RESEARCH ARTICLE

Deliberative Democracy Without Deliberation

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Proponents and critics of deliberative democracy alike often interpret the theory as revolving around the implementation of a practice of deliberation as modelled on the idealistic standard of Jürgen Habermas' 'ideal speech situation'. As well as an explosion of deliberative mini-publics in practice, such as citizens' assemblies, this interpretation has given rise to a long-standing critique of deliberative democracy as setting a rigid, idealistic and exclusionary standard that undermines democratic politics more than advancing it. Unpacking the conceptual distinction between deliberation as a practice-to-be-implemented and deliberative democracy as a wider theory of legitimacy, here I present an alternative interpretation of Habermasian deliberative democracy as a political culture oriented toward resisting domination, to which a practice of deliberation modelled on the ideal speech situation is neither necessary nor conducive. Rather than orchestrating deliberation in this alleged textbook sense, deliberative democrats ought to nurture a general critical-democratic political culture in both the practice and the ongoing theoretical development of deliberative democracy.

Keywords: Deliberative democracy; Agonistic democracy; Habermas; Deliberation; Political culture; Ideal speech situation

1. Introduction

The continuing high interest in deliberative theory and practice can take either of two underlying foci: on *deliberative democracy* or on *democratic deliberation* (Mansbridge 2007; Chambers 2009; Scudder 2023). Unpacking this distinction, I argue undue weight is being given to deliberation as an overly narrowly conceived practice. While deliberation as a practice is often modelled on the Habermasian 'ideal speech situation', Jürgen Habermas's own theory of deliberative democracy does not in fact centre around or demand this kind of practice. In line with Habermas, I argue deliberative democracy is better conceived as a political culture oriented toward resisting domination, to which a practice of deliberation modelled on the ideal speech situation is neither necessary nor conducive. This responds at once to two opposing views prominent in contemporary democratic theory. First, it shows long-standing critiques of deliberative democracy – notably the agonistic critique, which accuses deliberative democrats of setting a rigid, idealistic and exclusionary standard of supposed rationality – to be targeting a specific deliberative practice, but not undermining deliberative democracy: deliberative democracy as a political culture agrees and overlaps with the vision of an agonistic public sphere. The argument thus also offers new starting points toward deliberative democratisation in practice beyond the currently dominant 'democratic innovations' approach.

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Second, deliberation as a practice has not only been criticised by agonistic democrats, but, in recent years, influential deliberative democrats have themselves sought to decentre deliberation, making the case that deliberative norms and practices should be seen as but one element among several within a broader *democratic* system (Warren 2017; Bächtiger and Parkinson 2019). My argument disagrees with this development within deliberative theory, concurring instead with Molly Scudder (2023) that it is possible to decentre deliberation *for the sake of deliberative democracy itself*, that is, to *re*-centre rather than abandon the value of specifically *deliberative* democracy. I do this by defending deliberative democracy as the most fundamental conception of democracy on the grounds of its resisting all forms of domination, including the coercion implied by ideological distortion. The case against deliberation conceived as a (mere) practice and for deliberative democracy as a political culture is that the latter, albeit more complex to realise, is necessary for challenging deep-seated domination in today's societies.

To realise this critical democratic essence, it is imperative, then, to imagine deliberative democracy differently to what has become a dominant and highly impactful conception; one that agonists *would* be right to criticise. What I will call 'practice-focused approaches' – accounts of deliberative democracy centred around the implementation of deliberation as a *specific* practice – suggest that a practice of deliberation in and of itself, defined on the basis of the 'ideal speech situation' (Habermas 2001: 97) (or, similarly, Joshua Cohen's [1997: 67] 'ideal deliberative procedure') as an equal, inclusive, reasoned and rationally motivated

opinion-formation and discussion process, is the crux to deliberative democracy. This implicitly sees the theory's normative convictions as fairly easily translated into a political practice: 'if deliberation is essential to democracy, all we need to do to improve democracy is to institutionalize deliberation wherever possible' (Landwehr 2024: 260). This straightforward view has become very popular, with entire new industries now devoted to running democratic innovations such as mini-publics – small-scale, time-limited, usually sortition-based events orchestrated to institutionalise deliberation – around the world and from the local all the way to the global level (Vrydagh 2023; Curato et al. 2021; Grönlund et al. 2014). The assumption behind mini-publics, such as citizens' assemblies, is that addressing democratic deficits 'require[s] carefully designed' and 'purposefully constructed' spaces (Curato et al. 2021: 2–3), but can then be impactful in resisting current challenges to democracy such as polarisation and populism (Dryzek et al. 2019).

I argue deliberative democracy does and ought not revolve around the realisation of a (near-) ideal practice of deliberation as modelled on the ideal speech situation. As a theory of democratic legitimacy, deliberative democracy ought to be understood as a deliberative normative orientation at the level of the society at large. This builds on Habermas's deliberative democratic theory, in which the ideal speech situation was never understood as a practice to be implemented, but rather as a conceptual element (in the form of a pragmatically necessary presupposition) of a general democratic culture of an experimental, critical, inclusive and indeed 'fundamentally agonal' character (Habermas 2023: 17). Quite in contrast to seeing the ideal speech situation as a practice to be implemented, I show that Habermas can be read as situating democracy in the realm of political culture, produced by the fluid sum of a citizenry's overall 'self-understanding' (Habermas 2023: 7), civic 'consciousness' (Habermas 2023: 7–8), expectations (Habermas 1996: 304; 2023: 9), 'cultural assumptions' and 'value orientations' (Habermas 2023: 22) in relation to democratic politics. This distinction between deliberation as a *practice* from deliberativeness as a cultural *orientation* (or *stance*, as Owen and Smith [2015] put it) makes deliberative democracy less straightforward to 'implement', yet more internally consistent, and, I posit, able to rebut the charge of creating as opposed to fighting exclusion.

I begin, in the next section (Section 2), by reviewing the evolution of deliberative democracy from a theory of democratic legitimacy to its current emphasis on a practice of deliberation modelled on Habermas' ideal speech situation. This (as I will argue) misunderstanding of the centrality of the ideal speech situation in deliberative democracy underlies long-standing critiques of deliberative democracy as idealistic and exclusionary, which I discuss in the following section (Section 3). To correct the misunderstanding of the ideal speech situation and refute these critiques, Section 4 situates the ideal speech situation in the context of Habermas' full theory of deliberative democracy. From this follows, in Section 5, a new reading of Habermas as a conception of deliberative democracy as a critical-democratic political culture, which shows both the dominant practice modelled on the ideal

speech situation to be insufficient and its critique to not in fact undermine deliberative democracy as a comprehensive theory of democracy. Section 6 makes the case that a narrow practice of deliberation is not only insufficient, but potentially detrimental to the realisation of such a critical-democratic political culture. Section 7 concludes.

2. The Evolution of Deliberative Democracy: From a Theory of Legitimacy to a Practice of Mini-publics

Modern democracy is a form of politics that, recognising people's moral equality, opposes the coercion implied by any relations and practices of domination as fundamentally illegitimate. In a secular and post-metaphysical world, democratic legitimacy hinges on political mechanisms that ground the legislative process in citizens' self-authorship, such that political authority becomes non-coercive. Deliberative democracy describes those theories of democratic legitimacy that see the concept of deliberation as central to this; as essential for recognising and challenging how power dynamics and inequality in society otherwise thwart 'the promise of autonomy and moral equality of voice' (Scudder 2023: 247). I posit the reason why specifically the deliberative understanding of democracy is essential to this – and hence to democracy as such – is the idea of deliberation as a form of communication that 'involve[s] persuasion *rather than imposi[tion] … through coercion, manipulation, or deception'* (Dryzek 2000: 1, emphasis added). I will argue that this is the crucial core of (deliberative) democracy: not the realisation as such of a specific *practice* of deliberation, but rather the understanding, expressed by the *idea* of deliberation, that resistance against domination in all its forms is essential and central to the realisation of democracy as autonomy and moral equality of voice.

Defined in this way, deliberative democracy is the specific form of democracy that takes especially seriously the threat of the hidden coercion implied by ideological control (Hammond 2019; Rostbøll 2008). While neo-republican theories of democracy as resistance against domination, notably Philip Pettit's (2012), define domination as a dyadic relationship between a 'master' actor holding the power of arbitrary influence over another actor, the deliberative critical theory perspective draws attention to a second, structural dimension of domination, exerting 'a form of diffused or decentralized, and unobvious, often invisible domination' (Rahman 2017: 48). Recognition of such hidden forms of domination is what makes the *rather than*-condition in John Dryzek's above definition – the imperative to resist coercion, manipulation and deception – a *meta*-democratic norm, essential to democracy as such: for such diffused and unobvious domination would otherwise thwart democratic expression through *any* channel or practical form. Counteracting structural domination requires state institutions that check the powerful, such as corporations and the market as a whole, but since these also impact on the state directly, it also requires state action to be checked itself through democratic action (Rahman 2017: 59). In this vein, deliberative democracy goes beyond the liberal model to understand the law-authoring mechanism to rest not

just in *institutional* features such as elections, parliaments and competition for office, but in the contextual nature of actual processes of reasoning, mutual justification, and listening that both citizens and authorities take part in.

This appears to set a demanding ideal standard of communication, to many still epitomised by Habermas' *ideal speech situation*, which stipulates the concrete rules that 'every subject with the competence to speak and act is allowed to take part in a discourse', 'everyone is allowed to question any assertion whatever', 'everyone is allowed to introduce any assertion whatever into the discourse', 'everyone is allowed to express his attitudes, desires, and needs', and 'no speaker may be prevented, by internal or external coercion, from exercising [these] rights' (Habermas 1990: 88–9). Together, these principles would create the conditions for equal autonomy in society by precluding domination from influencing the discourse, yet also, by inducing people to consider others' positions, focus the resulting debates on the common good (Cohen 1997: 79). This squares the circle of citizens' obeying only self-authored laws, *and* of this self-authoring being done in an autonomous rather than ideologically coerced manner.

In this sense, it may be understood as a practical necessity for polities aspiring to be democracies to achieve, and thus as a practical concept. Ever since deliberative democracy evolved from a purely normative theory of legitimacy to one with ambitions to directly impact on political practice (Dryzek 2010: 6–10), much attention has shifted to the practice of *deliberation*. Deliberative scholars of this second generation have interpreted the ideal speech situation as a description of a specific standard of deliberation that would need to be realised in practice. For instance, studies have analysed to what extent specific legislative debates, and other forums and contexts, meet the deliberative standard of the ideal speech situation (Steenbergen et al. 2003).

Reflecting this focus, deliberative mini-publics, such as citizens' assemblies, have become the default approach to deliberative democracy in practice (Curato et al. 2021; Grönlund et al. 2014; Elstub and McLaverty 2014). Set up with the intention to (as far as possible) meet the deliberative standard, mini-publics use stratified random selection to meet the equality criterion; provide information to meet the reasoning criterion; and employ trained facilitators to meet the fairness criterion (Fung 2003; Grönlund et al. 2014). The rapid surge of mini-public practice may contribute to an impression – among critics and proponents alike – that one specific practical standard of deliberation now *embodies* deliberative democracy, with the implication that deliberative democrats must be seeking to implement this standard in practice.

Such a jump is theoretically imprecise, however. Deliberation as an ideal practice must be distinguished from deliberative democracy as a more abstract normative theory (Parkinson 2006: 3; Chambers 2009: 324; Scudder 2023). As the theory of democratic legitimacy defined above, *deliberative democracy* is not exhausted by the accomplishment of the practice of *deliberation*. Scudder (2023: 249) highlights 'the importance of explicitly distinguishing ideal deliberation from the deliberative ideal', and of 'de-centering' deliberation within deliberative democratic thought. In other words, the *normative*

orientation toward deliberation that deliberative accounts of democracy express (i.e., the need to resist all forms of domination for the sake of autonomy and moral equality of voice) must be distinguished from advocating for deliberation *as such* as a specific practice that ought to occur, let alone be artificially orchestrated in the manner mini-publics do. While there are, then, valid reasons to criticise the dominant practice that has evolved, unpacking the distinction between deliberation as a practice and deliberative democracy as a wider theory of democratic legitimacy shows that extant critiques of *deliberation* still do not undermine *deliberative democracy*. The next section refutes one the most prominent critiques of deliberative democracy, by agonistic democrats, in this light.

3. Fighting or Creating Exclusion? The Agonistic Critique of Deliberative Democracy

Despite the theory's actual essence of fighting domination and coercion, its formulation as an ideal standard in these terms sparked criticism of deliberative democracy as an idealist and thereby itself exclusionary form of politics. On the one hand, difference democrats argue that specifying a deliberative ideal standard for democratic discourse treats citizens, as well as groups in society, unequally, and even fosters exclusion where 'the requirement of mutual respect is assumed, not investigated' (Sanders 1997: 347). Deliberation as a narrow style of communication, for Young, 'can have exclusionary implications' (Young 2000: 7) in that it 'privileg[es] … certain interpretations of what good argument means over other forms of communication' (Young 2000: 37). By reifying a particular exacting speech style, it is exclusionary of other, especially less privileged, speech styles, and trusting the deliberative process alone to bring about just and legitimate outcomes thus at best ignores and at worst perpetuates the many structural inequalities that persist in modern societies (Young 2000: 34; see also, more recently, Drake 2023; Banerjee 2022).

On the other hand, agonistic democrats similarly accuse deliberative democrats of being 'moralistic' (Mouffe 1999: 746). Their intention to formulate a 'strictly procedural' account of democracy that would 'insulate … a neutral terrain … from the pluralism of values [such that] rational, universal solutions could be formulated', Chantal Mouffe (2005: 91–2) argues, misunderstands the nature of the domain of politics, which is by nature conflictual. Mouffe sees the ideal speech situation as 'aim[ing] at reaching a rational consensus' and thus seeking a 'final rational resolution' of political conflict in a way that threatens pluralist democratic debate and ultimately upholds the liberal hegemony (Mouffe 2005: 93). This 'leads to putting undue constraints on the political debate', which should expose and negotiate its own limitations as opposed to trying to eliminate them (Mouffe 2005: 93) and thus undermines democratic politics more than advancing it (Mouffe 2005: 7) by making what is actually only 'the existing configuration of [hegemonic] power' appear 'naturalized' and beyond political challenge (Mouffe 2005: 5).

If conflict – antagonism – is ineradicable in pluralistic societies, agonists argue, democracy should be designed to provide arenas for the expression of disagreement, rather than arenas for the achievement of agreement (see

Erman 2009: 1042). Hence, critiques have often focused on the supposed deliberative aim of consensus (Sanders 1997). Yet it is now widely accepted that deliberation does not need to end in consensus and is perfectly compatible with pluralism (Curato et al. 2017: 32), as well as with a range of different forms of communication as opposed to one 'rationalistic' character (Curato et al. 2017: 30).

While this may appease difference democrats, Mouffe's critique goes beyond the point about consensus: Given the type of 'rationality' they exalt, it is the fundamental nature of conflict deliberative democrats misunderstand (Erman 2009: 1042). For Mouffe and other agonistic democrats, deliberative democrats' key failure lies in even orienting their theoretical accounts (as in Young's [2000: 24] and Curato et al.'s [2017: 31] solution to the consensus point) to rational agreement as a normative value; for 'no deliberation could *ever* take place without impediments to free and unconstrained public deliberation' (Erman 2009: 1042, emphasis added). Therefore, the problem is not just empirical or epistemological in nature, but ontological. Since meaning as such can only emerge through authoritarian forms of discourse – a 'master signifier' imposing itself over possible alternative meanings – the very preconditions for the possibility of any (deliberative) communication are at once what renders conceptually *impossible* the ideal speech situation (Mouffe 1999: 751). If the ideal speech situation is impossible to realise, agonists would conclude, even aiming for it – and thus 'postulating [its] availability' (Mouffe 1999: 752) – does more harm than good, for this privileging of a particular moral standard then only hides and perpetuates the hegemonic impositions the public discourse ought to bring out into the open for critical debate.

The agonistic critique of deliberative democracy appears to expose it as hypocritical, itself colluding with the very ideology its critical theory lens purports to challenge. Yet, this would be illogical in the context of the deliberative account of legitimacy seeing ideological distortion as precisely what democratic politics needs to detect and challenge. In the remainder of this article, I argue that both of these lines of critique, by targeting the ideal speech situation understood as a practice to be realised, are charges against the practice-focused understanding of deliberative democracy, as the aim and practice 'to institutionalize deliberation wherever possible', that is, an understanding of the theory that assumes the realisation of a specific practice of deliberation to be necessary and central to it. They thus stem from an insufficiently nuanced understanding of deliberative democratic theory, for, not least in Habermas's own understanding, deliberative democracy was never meant to be understood as the *realisation* of deliberation – as something akin to the ideal speech situation – as a practice. He suggests himself that expressing his standard of practical discourse as a list of criteria (such as as the basis for the 'discourse quality index' [Steenbergen et al. 2003]) should be 'puzzling' (Habermas 2005: 384), and that this interpretation of the ideal speech situation has been a 'persistent misunderstanding' of his work (Habermas 2023: 60).

I argue this misunderstanding can be explained and corrected by unpacking a distinction between *deliberation as an ideal practice (to be implemented)* and *deliberative democracy as a political culture (to express itself in a range of citizen-driven practices)* and reading Habermas as an account of the latter. Habermasian deliberative democracy understood as a political culture does not *aim* for the ideal speech situation in a practical sense; it is not a blueprint for a specific practice to be implemented, but a mere conceptual step in the emergence of a wider political culture of deliberative democracy, oriented precisely toward uncovering and challenging coercion and domination. Not only does this make critiques like Mouffe's misdirected, but since, as I suggest in a second step, deliberative democracy as a domination-challenging critical theory is itself *incompatible* with deliberation understood as such an ideal practice to be implemented, deliberative and agonistic democracy become in fact closely intertwined, and this long-standing critique dissolved.

4. Habermasian Deliberative Democracy: The 'Ideal Speech Situation' in Context

Even though the ideal speech situation has probably been Habermas's biggest influence on deliberative democracy scholarship, the way in which it has been interpreted has largely disregarded his wider theory of deliberative democracy as democratic legitimacy at the level of a polity (Chambers 2019: 94; see Habermas 1994; 1996; 2023). Against the explicit background that modernity has obviated any religious basis of authority and the subsequent pluralisation of worldviews rendered implausible the existence of any grand metaphysical consensus as what gives validity to political claims, the point of Habermas's democratic theory is to reconstruct the way in which normative validity is established through processes of democratic legitimation in such pluralistic societies (Rehg 1996: xiii). The crux to this is communicative action in the public sphere (Habermas 1996). In contrast to strategic action, through which an actor 'is primarily concerned with getting his or her way' (Rehg 1996: xvii), communicative action means a form of communication in which actors attempt to create understanding about validity claims that can never be fully settled in a pluralistic and postmetaphysical world. They only ever give rise to temporarily achieved agreements that remain open to subsequent challenge, but are the best, albeit precarious, source of social integration possible at any given time (Rehg 1996: xvi). Habermas makes it clear that this vision of communicative action is a reconstruction and orientation rather than 'provid[ing] a direct blueprint' of a practice to be implemented (Habermas 1996: 34): it is 'merely a methodological fiction intended to display the unavoidable inertial features of societal complexity', that is, precisely the impossibility of 'purely' communicative social relations (Habermas 1996: 326). This allows us to understand deliberative democratisation as a reflexive learning process (Habermas 1996: 321), to which it is crucial to critically investigate the ways in which structural power interferes with democratic communicative action (Habermas 1996: 328).

Indeed, from the critical theory perspective Habermas' theory is rooted in, this intersubjective public reflection is a necessary condition for autonomy, for it is possible that people hold the views they do for non-autonomous, unreflected – and thus potentially oppressed – reasons (Rostbøll 2008: 133–4). For example, communicative

action as the basis of democratic legitimacy must resist the social power the capitalist economy exerts over the sphere of the political. It brings into a space of political debate social exchanges on questions of the validity of norms that otherwise only happen 'behind actors' backs' through anonymous market mechanisms (Rehg 1996: xviii). From this viewpoint, the most insidious threat to autonomy and equality are ideologies that constrain people's perceptions by making certain institutions and relationships appear natural and unalterable, obscuring the power relations that actually underpin them, and thus depoliticising them from being issues subject to political critique (Rostbøll 2008: 137). When this happens, people are 'suffering from a coercion of which they are not immediately aware' (Geuss 1981: 78). For democracy to address this covert, structural domination, deliberative communicative action is necessary as what exposes such injustices, allowing participants to problematise and emancipate themselves from the ideological belief systems that otherwise limit their true autonomy (Hammond 2019: 789–90).

In this context, for Habermas, the ideal speech situation is not a practical, but rather at once an irremediably *ideal* and – precisely in its idealism – a *pragmatic* concept: The ideal speech situation describes the conditions which, regardless of their actual impossibility, individuals must pragmatically presuppose to apply so as to have reasons to engage in democratic practices of this kind (Habermas 1996: 322). They must understand themselves as in the process of practising and thereby realising democratic rights that have not yet been exhausted (the ideal speech situation is impossible to fully attain, and so its presupposition is necessarily counterfactual) but enjoy normative validity (Habermas 2023: 8). In that sense, the ideal speech situation is not in itself the crucial site or *practice* of deliberation that creates democratic legitimacy. Habermas is very clear on this point. Criticising Joshua Cohen's conception that an '"ideal procedure" of deliberation … should be "mirrored" in social institutions as much as possible', he says

> In contrast to Cohen, I would like to understand the procedure … not as a model for all social institutions … for the simple reason that democratic procedure must be embedded in contexts it cannot itself regulate (Habermas 1996: 305).

Instead of seeing deliberative democracy as an invitation for deliberative scholars or practitioners to 'steer' society as a whole (Habermas 1996: 305), he reconstructs the perspective of the *citizens* and their own motivations. Since innovations, such as citizens' assemblies, created to institutionalise the ideal deliberative procedure '"convene" [only] for a "sitting" in which an agenda is "negotiated"', sidestepping the informal, unrestricted processes of opinion-formation in the public sphere, Habermas criticises, '[these assemblies] consist less in discovering and identifying problems than in dealing with them; [having] less to do with becoming sensitive to new ways of looking at problems than with justifying the selection of a problem and the choice among competing proposals for solving it' (Habermas 1996: 307) – that is, they are driven by their sponsors' perspectives and interests more than

creating a space for citizens' own voice and critique. What actually matters for democracy is that citizens presuppose the possibility of the ideal speech situation '"within" *their real social situations*' (Habermas 1996: 322, emphasis added). Such a presupposition 'do[es] not involve any kind of correspondence or comparison between idea and reality' (Habermas 1996: 323). Therefore,

> [w]e would misunderstand the discursive character of public opinion- and will-formation if we thought we could hypostatize the normative content of general presuppositions of rational discourse into an ideal model of purely communicative social relations' (Habermas 1996: 322).

Rather, presupposing an ideal speech situation is but a step in the process of emergence of the wider democratic practices in the public sphere that do. Habermas theorises – reconstructs – that democracy persists when there is a 'civic consciousness' of belief in the validity of deliberative norms *despite* their non-exhaustedness (and non-attainability) in practice (Habermas 2023: 8). In fact, this consciousness arises out of the 'idealizing surplus' of never-fully-attained democratic rights, as this surplus 'imbues citizens with a consciousness of being involved in the exercise of democratically legitimized government' (Habermas 2023: 9); this involvement gives the concrete processes citizens engage in their meaning (Habermas 2023: 12).

Thus, this is the first of several steps in what generates democracy: the existence of norms that the general citizenry believes to be valid yet not yet fully attained. The next step is this situation making citizens presuppose the idealised conditions of the ideal speech situation as they engage in democratic practices: even though these conditions will never fully hold in actual practice, they equally have not been so seriously violated that citizens would lose their belief in their *promise*. If citizens thus 'see themselves … as being involved in the process of progressively realizing [these norms and rights]' (Habermas 2023: 7–8), the next step is that 'these expectations … create social facts', which in turn shape citizens' 'judgement and conduct' (Habermas 2023: 8). They will engage in political debate in the public sphere, evaluating and criticising political outcomes, as well as engaging in political disputes with other citizens (Habermas 2023: 16–7), thus perpetuating an 'enduring dissent' in the public sphere, as conflicting and competing opinions are continually contested (Habermas 2023: 18). For Habermas, it is these public debates that matter for democratically directing politics, checking the coerciveness of formal authority as well as the social power implied by the otherwise hidden, anonymous operation of non-democratic, strategic action. The ideal speech situation, then, does not describe *rules* that citizens and officials must follow in their communicative engagements. Rather, it is a conceptual step precisely in service of citizens' own organic, uncontrolled ('in contexts it cannot itself regulate' [Habermas 1996: 305]), critical, and plural engagements in the political public sphere – in line, that is, with what not only critical theorists, but also agonists themselves would see as needed for the contestation of a hegemonic status quo.

This perspective implies that citizens' motivations, expectations, and own critical evaluations of deliberation – in sum, their normative orientations – are what matters for the quality of democracy. A society's deliberativeness can then be said to depend on the degree to which citizens in the society at large presuppose the ideal speech situation as their normative orientation and thus contribute to critical democratic legitimation in their everyday lives. Compared with the hypothetical opposite situation of a society in which citizens do not hold deliberative normative orientations, and engage in (near-ideal) deliberation only in the context and for the duration of regulated deliberative events, the former scenario situates deliberative democracy in a widespread sense across society (rather than just amongst the select group of mini-public participants), and is driven by intrinsic rather than extrinsic motivation. In the next section, I propose on this basis a conception of deliberative democracy as a political culture (as opposed to a narrowly defined practice) and argue that this demands and honours rather than violates the agonistic concern for fighting domination.

5. Deliberative Democracy as a Habermasian Critical-democratic Political Culture

In Habermas' formulation, then, what defines the specifically deliberative model of democratic legitimacy is the *civic consciousness* that allows citizens to uphold their belief in the legitimating force of democratic will-formation based on 'the communicative presuppositions that allow the better arguments to come into play in various forms of deliberation' (Habermas 1994: 4). This does not prescribe any specific *practice* of deliberation but matches interpretations of deliberative democracy as manifested in a wider *political culture*, defined as 'all of the informal and *unsteered* norms, expectations, meanings, and customs that drive people's attitudes and behavior' in the political realm (Böker 2017: 34, emphasis added). In a fundamental perspective change from the dominant focus on institutional design, this sees the essence of democracy as what 'can be realized only in and through the heads of its citizens' (Habermas 2023: 74), embodied in whatever democratic practices that therefore have *meaning* to them (Habermas 2023: 12) and are thus contextual and self-driven rather than 'steered' (see Habermas 1996: 305). This happens when a belief in the validity of deliberative norms 'lodges itself in the political consciousness', reflected in 'a new normative self-understanding' of the society (Habermas 2023: 7). Democracy thus hinges on how 'citizens … see themselves' (Habermas 2023: 7) and in their 'expectations' (Habermas 2023: 9), as the decisive prior step that in turn shapes their 'judgements and conduct' (Habermas 2023: 8). Deliberative democracy consists in a citizenry's normative concerns for, expectations of, and self-understandings in relation to critical and open intersubjective communication as a democratically mandated constraint on otherwise coercive impositions of a societal common good; and, with the notion of 'better arguments', for a form of democratic 'communicative power' (Habermas 1994: 8) able to withstand the domination otherwise inherent in the discursive power play, such as ideology (Dryzek 2000; Rostboll 2009).

This normative orientation – the expectation that the direction of politics ought to be so constrained and defined – must be seen as the prior step and crucial precondition for the '*various* forms of deliberation' that can then ensue (Habermas 1994: 4, emphasis added), which, rather than being judged based on some specific communicative standard, can be 'more or less rational' (Habermas 1994: 8).

This shows that, even though the two are clearly connected, there is a crucial difference between understanding deliberative democracy as 'a form of democracy in which legitimacy is conceived of in deliberative terms' versus 'a form of democracy in which deliberation happens' (see Scudder 2023). Deliberation can be seen as a practical concept – one that can and ought to be orchestrated in practice – and so a focus on deliberation as a practice suggests the straightforward view quoted in Landwehr (2024: 260) above: that the more that a practice of deliberation occurs, the more deliberative democracy has been achieved; or similarly, as André Bächtiger and John Parkinson put it, that a political system's deliberative quality is the result of 'injecting' deliberation into the system via the institutionalisation of mini-publics (Bächtiger and Parkinson 2019: 6) – what they term 'strictly defined deliberation at critical points of the system' (Bächtiger and Parkinson 2019: 104).

This is the conception of deliberative democracy that agonistic democrats, in my view, *could* rightly criticise, for, as I have argued elsewhere (Böker 2017), it does suggest an approach that gives rise to their concerns about exclusionary and hegemonic impacts. It allows for the hypothetical possibility that something *resembling* a practice of deliberation is orchestrated in a manner that gives a pretence – akin to a simulation (Blühdorn 2013) – of deliberative democracy, *without* this necessarily being reflective of citizens' actual consciousness, self-understanding, and motivation, and thus the meaning imbued in the process *for them*. As a result, the decisive *critical* element of communicative rationality would not only not be achieved, but actively *undermined* in the ostensible name of democracy itself. In this way, deliberation (like any political practice, even when undertaken in the ostensible name of democracy) can be instrumentalised into supporting, as opposed to politicising, a current order or ideology.

In contrast, a focus on deliberative democracy as a political culture cannot be directly implemented: it is impossible to directly orchestrate genuinely felt *critical* beliefs in someone, for critique embodies (*self-*) emancipation (Böker 2017: 31). Instead of an *implementation* in the sense of a (mere) orchestration of a (specific, singular) practice, deliberative democracy in the Habermasian sense has to do with the maintenance of a democratic political culture and its manifestation in societal institutions and processes through a variety of organically evolving expectations and communicative practices in unregulated, unsteered contexts, such as 'everyday talk' (Mansbridge 1999), the 'inchoate and often unstructured mass public' (Chambers 2009: 332–3), or, as Andrea Felicetti and Markus Holdo (2024: 824) put

it, 'variations of deliberation practiced in different social spaces' such as social movements.

From this perspective, then, the agonistic critique is correct only in relation to *deliberation*; it is not when *deliberative democracy* is concerned. Making this distinction shows that the implementation of the ideal speech situation is *not* the aim of or even orientation behind deliberative democracy in the Habermasian sense. In the next section, I argue that it is even potentially counterproductive to the latter.

6. Orchestrated Deliberative Practice as Potentially Detrimental to Deliberative Democracy

Proponents of mini-publics may argue that it is possible to actively steer citizens' behaviour toward deliberative norms, such as through the use of a facilitator or specific procedures and forum designs, as well as to thereby inspire the rest of society (not just participants themselves) by modelling deliberation in action. To the extent this is the case, mini-publics could certainly function as one avenue for, over time, promoting genuinely held deliberative orientations in society at large. Yet, what they must be evaluated on is then not the practice itself in relation to the ideal speech situation as a presumed practical standard, but its embeddedness within and impact on the several prior and subsequent steps Habermas invokes in his much wider theory around this concept: the development of a critical-deliberative consciousness across society at large, in which all citizens feel involved in bottom-up democratisation, which becomes reflected in their *general* political engagement and behaviour. An orchestration of a practice of deliberation on its own does not contribute to deliberative democracy, and can be counterproductive where an attempted 'shortcut' approach (Lafont 2020) not just sidelines, but conditions (and thus renders non-emancipatory) the direction of citizens' own, *intrinsic* orientations, self-understandings, and self-driven democratic practices (Böker 2017).

For example, mini-publics could inspire a wider cultural impact across society, but in a way that dilutes rather than nurtures its specifically *critical* import. An example of a society-wide and cultural perspective that still falls short in this way is David Owen and Graham Smith's (2015) concept of the 'deliberative stance' citizens must adopt, in their view, for a society to become deliberative democratic in character. This does situate deliberative democracy at the level of what expectations citizens across society have toward each other; it is 'a particular type of orientation' (Owen and Smith 2015: 229). Defined as 'a relation to others as equals engaged in the mutual exchange of reasons oriented *as if* to reaching a shared practical judgment', however, their version of the deliberative stance is not oriented toward critique of domination, but to practical decision-making (Owen and Smith 2015: 228). In critiquing the systemic turn in deliberative democratic theory, Owen and Smith argue *against* any conception of deliberative democracy in which there is 'little, or even nothing, in the way of actual democratic deliberation between citizens taking place' (Owen and Smith 2015: 218). Even though they refer at times to deliberative democracy

and at other times to democratic deliberation, they treat deliberation itself as the goal of a deliberative democracy (Scudder 2023: 250). The 'defence of non-deliberative acts and practices' implied by the systemic turn is simply *assumed* to be problematic (Owen and Smith 2015: 222).

While Owen and Smith define the deliberative stance as an orientation toward reaching practical judgments, their concern to pay attention to 'how … discourses emerge' (Owen and Smith 2015: 222) and to biases created by inequality in deliberative capacity across society actually point to a critical orientation closer to the Habermasian legitimacy perspective. Yet, in this critical deliberative democracy, the non-occurrence of deliberation (as a narrowly conceived practice modelled on the ideal speech situation) is *not* problematic. In fact, insofar as the reification of one specific ideal practice would condition and confine the autonomy, open-endedness, and plurality of the public sphere, critical deliberative democracy is better conceived of *without* any deliberation of this type happening within it at all. Agonists are right that postulating and instructing one specific *ideal* practice is potentially *dis*empowering, and the realisation of a practice on its own does not at any rate indicate whether a consciousness and orientation toward autonomous, critical thinking has evolved in citizens' minds.

For the latter, it is non-ideal practices that play the decisive role. As Christian Rostbøll explains, it is precisely through its *impossibility* that the ideal speech situation unfolds its function as a '*critical standard*' (see Habermas 1996: 34): Because the reality *necessarily* falls short of the ideal, all agreements in practice must be seen as fallible, which in turn justifies raising objections against them (Rostbøll 2009: 21). The crucial effect is the discrepancy between the presupposed expectation and the reality of political discourse making it possible in the first place to pay attention to the distortions of domination and inequality (Rostbøll 2009: 21); it *enables* rather than constrains communicative action (Habermas 1996: 323). For this, the ideal speech situation does not need to be shown to be realisable in practice, but rather as *unrealisable*, for what critically 'point[s] beyond the status quo' is precisely the '"unsaturated" character' (Habermas 2023: 5) or 'idealizing surplus' (Habermas 2023: 9) of the norms it describes (see also Habermas 2023: 7).

This idealising surplus is not just a motivational resource, but also expressive of the recognition that emancipation against domination is incompatible with the persistence of one specific reified practice emanating from the existence of a 'teacher' instilling norms in citizens (Habermas 2023: 9). Rather, emancipation can only ever mean the *self*-emancipation of subjects' breaking away from any heteronomously predetermined role (Böker 2017: 27), '[doing] away with the assumption that some are blind and need to be given sight (by the always enlightening critical theorist), that some are incapable and therefore need to be guided by masters' (Chambers 2013: 150). In relation to democratic critique as what directs even democratic theory itself (rather than vice versa), it matters that legitimacy is conceived of not just as democracy, but specifically in the *deliberative* (meta-) democratic terms of an orientation toward resisting all these forms of

domination (Dryzek 2000: 2), even if this means that no deliberation as a specific practice then takes place within it. From the perspective of reconstructing and forefronting 'the perspective of the participants themselves' (Habermas 1996: 289) in how they engage in such democratic contestation, it follows, for Habermas, that

> [a] theory of democracy … does [then] not need to undertake the task of designing, i.e. *construct-ing* and justifying, the principles of a just political order on its own in order to instil them in citizens like a teacher; in other words, it does not have to understand itself as a normatively *designed* theory (Habermas 2023: 9, original emphases).

In contrast, in defining a substantive ideal standard and undertaking design to steer practices toward it, the momentum of practice-oriented democratic innovations would be toward society being 'steered as a whole' by those with the power to 'inflate [deliberative politics] into a structure shaping the totality of society' – a rather undemocratic outlook in itself (Habermas 1996: 304–5). Habermas sees a *necessary* role, in the realisation of deliberative democracy as a political culture, for *all* citizens (who all collectively constitute the general political culture) 'in their real social situations' rather than an instructed space. This innate need for the actual inclusion (not just representation) in deliberative democratisation of real, situated (and therefore diverse) citizens is what gives deliberative democracy the open-ended and continuing character of 'enduring dissent' (Habermas 2023: 18) that is essential for its resistance against creeping ideological colonisations.

How an *enduring* process of objecting and critiquing promises to realise a deliberative democratic culture better than any *isolated* accomplishment of a specific standard is illustrated by Andrew Knops' (2016) 'network' conception of how the abstract deliberative principles can be thought to apply in political practice. Rather than specific, singular instances of deliberation, deliberative networks take into view the relation between different deliberative exchanges, in the sense of someone giving reasons for a certain public-political claim and/or challenging another. Inevitably, in the real world of political practice, all of these deliberative exchanges are only 'partial' and imperfect (Knops 2016: 311). However, to the extent there is some degree of transparency in the political system, these shortcomings can be evaluated and criticised *by subsequent deliberative exchanges*, such that the 'critical bite' of deliberative principles then 'facilitates the continued application of critical deliberative standards' as the norm the polity is oriented toward and held to account on (Knops 2016: 315). As such, a deliberative network in Knops' sense is an example of a conception of deliberative democracy in which an orchestration or accomplishment of (near-) ideal deliberation is neither necessary nor desirable, for it is precisely the partiality of actual, 'real-world' attempts at deliberation that provides the basis for an organic, *self-perpetuating* orientation toward deliberative norms being upheld beyond these specific instances at the wider societal level.

Knops' perspective shows that the goal of deliberative democracy would be ill-conceived as the accomplishment of a specific standard. Especially in light of the possibility of ideology as a form of coercion of which its subjects are unaware, deliberative democrats (or anyone else) can never be *fully* certain that they have discovered *all* instances or aspects of domination. If that is the case, continuing to further deliberatively-oriented activities, such as the kind of contestatory argument that re-politicises public debates, is the best strategy toward digging further. For deliberative democracy's *own* sake, the goal is not to accomplish an outcome, but to keep a process going; and any practices the deliberative legitimacy norm gives rise to must be evaluated based on their critical potential, not their approximating a set ideal standard.

Thus, an understanding of deliberative democracy from the viewpoint of what motivates citizens' own democratic engagement is more successful at incorporating its own norms into its conceptualisation that the practice-focused view; for contestation and challenge, in turn, thrive on diversity, inclusiveness, and autonomy as opposed to conformity. Habermas is very clear, against Mouffe's critique of deliberative democrats' searching for a 'final rational resolution' of disagreements (Mouffe 2005: 93), that this

> by no means implies an idealistic conception of the democratic process as something like a con-vivial university seminar. On the contrary, one can assume that the orientation of reasonable partici-pants to the truth or correctness of their argued convictions adds even more fuel to the fire of political disputes and lends them a fundamentally *agonal character* … ignit[ing] an open-ended con-flict of opinions that gives rise to competing pub-lic opinions [in a] dynamic of *enduring* dissent in the public sphere (Habermas 2023: 17–8, original emphases).

Deliberative democracy in the public sphere, then, is 'enduring' rather than final; and it is 'rational' not in an exclusionary, substantive sense but rather in the sense of *communicative* rationality, which, much in contrast, provides the very 'resources for social critique' of coercion and injustice through the 'procedural net of reason-giving, critique, and obligations of justification' that emerges out of these self-driven practices in the public sphere and challenges the instrumental, strategic action of the given social order (Strecker 2019: 56–7).

7. Conclusion

Over the years, deliberative democrats have often been criticised for striving to orchestrate an exclusionary ideal standard of democratic discourse. In this article, I have sought to show that this is a misunderstanding, for deliberative democracy does not hinge on, or even benefit from, deliberation in the form of such an idealistic practice. On the one hand, the ideal speech situation cannot be achieved in practice anyway, about which deliberative democrats are under no illusion. On the other hand, even if it could be approximated, this would not be desirable

from a deliberative legitimacy perspective, for an orchestration of a practice does not necessarily correspond with citizens' genuine *orientations* toward deliberative legitimacy. From a Habermasian critical theory perspective, stemming from a recognition both of ineradicable pluralism and of the operation of hegemony to maintain a coercive and unjust social order, deliberative democracy foremost means an orientation toward resistance against all forms of domination. Since all domination can never be conclusively averted, deliberative democracy cannot be 'accomplished' in any isolated instances, specifically designed spaces, or any particular actor's ability to steer the society at large, but rather emerges through the collective, self-driven and plural orientations and actions of all citizens within the public sphere at large. Deliberative democracy can then be understood as a political culture marked by a citizen-initiated consciousness and motivation toward unending democratic social critique, and the various democratic practices that organically result from these. Instead of trying to implement deliberation as a specific standard of practice, deliberative democrats ought to promote the general preconditions for citizens' own, society-wide engagement in democratic practices and critical reflection of this kind, and evaluate any particular practices on the basis of their continuing to further this unending process of critique, as opposed to the accomplishment of a specific ideal standard. Insofar as only such a political culture can unleash the communicative rationality that is needed to counteract the domination and exclusion – agonists' own stated aim – effected by an otherwise hegemonic strategic-instrumental rationality, and insofar as only deliberative democracy, defined by the normative commitment to (even self-reflexively) exclude all forms of domination, can do this without thereby giving rise to new instances of domination of its own, agonists and deliberative democrats must actually (ironically) be in agreement.

Competing Interests

The author has no competing interests to declare.

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