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Katarzyna Jezierska

University West, Sweden, katarzyna.jezierska@hv.se

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Abstract

Habermas's conception of deliberative democracy combines two concepts—deliberation and consensus—which, I argue, draw his theory in two opposite directions. While deliberation and the focus on communication can be read as a predominantly open element of his theory, consensus stands for closure. The process of deliberation contrasts Habermas's normative aim of deliberation, i.e., consensus. In other words, a realized consensus (in the strong, monologic formulation that Habermas favors) would put an end to the idea of continuous public justification of validity claims, i.e., deliberation. The article argues that in order to fully use the potential of deliberation in politics, we should leave behind the notion of consensus through deliberation. Instead, understanding should be the telos of deliberation, and voting after deliberation is put forth as the optimal institutional design for decision-making settings.

Author Biography

Katarzyna Jezierska is Associate Professor and senior lecturer at the International Programme in Politics and Economics, University West, Sweden. She is also a researcher in the Gender and Diplomacy Program (GenDip) at the University of Gothenburg. Her major research interests focus on democratic theory, civil society, and political sociology.

Keywords

deliberation, consensus, No-saying, understanding, democracy

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The idea of deliberative democracy is still probably the most forceful counterpart to liberal (or aggregative) democracy. Not only is it theoretically compelling, sparking numerous conceptual and empirical studies, it has also inspired a wide range of practical implementations—the so-called deliberative experiments, or attempts to democratize democracy, many of which are described in this journal. This article points out some paradoxical ruptures in the concept of deliberative democracy, as formulated by one of its founding fathers, Jürgen Habermas. I argue that the two fundamental pillars of deliberative democracy (deliberation and consensus) draw Habermas's theory (and many of its successors) in opposite directions. This leads me to outline a notion of deliberative politics that follows Habermas in his stress on the role of communication and justification of claims in the public sphere (the deliberative path) but turns me against his strong attachment to consensus. It should be clear that while pointing out the heterogeneous tendencies in Habermas's theory, it is not my intention to reconcile this bifurcation. Instead this article seeks inspiration in Habermas's writing in order to go beyond his position. This is why I start with a close reading of Habermas's texts, and end up with a position that, in some respects, clearly goes against Habermas. It is not a project of salvaging Habermas, rather, the identified bifurcation between deliberation and consensus is seen as an entry point for theorizing about deliberation without consensus.

Despite recurring criticism, consensus still enjoys a special status within deliberative theory (Fuerstein, 2014). Many deliberativists insist “that healthy democratic political institutions should generate wide, though of course not complete, actual consensus on political outcomes” (Gaus, 1997, p. 206). For Habermas, deliberation is intrinsically linked to consensus (as a pragmatic presupposition and a regulative ideal). As shown below, in his theory, consensus is a strong legitimating force for political outputs—both his democracy and discourse principles incorporate consensus. I argue that privileging the strong legitimacy of decisions comes at a price of compromising the inclusiveness of the processes of opinion and will formation that lead to these decisions. In other words, I investigate the relationship between deliberation and consensus in Habermas's theory and argue that the concept of consensus in the strong, monologic formulation that Habermas puts forth, is detrimental to the idea of deliberation. He gives consensus the status of the *telos* of communication in communicative action, which forms the basis for his idea of deliberative politics. I argue that we should assess the value of deliberation and consensus separately and, to safeguard the open-ended character of deliberation, that we should deprive consensus of its privileged position. When treated merely as one possible outcome, on a par with disagreement, we can reconceptualize deliberation as oriented to understanding, not agreement. The elements of deliberation facilitating Habermas's aim of consensus can thus be removed, saving the talk-based approach to politics from the problems it suffers due to the ideal of consensus that Habermas inscribed in it.

The article is structured as follows. I start with a short discussion of the place of deliberation in Habermas's idea of politics. Secondly, I analyze the role of consensus in Habermas's notion of deliberation. Next, I scrutinize his idea of deliberation to identify the elements that are there due to its connection with consensus. Finally, I present an outline of a reworked conception of deliberation without consensus and discuss what consequences such a reworking has for the concepts of deliberation and consensus respectively.

The Place of Deliberation in Politics

Jürgen Habermas is one of the main representatives and sources of inspiration for the deliberative approach to democracy. For Habermas, deliberation is inherently linked to consensus which, according to him, should guide any practice of communication.

A typical misunderstanding with regard to Habermas's theory equates *all* politics with deliberation and consensus-seeking (e.g., Mouffe, 2005; cf. Markell, 1997). Habermas states clearly that talk-based politics oriented at the *telos* of consensus is just one of the forms politics can take:

Politics cannot coincide as a whole with the practice of those who talk to one another in order to act in a politically autonomous manner....The concept of the political in its full sense *also* includes the use of administrative power within the political system, as well as the competition for access to that system. (Habermas, 2001a, p. 150, emphasis added)

This alludes to Habermas's conceptual division between the system and the lifeworld, where the system is ruled by means other than the lifeworld and "lifeworld" refers to domains in which consensual modes of action coordination *should* predominate. However, in our modern complex societies, the systemic coordination executed by market and administration relieves actors of the demands of strongly communicative actions. The relatively autonomous subsystems of administration (regulated through power) and economy (regulated through money) function according to logics other than the communicative one (cf. Habermas, 1987, chap. 6).

As Nancy Fraser (2013) points out, there are two possible interpretations of Habermas's position here. One takes the distinction between the two action contexts as absolutely disparate. Thus, system-integrated contexts would involve no consensuality, whereas socially integrated contexts would involve no strategic calculations in the media of power and money. The second interpretation takes this contrast as a difference in degree. In this reading, orientation toward consensus would be traceable in system-integrated contexts

but would not be the dominating mode of action and, analogously, strategic action would be present in lifeworld as well (Fraser, 2013). This latter interpretation seems more accurate with respect to Habermas's concern of taking account of the "fact" of social complexity. Hence, we should not ascribe communicative action solely to the lifeworld and strategic action only to the system (Carleheden, 1996); they interpenetrate each other in many ways. We should rather see the distinction between lifeworld and system as analytical, or ideal-typical, pointing to different aspects of social interaction and cooperation (Habermas, 1991).

Irrespective of how definite a distinction we draw, one thing is clear—the full picture of Habermas's (2001a) understanding of politics must comprise both lifeworld and system, and hence, for Habermas, consensus is not an aim for all political matters. What is more, even in the lifeworld deliberation does not saturate the field of politics. Other actions such as bargaining, compromise and voting also have their legitimate place there (Habermas, 2001a; Bohman, 1994).

Nonetheless, while acknowledging multiple political actions, Habermas ascribes a special status to communicative action oriented to consensus. He sees it as a fundamental concept and "cornerstone of [his] theory of democracy" (Habermas, 1998b, p. 246). According to Habermas (1998), other forms of action that are included in the concept of politics bear resemblance to communicative action: "Fair bargaining then, does not destroy the discourse principle but rather indirectly presupposes it.... This applies *mutatis mutandis* to ethical-political discourses as well" (p. 167). Expressed differently, communicative action is one type of action among others *and* the most fundamental, from which other types of action are, in a sense, derivative. This way, communicative action is guaranteed primacy before strategic action (Habermas, 1991, p. 223f), or put more forcefully, strategic action is "parasitic" on the communicative (Habermas, 1984, p. 288; cf. Cooke, 1994).

So far, I have demonstrated that before criticizing Habermas's deliberative democracy we should recognize the complexity of his conception of democratic politics. By no means is his politics limited to deliberation, even though communicative action oriented to consensus is certainly given priority. In this article, I will focus on Habermas's concept of deliberation, having in mind that it does not saturate his theory of democracy. To put it bluntly, it is one thing to focus on a specific aspect of Habermas's democratic theory—politics as deliberation with the aim of consensus—while it is quite another to accuse Habermas of reducing politics to consensus-seeking, which is simply not the case. This said, the role consensus plays in deliberative politics is still problematic and will be at the center of this article.

The Place of Consensus in Deliberation

Consensus is probably the most criticized concept in Habermas's theory and the one that raises most controversies. It is also one of the points on which Habermas has changed position over the years (see Thomassen, 2007).

Let us first see where Habermas places consensus in his democratic theory framework. One characteristic analytical distinction Habermas introduces in *Between Facts and Norms* is the division between different forms of practical reason and corresponding forms of practical discourse. He speaks of moral, ethical and pragmatic discourses. For the sake of this article it will suffice to focus on the distinction between "moral" and "ethical-political" discourses (e.g., Habermas, 2001a, pp. 160–68). Moral discourses concern questions of justice, or what is right, that is, in the interest of all. In these types of discourses such meta-norms as human rights are decided. Other norms concerning questions of self-realization, or the realization of the ideas of the good, both individually and collectively, are labeled "ethical" discourses. These give expression to conceptions of the "good life" shared by members of a community. Consequently, the norms decided in ethical-political discourses are only valid within the community, and we should not expect those issues to win universal consensus. They are oriented at understanding "who we are" and "who we want to be."

Although throughout *Between Facts and Norms* Habermas is careful to distinguish the demands of politics from those of morality, in his principle of democracy he still sets the standard of agreement at unanimity, that is, an agreement of *all* (affected). The principle of democracy is supposed to guide the legal-political discourses:

Only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted. (Habermas, 2001a, p. 110)

Habermas derives the status he gives to consensus from universal/formal pragmatics, which is his version of speech act theory. It is in language he finds the grounds for his orientation toward consensus:

Communicative reason, too, treats almost everything as contingent, even the conditions for the emergence of its own linguistic medium. But for everything that claims validity *within* linguistically structured forms of life, the structures of possible mutual understanding in language constitute something that cannot be gotten around. (Habermas 1992b, pp. 139–40)

As we see, Habermas recognizes contingency as an underlying condition, which

springs from the complexity of our contemporary societies, with the multiplicity of possibilities it implies. Nevertheless, this multiplicity should boil down to consensus. Here, consensus is both the condition of possibility of communication inbuilt in the language system (a pragmatic presupposition), and an immanent aim of communication (regulative ideal). The *telos* of language is consensus. “Habermas himself tends to focus on the idea that an orientation toward consensus (*Einverständnis*) is anchored in the structures of communication” (Cooke, 1994, p. 112). The aim of rational consensus, according to Habermas, is an unavoidable presupposition of any communicative action, that is, action oriented toward mutual understanding. An illustration of his placing consensus at the pragmatic level is the explanation Habermas gives of what “linguistic competence” is. According to him, apart from grammatical use, it consists of an orientation toward consensus (see Braaten, 1991, pp. 19–20).

However, even for Habermas the rationally reconstructed formal pragmatic characteristics of language do not have a determining force. The assumption that language and communicative action are oriented toward consensus, does not automatically lead to the (so easily empirically denied) conclusion that we will necessarily reach consensus in any particular communicative action. It is a counterfactual idealizing supposition we cannot avoid making (cf. Thomassen, 2007). As we will see, in deliberation the interlocutors always have the freedom to reject the validity claims raised by their partner(s) in conversation—they have the possibility to say no. Hence, even though one could say that Habermas puts the integrative force of communicative action into language, in the last instance it relies on the contingent (in the sense of “not given”) and intersubjective approval of the communicating parts. The fragile character of such a bond is obvious:

Rather, consensus achieved through communication depends both on the idealizing supposition that an identity in linguistic meaning already prevails and also on the power of negation and the autonomy of unique, non-substitutable subjects – for whom intersubjective consent to criticizable validity claims has to be obtained anew in each case. All consensus achieved within discourse rests on the *power of negation* held by independent subjects. (Habermas, 1991, pp. 217–218, emphasis added)

Intersubjectivity (and openness that goes in hand with it) is given crucial importance—it is a kind of last instance in the attainment of consensus. Every deliberation ultimately rests on the ever-latent possibility of “das Nein sagen Können” of any singular subject participating in deliberation. This idea, apparently acknowledged by Habermas, will be developed in the last sections of this article.

What distinguishes Habermas's consensus from other forms of agreement is the strong type of consent required from the deliberating participants. Not only should they all conform to the outcome, they should also conform *for the same reason*.

Whereas parties can agree to a negotiated compromise for different reasons, the consensus brought about through argument must rest on *identical reasons* able to convince the parties *in the same way*. (Habermas, 2001a, p. 339, emphasis added)

It becomes clear that consensus in this formulation does not equal temporary mutual agreement, but rather a monologic fusion, erasing the plurality of different positions and justifications that spurred deliberation in the first place. These two aspects of Habermas's notion of consensus—setting it as a standard for legitimacy (by inscribing it in the principle of democracy) and putting the demand of a unanimous agreement *for the same reasons*—make Habermas's consensus rather abstracted from the complexity of our contemporary societies and place him closer to norms than facts. Its realization in real-life politics becomes highly improbable. While this is where some of the critics put their focus (the realizability reservations), my main problem with consensus in Habermas's theory is rather linked to its normative desirability. Even though, as was indicated above, Habermas does not subscribe to the ideal of a fully rational and entirely consensual society (Habermas, 1982, p. 262; see also Chambers, 2013, p. 170), he proclaims an ideal of a consensually *steered* society.

Over time, Habermas has made major adjustments with respect to the attainability of consensus. Instead of stating that consensus could be approximated if only empirical obstacles were overcome (Habermas, 1993) or that it is realizable in principle (Habermas, 2001c, 1998a), in more recent writings he actually admits that rational consensus is not just an empirical but also a conceptual impossibility. He seems to acknowledge that the realization of rational consensus would put an end to communication, that “[t]his entropic state of a definitive consensus, which would make all further communication superfluous, cannot be presented as a meaningful goal” (Habermas, 1998a, p. 418). The possibility of realization of a final consensus would contradict its fallible character mainly expressed in the process leading to it, i.e., deliberation. The goal of rational consensus is for Habermas a condition of possibility, or a necessary assumption, of communication, but the state of achieved rational consensus would be its condition of impossibility, which would bring an end to all discourse (see Thomassen, 2007). One could accentuate the shift Habermas has made in his theory over time and argue that he can be read as having moved from consensus theory to discourse theory (see Keenan, 2003), i.e., from a conceptualization in which finality and attainability of rational consensus was a firm point, to one acknowledging the impasse of realized consensus, and the

conceptual contradiction of the goal of consensus and the process of deliberation. An additional argument is that in spite of its high improbability, a realization of Habermas's consensus would be undesirable. Decision-making based on individuals consenting to a joint standpoint not only because they support the same claims, but also think in a uniform manner, supporting these claims for the same reason, verges on groupthink. When striving for such a consensus, the benefits of different perspectives and different experiences of the participants are occluded. That is also the reason why putting consensus in more tentative terms is still problematic. Having accepted its empirical and conceptual impossibility, Habermas still keeps the monologic version of consensus both as a presupposition and an ideal *telos* of deliberation as such. In this way, he necessarily ends up downplaying pluralism and difference, and by extension, deliberation. In this article, I propose a more radical step of depriving consensus of its privileged status, which would enable the flourishing of deliberation, without the unnecessary constraints that circumvent it in the Habermasian formulation. Let me now consider the construction of the concept of deliberation in Habermas's theory to later move on to a reworked version of deliberation without consensus as its presupposition and aim.

Deliberation

Deliberation à la Habermas comprises elements of openness,¹ as well as tendencies in the opposite direction, that is, traces of closure. I argue that the closing tendencies are there due to the *telos* of consensus, which as we have seen, Habermas inscribes into the notion of deliberation. Let me start with the opening potentials of deliberation.

For Habermas, deliberation is an argumentative practice as inclusive and continuous as possible. It is a kind of "endless conversation," completely inclusive both thematically and socially (Habermas, 2001b, p. 29). Again, he seeks grounds for such a conceptualization in the structure of language itself:

[T]he ideal limit of complete inclusiveness... is precisely what the practice of argumentation aims at by its very structure. Rational discourse is a process that ensures the inclusion of all those affected and the equal consideration of all the interests at play. (Habermas, 2001b, p. 33)

A practice can only count as deliberation/argumentation if it meets certain pragmatic presuppositions. These are the openness and full inclusion of everybody affected, the symmetrical distribution of communicative rights, the absence of force in a situation in which only the force of the better argument is

¹ Compare the different kinds of openness discussed in Keenan (2003, p. 12f). Here, I have focused on openness as recognition of the fundamental contingency of the social.

decisive, and the sincerity of the utterances of everybody affected (e.g., Habermas, 1998b; 2001b; 1998a). Translating it into the political lingo, these criteria would correspond to the value of democracy, publicity, inclusion, egalitarianism and trust (see Thomassen, 2007, p. 17). These are all undoubtedly strong idealizations that are counterfactual but, as Habermas (2001b) assures us, participants make these assumptions *in actu*. He maintains that even though these assumptions seem quite unlikely from the observer perspective, they are actually in force in concrete practices of communication. The participants must bracket the realizability reservations and assume their partners' rationality, accountability and so on in order to be motivated to engage in communication at all.

The practice of argumentation sets in motion a cooperative competition for the *better* argument where the orientation to the goal of a communicatively reached agreement unites the participants from the outset. (Habermas, 1998b, p. 44, emphasis added)

The participants in deliberation, or argumentation, aim at convincing other participants of the superiority of their validity claims (in the aim of reaching agreement) and the only permitted means in this process is the “forceless force of the better argument.” Habermas purposefully does not speak of *the best* but only *better* argument here. We need humbly to talk of better arguments, as “no evidence is decisive and no arguments are compelling ‘in the final instance’” (Habermas, 2001b, p. 36). New perspectives could always emerge that would shed light on the subject matter, or new participants might come into play. This choice of better argument implies openness for future, better validity claims,² whereas the best argument would end the process of communication. The paradoxical moment in Habermas's theory is that consensus could be read as just such a “best” argument that would empty the meaningfulness of deliberation (see also Jezierska, 2011; Friberg-Fernros & Karlsson Schaffer, 2014).

The decisive moment of deliberation is the taking of Yes/No positions by the participants in argumentation. In this way, they validate each other's claims, or judge the convincing power of arguments. “[F]or the participants, the success of attempts at mutual understanding is gauged unmistakably by the public ‘yes’ and ‘no’ of the addressees” (Habermas, 1998a, p. 423). What is of interest here is the possibility to say No, “das Nein sagen Können” (Habermas, 2001a, p. 324; 1992a, p. 445), which introduces an unpredictable element to deliberation. The scarce comments Habermas makes about this notion leave space for diverging interpretations. In a narrow reading, the participants can object to

² It can also be put in terms of a fallibilist notion of deliberation. See Cooke (1994, p. 108) who, based on a discussion about fallibilism, also interprets Habermas's conception of argumentation as “essentially open.” She, however, extends the reach of fallibilism to Habermas's consensus.

arguments raised and thus jeopardize the aim of consensus, but they still have to justify this objection. This could happen for example when deliberators discover that the arguments used do not conform to the discourse principle. Habermas explains his discourse (D) principle as follows: “D: Just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses” (Habermas, 2001a, p. 107). He explains that (D) is not only a principle of moral discourse but an overarching principle of impartial justification that holds for all types of practical discourses. In other words, the (D) principle is a benchmark for deliberative procedures and results. It sets the ambition of inclusiveness, of representing the interests of all possibly affected, that is, “anyone whose interests are touched by the foreseeable consequences of a general practice regulated by the norm at issue” (Habermas, 2001a, p. 107). Hence a “No” to a common position could be grounded in the observation that not all affected interests have been correctly presented, becoming a checkpoint for inclusiveness.

A more recent interpretation transcends the narrow reading of No-saying as another instance in the validation of claims (e.g., Cooke, 1994, p. 12) and reconceptualizes it as a strong moment of negativity, equally important as Yes-saying. White & Farr (2012) argue that No-saying could take different forms, such as acts of civil disobedience, thus widening the range of deliberative acts to aesthetic-expressive forms. I find this stronger interpretation of No-saying compelling, but as I will show in the following, when truly taken on board, it no longer is compatible with the overarching telos of consensus (see Thomassen, 2013). While I agree with White & Farr (2012) that we should conceptually equate Yes- and No-saying, I argue that accommodation of this move requires a significant reworking of the Habermasian version of deliberative democracy, and even going against Habermas in some respects.

The above-described characteristics of deliberation (better argument, No-saying) lead us to perceive it as a potentially open-ended and inclusive practice. Yet, Habermas introduces some restrictions here. Along with Chantal Mouffe, one of Habermas’s most vociferous critics, we need to admit that

[t]here is of course nothing objectionable about establishing conditions to be met in order to participate in the deliberation. Indeed, no deliberation could ever take place without such limits. What I am arguing is that it is necessary to be aware of this necessary move and of the nature of the limits in order to acknowledge its consequences. (Mouffe, 1997, p. 29)

This is the remaining task for this section—to explore the nature of the limits Habermas puts to deliberation. I will show that he constrains deliberation to certain forms of communication in order to approach the aim of consensus. These restrictions stem from the idealizing presuppositions he identifies as

necessary conditions enabling communication: “unconditional character of validity” and “rational accountability,” or universalizability and rationality. What I label “requirements” are placed at the level of conditions of possibility in Habermas’s theory. This means that, in Habermas’s view, universalizability and rationality are unavoidable conditions of communication oriented to consensus.

The Universalizability Requirement

Deliberation is only meaningful as a meeting between *different* positions—it starts when validity claims are questioned. Thus, the existence of a variety of positions and claims is crucial. It allows deliberators to evaluate their positions and gain critical distance to their own tradition. For Habermas, this distance to one’s own lifeworld is a step in coming closer to consensus.

For irrespective of cultural background, all the participants intuitively know full well that a consensus based on insight is not possible [without] a shared willingness to look at one’s own traditions through the eyes of a stranger. (Habermas, 2003, p. 291)

Mutual perspective taking is here presented as the very condition of rational consensus. I claim that even if we leave behind consensus as an aim, a willingness to critically look at one’s own tradition from another perspective—or, what I will call an ethos of questioning—is crucial for any sincere deliberation.

Habermas also argues that the validity claims raised need to be detached from their specific conditions or environment. He states that arguments used in deliberation are Janus-faced, being at once immersed in a concrete context (stemming from the lifeworld of the communicative partners) and at the same time pointing beyond that context:

The ideal moment of unconditionality is deeply ingrained in factual processes of communication, because validity claims are Janus-faced: as claims, they overshoot every context; at the same time, they must be both raised and accepted here and now. (Habermas, 2001a, pp. 20–21)

The claims to validity are by necessity always locally rooted and locally accepted, but, at the same time, they should transcend the local and become context-unbound. Such context-transcending is conducted by the projection of a “limitless communication community” (as a substitute for direct access to all perspectives). In other words, we are supposed to express ourselves abstracting from the local conditions, in universal terms that could have been accepted by everyone (affected). In the domain of moral discourse this transcending is

expressed by the universalization principle (U)³ that “works like a rule that eliminates as nongeneralizable content all those concrete value orientations with which particular biographies or forms of life are permeated” (Habermas, 1990a, p. 121). It can be observed that Habermas does admit that it is never fully possible to eliminate the facticity of the existing context. That is, “even the rationally grounded political will retains a certain contingency insofar as it rests on context-dependent reasons” (Habermas, 2001a, p. 157). In other words, the particular always permeates the universal. Nevertheless, he puts forth universalizability as a requirement for deliberation, which has been identified as “Habermas’s tendency to underplay the fact that to understand an utterance is to understand it as an utterance-in-a-situation” (Cooke, 1994, p. 126), i.e., to downplay context dependence.

Following that lead, I would argue that Habermas’s requirement of stating arguments in a universalized, context-unbound mode denies the very condition of their formulation (Fish, 1989). Any voice in deliberation has a say just because of its specifically situated and particular embeddedness (see Mouffe, 2000). Habermas does acknowledge our different anchorages, expressed by the reference to the lifeworlds we are rooted in, as an entry condition of deliberation. At the same time, he states that we can and should detach ourselves from them in order to come across the borders of our particular lifeworld and reach agreement. What *conditions* understanding must at the same time be *transcended* in order to enable consensus. The requirement of universalizability serves as the mechanism, which translates the polyphony of particularisms into the unison of consensus.

Habermas also argues that in our complex societies, norms become even more general and abstract (Habermas, 1990b), as their justification must satisfy a wider range of criticisms due to increased pluralism and diversity. Within a homogeneous society, the justification of norms is less demanding, because there is no need to satisfy such a wide range of criticism and objections from the differing positions. According to Habermas, in a post-conventional society only the norms that can represent principles generalizable within pluralism by gaining the support of all will survive (Chambers, 2013). He argues that a more differentiated or pluralistic society is even more in need of consensus. I find it sound to argue that the sphere of obviousness in a pluralist society shrinks, which makes the justification of norms more difficult, but this observation does not justify the embrace of consensus. As Stanley Fish (1989) observes, in a multiple context, these abstracted and universalized norms will become *the* place of political struggle of meaning. The universalized norms (or concepts) will only become more contested (Fish, 1989).

³ It is worth noting that even though the U principle is specifically tailored to moral discourse, Habermas defines context transcending as “a strong idealization to which all forms of argumentation, and hence all forms of communicative action, refer” (Cooke, 1994, p. 35).

Habermas's argument for universalizability as a requirement for deliberative arguments is there because of the aim he puts forth for deliberation. The telos of consensus makes universalizability a crucial mechanism for translating messy particularisms into orderly universals. When, as we will see, consensus is removed from the picture, and understanding replaces it as an aim of deliberation, universalizability is no longer required for utterances to count as deliberative.

The Rationality Requirement

Apart from universalization, the other restriction that “closes” deliberation is the presupposition of rationality. It entails that we should, ideally, state our validity claims and arguments for and against them in a rational manner. This way, we could argue, Habermas wants to keep some forms of communication—more expressive, passionate and unreasonable—out. Habermas holds that this kind of intellectualization only seeks to secure focused discussions, in which “only those topics and contributions that are supposed ‘to count’ in reaching a decision are permitted to pass through” (Habermas, 1998a, p. 385). But it could be seen as a filter that sifts the acceptable (rational and universalizable) from the unacceptable utterances. In order to be able to conclude to what extent the presupposition of rationality could work as such a sieve I will now shortly examine Habermas's definition of reason and rationality.

To begin with, Habermas detranscendentalizes Kantian “pure” reason by transforming it into “situated” reason (Habermas, 2001b, p. 12). Reason or rationality no longer depends on the assumption of a noumenal sphere, nor is it a metaphysical entity we try to access; it is rather something that emerges in the act of communication, when we apply the deliberative procedure. The deliberative procedure itself warrants the rationality of the outcome. Habermas states that “[r]ational acceptability depends on a procedure that does not shield ‘our’ arguments from anyone or anything” (Habermas, 2001b, p. 29). What we see is a procedural and not a substantive understanding of rationality. Reason, in other words, is not a propriety of mind, nor of the world, but emerges in concrete situations, in deliberation. If the procedure is applied correctly and the idealizations approximated (social and thematic inclusiveness), the outcomes will be rational.

Reason is here understood *intersubjectively*; it does not belong to the subject but emerges in linguistic communication between subjects. The outcome is both a product of and dependent upon the parties participating in deliberation (as well as the procedures applied). Hence, the question Richard Bernstein (2006) poses—“Who decides what is and what is not an argument, by what criteria, and what constitutes the force of the better argument” (p. 90)?—is only apparently devastating for Habermas. According to his understanding of

rationality, what is a rational “argument,” or a “better argument” is decided in deliberation. Rationality is established through its grounding in the “forceless force of the better argument”; it shows itself in the process of convincing others with the use of arguments.

In spite of its procedural definition, the rationality requirement has obvious bearing on the deliberative subjects, presupposing a particular kind of subject, capable of argumentation, transparent and coherent.⁴ Habermas states that acting reasonably and accountably entails being ready to put forth validity claims and explain one’s actions. According to him, “[s]omeone who cannot account for her actions and utterances to others becomes suspect of not having acted reasonably or ‘accountably’” (Habermas, 2001b, p. 21). Being aware of this, we both need to adjust our actions accordingly (by acting rationally) and make this supposition of rationality about other agents in communication. Habermas (1998a) argues that the presupposition of rationality and participants’ capability of it undergirds the very practice of reaching mutual agreement. In other words, rationality, as an idealizing anticipation and condition of possibility, is built into the practice of argumentation and self-understanding of its participants (Habermas, 2001b). It functions as a pragmatic presupposition that is constitutive of communicative action but, again, in any given deliberation it can be falsified. What follows in such a case, according to Habermas, is a new instance of deliberation; participants seek to rationally justify their validity claims anew. Considering the working of rationality in Habermas’s theory, it is both a presupposition necessary for communication to take place, and it is supposed to be guaranteed by deliberation, being a result of deliberation. This paradoxical construction resurfaces in all of Habermas’s idealizations, consensus included.

Rounding up the argument about Habermas’s conception of rationality so far, there is no predefined meaning of rationality; what is rational in a given case is determined in the course of deliberation. The only requirement that is inherent to it from the beginning is the urge to be ready (and able) to defend our claims communicatively. For Habermas, rationality consists not in the possession of particular knowledge, but rather in how speaking and acting subjects acquire and use knowledge. In effect, having in mind the presuppositions required for deliberation, “rational” would stand for impartial (stemming from the presupposition of universalizability) and well-informed (as all relevant arguments, and perspectives of all affected are supposed to be taken into consideration) (Habermas, 1998a, p. 384). Consequently, and surprisingly, one could argue that the restrictive power of the requirement of rationality is only indirect, as it boils down to the reservations discussed with the requirement of universalizability.

⁴ There is not much written about Habermas’s conception of subjectivity but see Warren (1995) and Jeziarska (2015).

Even though, as we have seen, the procedural and intersubjective notion of rationality is not opposed to emotionality, Habermas's lack of interest in passions when explaining the workings of deliberation leads some commentators to reject rationality on this ground.⁵ For example, Sharon Krause (2008) argues that it seriously "closes" deliberation, restricting it to certain spheres of human action:

The rationalist models of deliberation and norm justification that predominate in political theory today (as represented, for instance, in the work of John Rawls and Jürgen Habermas) suffer from a motivational deficit. The ideal of reason as a faculty that abstracts from sentiment, which undergirds impartiality on this view, disconnects the deliberating subject from the motivational sources of human agency, which are found in the affective attachments and desires from which subjects are asked to abstract. The self as deliberator comes apart from the self as agent. (Krause, 2008, p. 2)

Krause refers to empirical findings from neuroscience and neuropsychology to prove that passions and sentiments are crucial elements of deliberation, that they are part of practical rationality itself. She argues that Habermas's lack of theorizing of "the affective attachments and desires that normally animate action" (Krause, 2008, p. 40) results in the weak motivating character of his deliberative procedure.

In the same vein, many scholars sympathetic to Habermas have argued that his conceptualization of deliberation is too narrow. For example, Lynn Sanders (1997), Iris Marion Young (1996, 2002) and Jane Mansbridge (1999) charge Habermas's deliberative democracy with being too exclusive with regard to the kinds of communicative practices allowed (cf. Kapoor, 2002). They argue that Habermas's deliberation represents a particular kind of communication: dispassionate, reasoned and logical, and, in effect, that it privileges a certain kind of speech and so a certain kind of power—typically male and that of privileged social groups (Young, 1996). They claim these restrictions are unjustified and argue for including other forms of communication, such as everyday talk, storytelling, testimony, rhetoric and greetings in the procedure of validating arguments. According to Habermas's standards, these utterances would not fall under the category of arguments that are supposed to "count" because they are not susceptible to universalizability.⁶ Habermas's concern is

⁵ The few areas where Habermas does acknowledge the role of passions is in his "constitutional patriotism" (e.g. Habermas, 1998a, p. 398, 1998b, pp. 118, 225) and his discussion about religion's place in the public sphere (Habermas, 2008).

⁶ A somewhat confusing contribution to this debate is made by John S. Dryzek (2000) who argues that all forms of communication should in principle be admitted a place in deliberation as far as coercion is excluded and only insofar as they can connect the particular to the general

that the rationality and universalizability requirements are the best guarantors of decisions that are good for all, indicating that alternatives to his “arguments” would compromise this goal. We need to take seriously the objection that excluding certain utterances and subjects, and allowing others to speak in the name of a universal interest has a paternalistic ring to it. Besides, if there is any value to the argument that particularistic (and even egoistic) claims will not convince others, there is no harm done in including them in the process of deliberation. Even if they might not gain ground, the very fact of giving them a voice serves another important democratic purpose of inclusiveness and fostering democratic attachment.

Most of the theorists criticizing Habermas’s narrow formulation of deliberation (what I called “closing” tendencies in the concept of deliberation) retain the goal of consensus,⁷ but argue for a broader, more inclusive conception of “argument.” As Aletta Norval (2007) rightly points out, adding other versions of arguments that should be allowed for in deliberation should come with an assessment of the consequences of this addition for the concept of deliberation. It is my contention that as a consequence of including other forms of utterances and in order to realize its openness promise, deliberation needs to get rid of the telos of consensus inscribed in it. As I have argued above, the closing tendencies identified in the notion of deliberation are there because of that telos. In the final section of this article, I will discuss an alternative mutation of the concept of deliberation, including a rejection of the universalizability requirement and the orientation to consensus.

Summing up, Habermas’s notion of deliberation comprises both opening and closing tendencies. Both its procedural character—being the unfinished project of recurring discussions (seeking *better* arguments)—and the possibility to say No, which gives deliberators the power to disrupt the very process, constitute deliberation as an open-ended practice. These intersubjective elements contribute to potential unpredictability and insecure outcomes of deliberation. However, there are also elements of closure in Habermas’s conception. The universalizability requirement confines the inclusiveness and open-endedness of deliberation. The options for Habermas’s subjects wanting to engage in democratic politics are limited as he precludes a whole range of more situated, particularistic and passionate claims (which would be unaccountable). It becomes clear that the opening potentials of deliberation cannot be fully developed when the *telos* of consensus is kept.

(p. 68). Dryzek thus wants to extend deliberation to different forms of communication while keeping the universalizability requirement.

⁷ Even though Young retains consensus as the ideal aim of deliberation, she also issues some important critical objections to consensus as a possible means of suppressing difference (Young, 2002, p. 44).

Deliberation Without the Aim of Consensus

What this article proposes is a reading of Habermas that treats deliberation and consensus as two separate components of his theory. This means that, taking inspiration from Habermas's powerful idea of talk-based politics, I part company with him where he attempts to steer these talks in the unitary, consensual direction. Once again, it is not a project of reconciling heterogeneities in Habermas's theory, but an investigation of the potential of deliberation without consensus as a political ideal. A series of reformulations of both consensus and deliberation are necessary for this move. First, I argue that consensus should be dethroned from the privileged position Habermas gives to it. In order to avoid the status of *the best* argument that ends all communication, consensus needs to be removed from the position of the telos of deliberation. It could come up as a result of deliberation, but only incidentally. In case it would occur, it should only be understood in terms of a temporary fixation. "Consensus [would be] structurally analogous to the open-ended nature of the debate that founds democratic deliberation" (Borradori, 2003, p. 47). Hence, I suggest keeping consensus not as a goal, but only as a potential *outcome* of deliberation,⁸ which logically equates it with dissent, or disagreement as another possible outcome.

Dissent and consensus are two sides of the same coin. They are the two possible outcomes of attempts to figure out what is right. Dissent about the right answer cannot make sense unless consensus upon the right answer also makes sense. (Lafont, 2015, p. 327)

This is exactly why they should both be given the same status, and the question about the probability of their appearance can only be answered through empirical investigations of different settings.

Let me invoke one such empirical test—Karpowitz and Mansbridge's analysis of two deliberative venues in Princeton. They make empirically substantiated claims that "[t]oo great an emphasis on forging common interests generates unrealistic expectations and obfuscates conflict. Too great an emphasis on discovering existing interests suggests that interests are fixed, static, waiting to be found" (Karpowitz & Mansbridge, 2005, p. 348). Their practical recommendation being that "[d]eliberative groups thus need to engage in a dynamic process of updating in which facilitators probe for possible conflicts *as well* as possible form of cooperation and participants feel comfortable in exploring conflicts as well as in building bonds of solidarity, creating shared

⁸ Landmore & Page (2015) argue that the status Habermas intended for consensus in deliberative politics was simply a (possible) outcome, a hoped-for by-product, and not a goal of deliberation. I have tried to show the opening potentials in Habermas's texts, but there is no disputing the fact that consensus has a special place in his communicative action, and by extension, in deliberation. Writing about it as a telos positions it closer to a goal than to a by-product.

value, and finding unexpected points of congruence” (Karpowitz & Mansbridge, 2005, p. 348, emphasis added). When we deprive consensus of its privileged status as the goal of deliberation and design practices of deliberation accordingly, i.e., give equal weight to Yes-saying and No-saying, we are better equipped for promoting genuine talk-based participatory politics.

As hinted above, already in Habermas’s version of deliberation, No-saying was recognized as an important element. Leaning on the stronger interpretation of it, i.e., No-saying being just as important as Yes-saying, deliberation would no longer be understood as enhancing consensus and agreement but also as a procedure which highlights differences, and helps bring them to the fore. Georgia Warnke’s (2013) parallel between the interpretive practice and the practice of communication is instructive in this context. Following the way differences are valued and seen as resources in reading, we could view democratic communication as a source of knowledge and insight conditioned upon the multiplicity of perspectives involved in it. The differences that emerge in deliberation would not by default be sought in conciliation; they would rather be something we can learn from; “[T]he fruitfulness of our discussions [would be] less dependent on the force of the better argument than on the insights into meaning we gain from one another” (Warnke, 2013, p. 256). Consequently, instead of a monologic consensus (the assent of all for the same reasons) that Habermas proposes, I would argue for *polyphonic understanding* as the goal of deliberation. We speak with the hope to be understood by others, but not necessarily with the hope that they agree with us. The strong consensus aim—not only agreement but agreement for the same reasons—is neither feasible nor desirable as a telos of deliberation.

Here, I take inspiration from Maeve Cooke (1994) and Patchen Markell (1997) who have drawn attention to the confusion (and misunderstandings) that can be blamed on English translations of Habermas’s texts, where both *Einverständnis* and *Verständigung* tend to be translated as “consensus,” and the latter also at times as “understanding.” In order to solve this problem, Cooke (1994) proposes to reserve the notion of consensus as an end-state to *Einverständnis*, and the process of reaching consensus to *Verständigung*. While it is indeed a useful distinction, it further highlights that for Habermas consensus is inscribed as an aim of understanding. For him, “*Verständigung* and *Einverständnis* are intimately connected” (Cooke, 1994, p. 111)—understanding and consensus (captured by the original word *Verständigung*) are inextricably bound together in Habermas’s theory. “‘Consensus’ as a mechanism of social coordination is connected with the idea of *Verständigung*. A notoriously difficult word to translate, *Verständigung* refers both to linguistic understanding and to the process of reaching agreement, thus extending across a spectrum of meanings ranging from comprehension to consensus” (Cooke, 1994, p. 9, also pp. 97, 107). What I propose is to break that connection, to sever understanding from the presupposition and the (ideal) goal of consensus. This, I believe, will bring

us closer to what Markell (1997) calls “orientation towards argumentation,” i.e., public justification and listening to the others. In the following, I conceptualize this orientation as an *ethos of questioning*. By this move we not only stress the processual aspect of reaching understanding (both a noun and a verb) but also shift the relation between consensus and deliberation in a significant way. Again, we can enter into deliberation with others with the aim to make our own reasons clear to ourselves and others, and to understand others’ reasons, not necessarily with an aim to reach an agreement or consensus.

In such a formulation, deliberation would still be the source of legitimization in democratic politics, and a means of public will and opinion formation. Here the basic principle of self-determination is crucial: decisions are democratic (or valid) only insofar as those affected had a chance to make their voices heard in the process of constituting them. In contrast to Habermas’s principle of democracy, I do not think that we need to add unanimity, or the consent of all affected, as a requirement for legitimacy. Recall that Habermas’s principle of democracy derives legitimacy from “the assent of all citizens in a discursive process of legislation” (Habermas, 2001a, p. 110), that is, from both the inclusiveness of the deliberative procedure *and* from consensus. It cannot be denied that decisions backed by consensus (the Habermasian solution) guarantee a very strong legitimacy. The solution I propose here provides weaker output legitimacy, because it denies the goal of consensus, but compensates with a stronger procedural legitimacy, as the inclusiveness of deliberation is enhanced.

Removing consensus as the inherent part of deliberation calls for an alternative decision-making procedure in contexts that require basis for future political action. Following a few others, I suggest replacing consensus as the decision-making procedure by voting. When consensus simply becomes one possible outcome, and deliberations could just as well end in disagreement, then in policy-making forums, *voting after deliberation* would be preferable.⁹ Compared to voting (usually favored by aggregative models of democracy), consensus certainly provides stronger support for decisions. Seen on a scale from very strong to weak democratic legitimacy, the Habermasian solution of consensus after deliberation would be the stronger and voting would be the weaker option. However, if our concern is decision-making, then we could consider yet another value in such circumstances, namely time-efficiency. Time-efficiency would occupy the adverse placement on the same scale—consensus after deliberation showing low and voting showing high time-

⁹ The possibility of combining voting with deliberation has been discussed by Bohman (1994), through his idea of “deliberative majority” and Gaus (1997), who argues for “adjudicative democracy” with an umpiring mechanism in the form of voting. While Gaus argues that deliberation will more probably produce disagreements, I believe we can stay agnostic in this regard, treating consensus and dissensus on a par, i.e., seeing both agreement and disagreement as theoretically equally possible outcomes of deliberation.

efficiency. The proposition put forth in this article is a combination of deliberation and voting (in settings where decisions are required). Both with regard to legitimacy and time-efficiency this proposition occupies a middle position on the scale. Thus, even though when legitimacy and time-efficiency are taken separately, voting after deliberation would be the sub-optimal choice, when legitimacy and time-efficiency are taken together, and when both are considered of approximately equal importance, voting after deliberation provides the optimal choice. Once again, the legitimacy of decisions (democracy principle) would here be derived from the inclusiveness of the deliberative procedure, allowing all affected to have a voice, and time-efficiency would be lent from voting as the decision-making procedure. In situations when decision-making is not required, deliberation without voting is preferred. An example could be a local community meeting with asylum seekers, where mutual understanding is the goal, not any specific decision. In other cases, when time pressure for making a political decision is high, there might not be time for extended deliberations, and voting is a better option. However, to mediate between the demands for legitimacy and time-efficiency, voting after deliberation is preferred as an institutional design.

Once consensus is severed from deliberation as an inherent telos inscribed in it, and gets the status of one possible empirical outcome, consensus loses its grip on deliberation unnecessarily circumventing it. What consequences does such a move have for the concept of deliberation? The critique of a narrow notion of deliberation referred to above should be taken seriously. Without the aim of consensus, the requirement of universalizability becomes redundant. Hence deliberation now easily accommodates bodily, passionate and other particularistic forms. A broad admission of utterances, also those springing from local, even individual experiences, as well as those emotionally tainted, can only contribute to fostering a democratic ethos—a true commitment to democratic values, which is not exclusively formed by rational discourse, but is rather an effect of emotional and habitual bonding. How much can we loosen the criteria for what kind of political talk still counts as deliberation? Principally, there are no limits to what kind of talk can be included, so long as they are informed by the *ethos of questioning* (Jeziarska, 2011).¹⁰ This basically means that three conditions need to be met for communication to count as deliberation: 1) willingness to publicly justify your position; 2) readiness to listen to the other(s); and 3) openness to change your own position under the influence of the encounter. Deliberation would thus stand for continuous renegotiation of meaning, positions and identities. Just as Owen & Smith (2015) argue, and in this regard remaining faithful to Habermas's original claim, I believe that deliberation cannot be restricted to formal and/or decision-making settings. Deliberation should be linked to a broad notion of politics, which spans a

¹⁰ There are some similarities between this idea and what Owen & Smith (2015) call a “deliberative stance.”

continuum from parliamentary politics to everyday encounters in the public sphere. In this sense, the decision-making procedure argued for above (voting) is not necessary in all deliberations. While deliberation serves the aim of broadened understanding, voting lends a suitable solution when there are demands for decision-making.

Consensus then is reduced to being one possible outcome of deliberation, on a par with disagreement, and none of these is given priority in such a vision. This enables more open-ended empirical tests regarding deliberative qualities of both the process and the outcome of deliberation. Was the process designed in a way that enabled an ethos of questioning, i.e., did it allow for and encourage the participants to justify their positions? Did it allow for and encourage them to listen to the others? Did it allow for and encourage the participants to change their positions through an engagement with others? Such an understanding of deliberative democracy is even more process-oriented and puts emphasis on subject formation, i.e., the formation of political preferences and identities through deliberation. As noted above, instead of consensus, understanding gains the status of the telos of deliberation.

The process and outcomes of such talk-based democracy, or deliberation, could thus be assessed on a scale, spanning from 0 to 1. On one end, “0” would stand for minimal deliberation, i.e., processes which only allow for public expression of one’s position, accompanied by a realization and acknowledgement of the existence of other positions on a given issue. On the other end, “1” would stand for full deliberation, i.e., a process allowing for public expression of one’s position, listening to others’ positions, as well as understanding (reasons, beliefs and interests behind) one’s own and others’ positions. Importantly, understanding regards the reasons, beliefs and interests behind the other’s position, which is not the same as understanding the other. Full understanding of the reasons, beliefs and interests that our co-deliberators put forth is rather improbable, given the different lifeworlds we are immersed in, but it is not impossible. Thus, only few deliberative instances will score “1” on the proposed scale, but since this is a regulative ideal, the deliberative ethos entails acting *as if* understanding (not agreement) were possible.

The proposed conception, a first step in designing a strategy to reconstruct deliberation, clearly departs from Habermas’s notion of consensus in several respects. For Habermas, understanding and consensus are bound together. I argue we can unbind them, keeping understanding as an action coordinator. We act as if understanding (of the other’s position) was possible, without any specific outcome of that process in sight. Agreement or (deliberative) disagreement are only more or less desirable given concrete empirical contexts. Understanding another’s justifications for her position and acceptance of that position as our own is one possible outcome of deliberation, but does not necessarily follow. If it happens, it reduces the polyphony of voices/positions

and would be a move toward a monologic consensus á la Habermas. However, we can think of other, less demanding forms of consensus, e.g., accepting another's position as a better option for different reasons than the ones proposed by the other.¹¹ Second, outcomes other than consensus, i.e., dissensus, might follow deliberation and might at times be more desirable.¹² Importantly, even if dissensus would be an outcome of deliberation it should now be a *deliberative disagreement*,¹³ in which participants acknowledge existence of, and at least partially understand the justifications behind, the disparate positions.

Conclusions

As I have tried to show, Habermas's theory exhibits an inbuilt incongruence that emerges from the competing concepts of deliberation and consensus, a bifurcation allowing different interpretive paths.¹⁴ I argue that one inspiration from Habermas's theory of democracy, namely his focus on communication and argumentation as a central political practice in democracy and a basic legitimating procedure, is a powerful image that can, and I believe should, be defended even if we are opposed to consensus as an ideal. Here I think with Habermas against Habermas, as there are major changes that need to be made both with respect to Habermas's conceptions of deliberation and consensus if we pursue this path. Hence, mine is not a project of salvaging Habermas, of resolving a paradox found in his writing, but rather seeking inspiration in his theory and taking a different trajectory. While I interpret deliberation as an essentially contingent and open-ended practice, I read rational consensus predominantly as closure. In Habermas's theory, deliberation is supposed to lead to consensus, but consensus would be an end to deliberation. Even if Habermas sees it as yet another idealization, and even if his theory does not promote a consensus machine, deliberation will end once consensus is reached. A rational consensus will not be in need of any betterment—it will be *the best* argument, where no perfectibility (further deliberation) is needed.

¹¹ Mansbridge (2002) shows that consensus does not need to stand for identity (unity) of interests, and that it can also be used in situations of total conflict of interest, where unanimity is demanded to protect one's self interest (e.g. in the United Nations Security Council).

¹² See Beatty & Moore (2010) on unity among experts, or Landemore & Page (2015) on the deliberative task of prediction, where convergence of positions is not necessarily a desired outcome.

¹³ Landemore & Page (2015) introduce the notion of "positive" and "negative dissensus" to distinguish disagreements resulting from deliberation, based on "epistemically improved reasons."

¹⁴ Compare Thomassen's (2013) argument that it would be wrong to state that there are two Habermases—"a Habermas of the consensus machine and a Habermas of no-saying" (p. 484). Thomassen argues convincingly that instead of reconciling the constitutive negativity present in the notion of no-saying with the aim of consensus we should acknowledge the heterogeneity (what I call bifurcation) of Habermas's texts, which allow for different interpretations.

Because Habermas inscribes consensus as the telos of deliberation, the concept of deliberation also comprises a split. Alongside the elements warranting the “openness” interpretation (No-saying, “better” argument), there are requirements for deliberation that circumvent it, mainly identified with the demand of universalizability of the arguments used. Universalizability works as a mechanism reducing plurality and facilitating consensus. When deliberation is considered on its own, without the aim of consensus, universalizability can be removed from the picture. This clearly leads to a broadening of the different forms of utterances allowed for in deliberation. Both passionate and particularistic claims could in principle be included. This, however, does not mean that anything goes in deliberation—the polyphonic deliberation proposed here would still need a shared commitment to understanding (not agreement but understanding is seen as the action coordinator). It is recognized that an orientation to understanding requires an ethos of questioning. Defined as 1) willingness to publicly justify one’s position; 2) readiness to listen to the other(s); and 3) openness to change one’s own position under the influence of the encounter, the ethos works as a yardstick for assessing deliberative practices. Depending on how well a procedure approaches these criteria, it can be judged on a scale from minimal deliberation (deliberation grade 0) to full deliberation (deliberation grade 1).

With respect to previous criticisms of Habermas’s deliberative democracy, this article goes further in exploring the consequences of broadening the notion of deliberation. Taking the lead from others who have argued for making deliberation more inclusive, I focused on the necessary changes such a move would entail for the concepts of consensus and deliberation, including the principle of democracy and grounds for legitimacy. Through a close reading of Habermas, with an intention to find openings and closings in his theory, I developed a position going beyond Habermas’s idea of deliberative politics. In this sense, the position outlined here provides a more comprehensive critique and a solid starting point for thinking both theoretically and practically about deliberation without consensus. I argued that in settings that require decision-making, voting after deliberation is the preferred institutional design, mediating between the demands for legitimacy and time-efficiency of political decisions.

The version of deliberative democracy presented here should not be misread as a dream of full openness and naïve inclusiveness. Openness will always be paired with (some) closure (see Thomassen, 2005) and the dynamics between inclusion and exclusion is central to any political project (e.g., by the necessary decision about designing its demos). Nevertheless, the strong version of consensus (for the same reasons) and also its inscription as an aim of deliberation gives the deliberation *à la Habermas* a teleological orientation from plurality and openness to unity and closure. Such an orientation is neither universally desirable, nor practically attainable.

The argument in this article can be summarized as follows: Consensus must be preceded by deliberation, whereas deliberation does not necessarily need to be oriented to consensus. This is not to say that we can get rid of consensus altogether in discussing deliberative politics—what I leave behind is its inscription as a *telos* of communication. Some consensus at the outset of communication, or deliberation, is needed, for example regarding the basic meaning of *some* words and rules (whereas others will be the very subject of deliberation), or the identification of a controversy as controversy. Also, in some cases, consensus could emerge as an outcome of deliberation. Nevertheless, we should be able to keep the focus on deliberation as a legitimating procedure and a fundamental tool in democratic politics *without* taking on Habermas's *telos* of consensus.

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