difference between choosing not to effectively participate in the public debate and not being able to effectively participate. However, I feel that this explanation is insufficient to solve the differences that maintain structural inequality in deliberative democracy. As described, deliberative democracy should not only benefit those who are, as Bohman describes, the “better situated to get what they want by public and discursive means”.¹³³ The capability approach shows that, without the equal capability for public functioning, a person from a subordinate discourse in democratic deliberation faces similar challenges as a disadvantaged person in any other political society: lacking the capacity to make their voice heard, they cannot change societal structures to provide support to obtain the functionings they want by changing their capabilities. Consequentially, they remain disadvantaged. However, providing equality of capabilities is easier said than done. It entails several procedural and normative implications concerning the measurement of capability equality. The philosophical debate about deliberative democracy generally focusses on the feasibility of the actual practice of democratic deliberation in the public sphere with the participation of all. However, I feel that this notion of political equality, capabilities and effectiveness intensifies rather than solves this discussion.

For now, I will pursue Knight and Johnson’s position that the implementation of the capabilities approach to political equality “might entail constraints on the use of material resources in nonpolitical realm and the acceptance of inequalities in the treatment of citizens by the state”.¹³⁴ This means that, in order to realize this new notion of political equality, state coercion in the public and private sphere might be necessary. They do, however, argue that the capacity-based conception of political equality in a deliberative democracy is hard to implement despite Bohman’s efforts, because “it may often be impossible to determine in a straightforward way how the interests of particular individuals relate to the collective

¹³² Bohman, "Freedom: Capabilities, Resources, and Opportunities", 326.

¹³³ Ibid, 332.

¹³⁴ Knight and Johnson, "What sort of political equality does deliberative democracy require?", 304.

outcome”.¹³⁵ In spite of this, it is important to stress the significance of this approach to political equality as a functioning and capability. The theory, namely, provides interesting insights in the perception of structural inequality in deliberative democracy.

III.III Solutions to Structural Inequality III: the Systemic Turn

Recently, the ‘systemic turn’ has added a different approach to deliberative democracy. This view introduced a new way to balance out different deliberative capacities among citizens.¹³⁶ Kuyper describes this turn as the “third phase in the theoretical development of deliberative democracy”.¹³⁷ He identifies the first phase as the ‘birth’ of deliberative democracy, the “expounding of the ideal of deliberative democracy” mainly initiated by Jürgen Habermas.¹³⁸ The second phase is defined as the ‘coming of age’ of the theory, in which scholars attempted to “accommodate the theory to the realities of liberal democracies”, like Jason Bohman’s attempt.¹³⁹ However, while the first phase is described as the establishment of the theory and the second phase as the normative elaboration on it, he considers the third phase the best practical realization of it.¹⁴⁰ Whereas the second phase is mainly concerned with the ‘micro’-institutionalization of the definition of deliberative democracy, the third phase looks at the broader picture. “It seeks to develop a comprehensive account of deliberative democracy as a large-scale system.”¹⁴¹

Meanwhile, it aims to incorporate democratic deliberation and its core values in any specific practice while expanding its view much further than these specific practices.¹⁴² This entails that the practice of deliberative democracy no longer requires a specific set of measurements if the overall practice has the desired outcome of democratic deliberation. Not all institutions in a society have to comply with the deliberative ideal as long as it is upheld in general. Kuyper defines this general practice in democratic deliberation as the “an epistemic division of labor”.¹⁴³ Accordingly, different functions exist in the practice of democratic deliberation. Citizens do not need to be equally informed about all involved individual subjects that are up for deliberation. Rather, citizens compensate for the ‘information-gap’

¹³⁵ Knight and Johnson, "What sort of political equality does deliberative democracy require?", 309.

¹³⁶ Kuyper, "Democratic deliberation in the modern world: The systemic turn", 57.

¹³⁷ *Ibid.*, 51-53.

¹³⁸ *Ibid.* 53.

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*, 54.

¹⁴² *Ibid.*

¹⁴³ *Ibid.*, 55.

between them, as it “improves the level of knowledge used by the system as a whole” as well as “helps to funnel and balance different deliberative capacities at different times”.¹⁴⁴ Thus, a deliberative system is rendered legitimate if public policy is “constituted by the aggregate of different deliberative discourses in which serve the interests of society as a whole”.¹⁴⁵ This system of deliberative democracy relies thus even more on the interdependency of citizens and institutions.

Building on this interdependency and less demanding notion of deliberative democracy Afhasi argues that this practice yields opportunities for participation of individuals who would otherwise be excluded from the dominant discourse. He distinguishes three opportunities the systemic turn provides:

1. A more generous account of deliberative speech acts and behaviors;
2. Recognition of role enclaves and;
3. The incorporation of the role of discursive representatives.¹⁴⁶

These opportunities would “normalize participation of excluded individuals and suggests institutional opportunities for more effective participation”.¹⁴⁷ Afhasi argues that old deliberative ideals “likely undermined the emancipatory potential of deliberative democracy”.¹⁴⁸ The theory of the systemic turn no longer requires every deliberative practice to follow a certain set of rules or requirements for legitimate democratic deliberation. Instead, expressions that formerly seen as undeliberative by the dominant discourse are now accepted to be part of deliberation. Namely, the systemic turn broadens the discourse by providing new insights, different voices, and conflicting perspectives or interests within the practice of deliberative democracy.¹⁴⁹ For example, speech acts on social media often do not fit the deliberative ideal of a rationally constructed argument. However, Afhasi claims that these anti-deliberative statements such as #MeToo “opens up dialogue to include issues that are easily, historically and structurally ignored”.¹⁵⁰ Therefore, these speech acts are essential to fulfil the overall deliberative goal. The new systematic approach to deliberative democracy includes these speech acts in practice, providing more political and social power for formally disadvantaged individuals or groups. However, according to Afhasi, such inclusiveness of

¹⁴⁴ Kuyper, "Democratic deliberation in the modern world: The systemic turn", 56-57.

¹⁴⁵ *Ibid*, 57.

¹⁴⁶ Afhasi, "Disabled Lives in Deliberative Systems", 8.

¹⁴⁷ *Ibid*.

¹⁴⁸ *Ibid*, 8-9.

¹⁴⁹ *Ibid*, 9.

¹⁵⁰ *Ibid*.

speech acts and behavior demands a new approach to democratic deliberative participation in two ways. First, besides this new approach requiring acceptance of different reasonings behind political or social positions, it requires the acceptance that individuals' "manner of living in the world might substantially and meaningfully differ from our own".¹⁵¹ Secondly, these new contributions might differ significantly in form or content from those of participants who already complied with the former deliberative discourse.¹⁵² In short, the systemic turn demands the acknowledgment and incorporation of difference to support the ideal of deliberation in democracy.

Afhasi argues that such speech acts present opportunities for formerly excluded persons (in his example: disabled persons) to participate in democratic deliberation. Namely, this aspect of the systemic turn would provide more representation and understanding of different interests and expressions.¹⁵³ I agree that disadvantaged persons in the means of the original discourse of deliberation will have more opportunities to do so because of this systemic approach. However, providing more opportunities to participate does not automatically result in more political influence. The systemic approach thus does not differ significantly from Young's theory of communicative democracy, which proposes the introduction more different types of communication in order to make the deliberative process more inclusive. As mentioned before, political equality is determined not only by the individuals' ability to express themselves, but also by the influence of their opinions on others and the ultimate product of democratic deliberation. The systemic turn solely introduces a broader perception of democratic deliberation.

Meanwhile, the theory lowers the standard of the necessity of democratic deliberation in every practice. This does not eradicate the situation that political influence is based on interdependency, meaning that some individuals are less adequate to be politically effective than others. Therefore, lowering the standard of the deliberative ideal does not particularly help them in this regard. Moreover, I wonder how such a large-scale system of democratic deliberation can be managed. How can the overall deliberative character of a democracy be measured and safeguarded in the "myriad of social and political interactions"?¹⁵⁴ If this is not regarded as the ultimate purpose of democratic deliberation, such a system can be neutralized, which will have consequences for the legitimacy of deliberative democracy. Nevertheless, I

¹⁵¹ Afsahi, "Disabled Lives in Deliberative Systems", 10.

¹⁵² Ibid.

¹⁵³ Ibid, 10-11.

¹⁵⁴ Kuyper, "Democratic deliberation in the modern world: The systemic turn", 55.

do see the appeal of the relaxation of the practice of democratic deliberation. Deliberative democracy, consequently, will be more accessible to formerly excluded individuals. Moreover, it makes the incorporation of deliberative democracy more appealing to and less demanding for modern societies.

III.IV An Answer to Structural Inequality in a Deliberative Democracy

Thus far, I have tried to find a solution to the structural inequality argument in deliberative democracy. This is harder to solve than initially indicated. Iris Young tried to provide a solution to her own criticism by introducing communicative democracy instead of deliberative democracy. The theory of this communicative democracy endeavors to tighten the gap between the public and private sphere of communication. In this way, communication that is more common in the private sphere has more influence on the outcome of political policy. However, including private sphere-communication in democratic deliberation does not address the two components of political equality. Political equality, namely, is understood as the equal opportunity of political effectiveness. This effectiveness is not solely defined by equal resources to public deliberation, but also by the equal opportunity to influence the political outcomes. This represents the distinction between having the opportunity to be politically influential and actually being able to be politically influential. The latter, particularly, relies on interaction and interdependency among citizens.

Jason Bohman expanded on this distinction using the capabilities approach. This approach, which distinguishes between ‘functionings’ and ‘capabilities’, provides a clear insight in the requirements for the achievement of political equality and equal opportunities for political influence. Accordingly, providing general conditions for political effectiveness does not automatically mean that each individual can be equally effective. Theoretically, the capabilities approach in deliberative democracy is relatively. Namely, because it clarifies the distinct inequalities and helps determine how to theoretically resolve those inequalities. However, in practice, it raises questions about the measurement of individuals’ capabilities, its feasibility to resolve those inequalities, and general questions about personal freedom or general equality. The systemic turn calls for a broader perspective on the deliberative ideal. According to this view, this ideal should still be complied with even when all practices are not strictly deliberative, as long as this results in the perceived ideal generally. The systemic turn thus provides more inclusiveness for different speech acts, allowing disadvantaged persons to voice their concerns more easily. Unfortunately, this does not guarantee that these acts

provide equal opportunities for political effectiveness. The systemic turn supports political effectiveness as effectiveness in expression, but not in political influence. Thus, while the systemic turn might relax the demanding requirements of deliberative democracy, it does not completely seem to eradicate the structural inequality problem in deliberative democracy.

Nevertheless, even though all three options do not provide a definitive solution to structural inequality in a deliberative democracy, I argue that they do provide an answer to structural inequality. In my opinion, all three solutions contribute important insights into the overall perception of both the equal opportunity for political effectiveness in a democratic practice and the practice of democratic deliberation. The equal opportunity for political effectiveness in a deliberative democracy entails a process in which political influence is determined by interdependency and, personal ability. This should be an important demand for the theory of legitimate democratic deliberation, but not in every practice. To this end, I am underwriting the view that political influence does not only rely on resources but also on one's personal abilities. Moreover, this perspective emphasizes the notion that political effectiveness is produced by the process of interaction between citizens. Both individual ability and collective interdependency determine the outcome of the democratic process. This understanding builds towards a better definition of individuals' necessities regarding their abilities, resources, and procedures – both from themselves and from each other – in order to influence democratic deliberation equally. Consequently, structural inequality will become both easier to detect and easier to combat.

However, until the complete eradication of structural inequality from deliberative democracy is accomplished, I believe that it is unrealistic to demand from every deliberative democracy to be free from the influence of structural inequality to be legitimate. Here, the systemic approach to deliberative democracy can offer an interesting insight into the presence of structural inequality in a deliberative democracy: as long as the multitude of political decision making based on democratic deliberation is established without the influence of structural inequality, the overall practice of deliberative democracy can be rendered legitimate. In this way, the systemic approach opens up the practice of democratic deliberation to different forms of communication and expression while acknowledging that this does not, per se, guarantee political equality in every case. It increases the opportunity for political effectiveness by providing an equal opportunity to participate, while being aware that this opportunity can still be affected by structural inequality. This acceptance, combined with the better understanding of structural inequality, can justify deliberative democracy. Namely,

because it thereby acknowledges that its practice can be influenced by structural inequality, but meanwhile diminishes its impact by systematically working towards a system in which the majority of its policy making is not defined by such inequality. In this way, structural inequality might still occur in democratic deliberation, but it is no longer a direct threat to the legitimacy of deliberative democracy.

Thus, combining the systemic turn with the capacity-based conception of political equality, enriched with a notion of interdependency, provides a new understanding of justified democratic deliberation. This definition is not too demanding in practice, but provides an all-encompassing realization of political equality: the equal opportunity of political influence regardless of the presence of structural inequality in deliberative democracy.

Conclusion

This thesis has tried to critically assess how the deliberative democracy, in practice, can overcome the criticism of the structural inequality argument. It has focused on the practice of a deliberative democracy, its theoretical justification and the influence of structural inequality on these two aspects. Furthermore, it has tried to solve this practical and theoretical problem by providing a new theoretical approach to political equality and practical realizations of this notion in a deliberative democracy. These questions were all related to the main question in this thesis, which questioned if the problem of structural inequality in deliberative democracy could be solved by a different definition and practical implementation of political equality. It firstly examined the role of political equality in deliberative democracy and concluded that the equal standing of socio-political participants provides legitimacy for the outcome of rational deliberation. Through the process of collective opinion- and policy-formation, they promote the common good. This process, however, can only be safeguarded by procedural guarantees providing an ongoing and public practice of democratic deliberation. However, the original theory of deliberative democracy does not distinguish between the opportunity to participate in democratic deliberation and the opportunity to influence democratic outcomes in its definition of political equality. Participation and influence are considered to be one and the same: when individuals participate in public deliberation they are able to influence it and are therefore regarded as equal in the opportunity for political effectiveness.

However, the structural inequality argument does not agree with this notion of equality in the practice of a deliberative democracy. According to this view, political participation and political effectiveness are not necessarily the same. Its critique stems from a redefinition of society that helps to understand the underlying relations of power and privilege based on social differences. Advocates of structural inequality propose the theory of ‘politics of difference’, advocating policies that actually address these differences instead of ignoring them. Accordingly, they argue that as long as political policies are ‘difference-blind’ unequal structures in society are maintained. Regarding deliberative democracy, the structural inequality argument claims that the practice of public deliberation is biased towards a certain mode of discourse: a privileged rational and univocal use of language. Meanwhile, however, there are many different usages of language, speech and expression. Although not all such speech acts are useful for political policy making, the dominant mode of discourse is not necessarily expressed or understood by every individual. Consequently, these ‘subordinated’ individuals can have difficulties expressing themselves in public deliberation. This makes

them less effective in the process of political decision making than those able to use the preferred discourse to their benefit. Therefore, the opportunity to participate in public deliberation does not naturally provide political effectiveness. Such socio-political inequality threatens the legitimacy of deliberative democracy, considering that the outcome of public deliberation is not constructed by deliberation of ‘all those affected’ but solely by individuals who can voice their interests according to the required standards of the dominant discourse.

Thus, the equal standing of individuals in deliberative democracy should be broader defined than solely the equal opportunity in resources to be politically effective: e.g. the freedom and procedural means to participate in public deliberation. This follows Knight and Johnson’s definition of political equality: as the equal opportunity for political effectiveness. They argue that this opportunity should be understood as the actual ability to influence democratic deliberation, not solely as procedural resources to be political effective. This definition of political equality opens up the definition of equality in a deliberative democracy, while not automatically providing a practical solution for structural inequality. Therefore, this essay examined three solutions that attempt to invalidate the criticism based on structural inequality: (1) transforming deliberative democracy into communicative democracy; (2) defining a capacity-based conception of deliberative democracy and; (3) using the systemic turn in deliberative democracy to incorporate this different approach of equality in a deliberative democracy.

I. Communicative Democracy

The first solution tries to invalidate the criticism of structural inequality on deliberative democracy by including all types of discourses in the public debate. All forms of communication, in this case, would be included in the procedural debate of policy making. Consequently, such a system is deemed a ‘communicative democracy’ rather than ‘deliberative democracy’. Namely, whereas ‘deliberation’ still presupposes a single, more formal discourse, discourses from outside the public sphere are also accepted as a form of communication in democratic deliberative political policy making. In this way, individuals having difficulties finding the right words or expressions to make their political interests known within the dominant discourse can obtain more abilities to express themselves. In doing so, their preferred mode of communication is included, helping them to be included in the process of public policy making. However, while communicative democracy makes it easier for individuals to make their interests known, it does not guarantee their increased political effectiveness. The communicative solution for deliberative democracy is only assures more

equality regarding participation in deliberative democracy. It does not guarantee equal political effectiveness because the interdependency to come to collective decisions continues to rely on intersubjective understandings of each other. More forms of communication might make it impossible to reach a common understanding, because it increases the risk of miscommunication. Therefore, while communicative democracy provides more opportunities for subordinate individuals to participate in the public debate, it does not provide equal opportunities for political effectiveness. Therefore, the criticism of structural inequality still applies to the theory of communicative democracy.

II. Capacity-based conception of deliberative democracy

The second solution translates political effectiveness to abilities that can be determined by internal and external influences. The capacity-based conception of deliberative democracy incorporates the criteria of the capability approach to political practice. This theory distinguishes between the meaning of being politically effective (the functioning) and the ability to be politically effective (the capability). It shows that being politically effective as a functioning, a person is dependent on their capacities that determine to what extent a person can achieve political effectiveness. Each individual has different needs to achieve their personal functioning of political effectiveness because they possess divergent capabilities. This theory thus clarifies individuals need to be politically effective as well as to the extent that they can achieve political effectiveness. This means that, in order to eradicate structural inequality, the functioning of political effectiveness needs to be broken down into both individuals' capabilities as well as their prospects for the achievement of those capabilities. Subsequently, it can be assessed what is needed to eradicate these individual differences in capabilities, if possible. However, while the capacity-based conception of deliberative democracy sounds like an attractive solution to structural inequality in theory, its practical applicability is questionable. Issues of determining and measuring capabilities and the practical implications of eradicating capacity differences suggest that this is too complex to execute in practice.

III. The Systemic Turn

The third solution demands a new approach to deliberative democracy in general. The systemic turn states that deliberative democracy can still be rendered legitimate if the majority of political policy is based on democratic deliberation. This approach relaxes the definition of deliberative standards, arguing that not all political policies have to be based on rational

deliberation. Meanwhile, it does incorporate other methods of communication and interaction to influence political policy. However, according to the theory, rational public deliberation should still be the main practice within deliberative democracy. The systemic turn has two effects on a deliberative democracy:

- (1) Citizens compensate for each other's abilities and knowledge about political topics, meaning that, it is no longer required that everyone participates in deliberation regarding every political policy, and;
- (2) Not every political policy is determined by the use of the dominant discourse of rational deliberation.

In this way, a deliberative democracy is more inclusive to different types of participation. This makes it easier for individuals to express themselves and to be able to influence political policies. Namely, the making of those policies no longer require the use of the dominant discourse for deliberation. In this way, the systemic turn eliminates structural inequality for a great deal, creating space for different kinds of socio-political discourse. However, the overall result still needs to be based on democratic deliberation according to its original definition. Thus, as the systemic turn provides a more relaxed approach to the requirements for a legitimate deliberative democracy, it does not provide a solution to structural inequality. Political effectiveness remains to be determined mostly by democratic deliberation within the use of the dominant discourse. It does not provide equal individual opportunities for political effectiveness by increased abilities to influence the deliberative debate.

Consequently, the practical problem posed by the structural inequality argument cannot be completely eradicated by the three proposed solutions. However, while not being able to provide a conclusive answer to eradicate the influence of structural inequality on the practice of democratic deliberation, this thesis can argue in favour of a combination of the provided solutions. In that case, a deliberative democracy should no longer be regarded illegitimate because of its inability to eradicate structural inequality. Together, the capacity-based conception of democratic deliberation and the systemic approach to a deliberative democracy provide different interpretations to the practice of deliberative democracy. In combination, these theories propose both the relaxed notion of democratic deliberative requirements as well as the awareness of the influence of personal abilities on political effectiveness. In this way, structural inequality is recognized with the use of the capacity-based conception of political effectiveness, on the one hand, while its influence on the

legitimacy of deliberative democracy can be diminished by arguing that the majority of collective policy making should be based on a deliberative practice free of its existence.

This different interpretation on deliberative democracy and equality provides insight into the basic requirements regarding equality and legitimacy in a deliberative democratic state. The definition of equality in a deliberative democracy allows for the critical evaluation of the practice of deliberative democratic societies and the assessment of their legitimacy. By including difference in democratic decision making, people establish themselves in stronger and more inclusive political societies, especially once they come to a common agreement despite their differences in abilities and preferences. This thesis has striven to outline a direction for the achievement of such a deliberative democratic state. To that end, it has been argued that the systemic turn enhances the prospects of the realization of deliberative democracy. Simultaneously, the capacity-based notion of deliberative democracy provides a more inclusive view on the perception and achievement of equal opportunities for political effectiveness.

Bibliography

- Afsahi, A., "Disabled Lives in Deliberative Systems." *Political Theory* 0.0 (2020), 1-26.
- Benhabib, S., "Toward a Deliberative Model of Democratic Legitimacy" in: S. Benhabib ed., *Democracy and Difference: Contesting the Boundaries of the Political*, (Princeton: Princeton University Press, 1996), 67–94.
- Bohman, J., "Freedom: Capabilities, Resources, and Opportunities" in: J. Bohman and W. Rehg, eds., *Deliberative democracy: Essays on reason and politics* (Cambridge: MIT Press 1997), 321-348.
- Christiano, T., "The significance of public deliberation" in: J. Bohman and W. Rehg, eds., *Deliberative democracy: Essays on reason and politics* (Cambridge: MIT Press, 1997): 243-277.
- De Bruin, B., "Game theory in philosophy" *Topoi* 24.2 (2005), 197-208.
- Habermas, J., "Three Normative Models of Democracy." *Constellations* 1.1 (1994), 1–10.
- Habermas, J., *On the pragmatics of communication* (Cambridge: MIT Press, 1998).
- Knight, J. and J. Johnson, "What sort of political equality does deliberative democracy require?" in: J. Bohman and W. Rehg, eds., *Deliberative democracy: Essays on reason and politics* (Cambridge: MIT Press, 1997), 279-319.
- Kuyper, J., "Democratic deliberation in the modern world: The systemic turn" *Critical Review* 27.1 (2015), 49-63.
- Mitrović, L. "New social paradigm: Habermas' Theory of communicative action" *Sociology, Psychology and History* 06 (1999) 217-223.
- Nyirkos, T., *The Tyranny of the Majority: History, Concepts, and Challenges* (New York: Routledge, 2018).
- Rousseau, J-J. and J. T. Scott, *The major political writings of Jean-Jacques Rousseau: the two discourses and the social contract*, (Chicago: The University of Chicago Press, 2012).
- Sen, A., "Equality of what." *The Tanner lecture on human values* 1 (1979), 197-220.
- Young, I. M., "Structural Injustice and the Politics of Difference" in: T. Christiano and J. Christman, *Contemporary Debates in Political Philosophy* (Chichester: Wiley-Blackwell, 2009), 362–383.

Young, I. M., "Difference as a resource for democratic communication" in: J. Bohman and W. Rehg, eds., *Deliberative democracy: Essays on reason and politics* (Cambridge: MIT Press, 1997), 383-405.

Young, I. M. "Communication and the other: Beyond deliberative democracy" in: S. Benhabib ed., *Democracy and difference: Contesting the boundaries of the political* (Princeton: Princeton University Press, 1996), 120-135.