

REPUBLICANISM, DELIBERATIVE DEMOCRACY, AND EQUALITY OF ACCESS AND DELIBERATION

The article elaborates an original intertwined reading of republican theory, deliberative democracy and political equality. It argues that republicans, deliberative democrats and egalitarian scholars have not paid sufficient attention to a number of features present in these bodies of scholarships that relate them in mutually beneficial ways. It shows that republicanism and deliberative democracy are related in mutually beneficial ways, it makes those relations explicit, and deals with potential objections against them. Additionally, it elaborates an egalitarian principle underpinning the resulting model that I label Equality of Access and Deliberation. The upshot of these considerations is a novel and mutually reinforcing interrelated three-tiered theoretical and institutional proposal.

Keywords: Republicanism, Domination, Civic Virtue, Deliberative Democracy, Deliberation, Political Equality.

Introduction

This article argues that republican theory, deliberative democracy, and political equality are related in ways that have not been expounded by scholars in the past. In making those connections, the paper reviews and advances the literature on these bodies of scholarship and shows different ways in which authors would benefit from paying attention to the connections expounded. In a nutshell, it argues two things. First, it shows that republicanism and deliberative democracy are instrumentally linked in mutually beneficial ways, makes those relations explicit, and deals with potential objections against them. Second, it elaborates an egalitarian principle underpinning republican and deliberative democratic theory that is capable of dealing with criticisms wielded against other egalitarian distribuands; I call this principle *Equality of Access and Deliberation*.

The article runs as follows. Section I links republicanism and deliberative democracy by reflecting on the concepts of liberty and civic virtue. Both notions, I argue, are compatible with principles championed by deliberative democrats, in particular, autonomy, inclusion and political participation. I thus argue that a republican deliberative democracy secures liberty by including every potentially affected person, allowing the access to the fora where collective decisions are adopted in considered, autonomous, and non-elitist fashions.

In a subsection, I tackle a potential objection against my account derived from its commitment to political participation. To do so, I reject Pettit's reasons for separating his republican theory from deliberative democracy, as they are based on a narrow understanding of deliberative democratic theory.

Section II develops a principle of *Equality of Access and Deliberation* that is consistent with my deliberative republican account, and which comprises two sub-principles. First, *equality of access* means that all potentially affected by collective decisions must have the equal opportunity of entering the fora where those decisions are adopted. Second, *equality in deliberation* requires decision-making processes to be sensitive enough as to be able to capture, make visible, and consider the claims of all the participants in the debate in non-dominating manners. In this section, I also deal with some criticisms directed against other egalitarian standards and show why *Equality of Access and Deliberation* does not fall prey to those objections.

Section III offers concluding remarks by taking stock of the main arguments here advanced, namely that republicans and deliberative democrats would strengthen the language they use to address their own theoretical concerns and see their theories improved by the conceptual apparatus of republican and deliberative democratic theory.

This intertwined reading of the different bodies of literature involved represents a novel contribution to political theory.

I. Republicanism and deliberative democracy

This section argues for an instrumental linkage between republican theory and deliberative democracy. Present-day republican theory can benefit from deliberative democracy, and deliberative democracy can profit from republican theory for its own justification.

I understand republicanism as a theory constituted by two principles, namely, liberty as non-domination and civic virtue. Other principles may be part of the republican ideal, but I assume these two are at the core of any republican account.

The most characteristic feature of republicanism is its conception of freedom as non-domination or as a structural independence upon the will of another.¹ In a republican framework, freedom “is restricted not merely by actual interferences or the threat of, but also by our awareness of the mere fact that we are living in dependence on the good goodwill of others” (Skinner 2002, p. 247). Thus conceived, freedom is a status in virtue of which an agent is not subjected to the domination of an individual or a group. In turn, individuals have dominating power over others to the extent that they have a capacity to potentially interfere with the dominated agent, that this interference is brought about on an arbitrary basis, and that it is made regarding certain choices that the dominated agent would otherwise be in a position to make (Pettit 1997, 52).

Republican liberty has been defined in contrast to a conception of liberty according to which an individual is free insofar as she does not face unwanted

¹ Sydney (1698, p. 17), Pettit (1997, pp. 51-79; 2002, pp. 339-342; 2012, pp. 7-8, 26-74), Skinner (1998, p. 70; 2002, p. 247; 2008, p. x), Larmore (2001, pp. 229-230), McCormick (2011, p. 145); Lovett (2014).

interferences (Skinner 2002, pp. 237-243; Pettit 2012, pp. 8-11).² Republicans, on the other hand, affirm that the mere awareness of living in a state of dependence on the goodwill of another is itself a limitation of individual freedom, even in the absence of actual threats or physical coercion. Moreover, in a republican framework, not all interferences in an individual's course of action constitute limitations of her liberty. Likewise, not every limitation of an individual's liberty is produced by interference (Pettit 1997, p. 41).

The second fundamental principle is civic virtue. In the republican tradition, the interactions between citizens and between citizens and the state are complex in the sense that republican citizenship does not only provide individuals with entitlements, but also presupposes certain duties and commitments that reach beyond the respect for the negative liberties of others.³

Republican laws must then be supported by habits of virtue or good citizenship if the republic has any chance of prospering (Pettit 1997, pp. 245-270). This demand for public commitment appeals, therefore, to the idea that citizens should be concerned not only with their private matters, but with the preferences of other citizens as well (Sunstein 1988, p. 1539).

I submit that these notions of liberty and virtue point at deliberative democracy as the best institutional means to prevent domination. In my view, there are instrumental links between both traditions in need of exploration.

These links are not obvious, however, and reasons must be provided to justify them. As it happens, there is disagreement among contemporary theorists as to whether

² There is disagreement, however, with respect to whether republican freedom encompasses freedom as absence of interference. See, Pettit, 2002..

³ . Cicero (1998, pp. 17, 19), Rousseau (1997, p. 113), Skinner (1981, p. 53; 1984, p. 242), Burt (1990, p. 23), Rawls (1996, pp. 205-206).

republicanism is necessarily or contingently related to democracy more generally.⁴ Some argue that democrats should worry when philosophers begin to speak the language of republicanism (McCormick 2013, p. 89), express concerns about participatory approaches, branding them as romantic and demoralizing (Pettit 2012, pp. 226-227), and affirm that democratic procedures are often conducive to domination (Harel 2014, p. 152). Others, however, argue for a closer relationship between democracy or participation and republicanism.⁵ I support this latter position and, more concretely, I argue that there is a close relationship between deliberative democracy and republicanism.

I understand deliberative democracy as a theory whose core claims are that collective decisions should be adopted via a method of deliberation, with the inclusion of all potentially affected by a given decision.⁶ Accordingly, deliberation functions as a justification as well as a condition for the legitimacy of the decisions adopted,⁷ and it has the nature of a regulative ideal — a horizon decision-making processes should strive to attain.⁸

A survey of the literature shows that deliberativists and republicans employ categories from both bodies of scholarship without explicitly elaborating on their linkages. Consider the following political theorists. When discussing the relationships between capabilities, poverty and democratic deliberation, Bohman claims that ‘[o]ne lesson we can draw may be that citizenship and public life are too minimal in [cases of disease, hunger and early mortality] to ensure effective freedom ... One of the main roles of institutions is to correct for ... shortfalls of social agency and public uptake ... The

⁴ Examples of scholars who have expressed their views on this matter are Bellamy (2008, p. 159), McCormick (2011, p. 16, 298), Balot & Trochimchuk (2012, p. 560), Niederberger & Schink (2013, p. 1).

⁵ See, for example, Geuna 2013, p. 11; Bellamy 2007, pp. 80-83; 2012, p. 3; 2013, pp. 253-275; Benarich Ruffer 2013, p. 233

⁶ Elster 1998, p. 8.

⁷ Manin 1987, p. 359; Gutmann & Thompson 1996, p. 4; Bohman 1996, p. 4; 1998, pp. 401, 402; 2009, p. 28; Cohen 1997, p. 67; Chambers 2003, p. 308; Martí 2006, p. 22.

⁸ Kant 1996: A569-B597; Martí 2006, p. 25; Mansbridge et al. 2010, p. 65.

wider one's agency freedom, the more one may be assured of influence in deliberation' (1997, p. 334). Also, when discussing representation in deliberative systems, he claims that one of its main roles is to 'provide a means by which actors are able to introduce communicative freedom into the deliberative system; as such, it has to also be a location in which issues of political exclusion are thematized and worked out' (2012, p. 76). Furthermore, he claims that '[d]eliberation, representation, and non-domination are key features of democratization' (2012, p. 84).

Yet, Bohman's conception of effective social freedom is not freedom as non-domination in the relevant sense developed by republican scholars. In spite of the relationships he establishes between public life and effective freedom, and freedom and influence in deliberation, he does not make those links explicit even if he refers to that lack of freedom as non-domination. This is not merely a terminological issue, but a conceptual one (Olsthoorn, 2017). Names matter, and naming lack of freedom domination commits Bohman to the premises of the republican theory of freedom. Yet, he nowhere makes that commitment explicit, or elaborates those connections.

Joshua Cohen's account of deliberative democracy combines elements such as the importance of the voting process for judgment formation (1986, p. 34), and the recognition of every person's capacity to discuss and reach reasonable decisions (1997, p. 73). Additionally, he writes about the liberty gained by citizens in an ideal deliberative process (1997, p. 74). However, he does not qualify the sort of freedom he is discussing. As with Bohman, this is not only a problem of labels. Debates on republican's conceptions of liberty are not something new or marginal in political theory and uses of this concept should pay attention to those discussions.

Cristina Lafont argues for a participatory approach in deliberative democracy, briefly relying on Pettit's description of freedom as non-domination as a sample of the

potential achievements of embracing mutual justification as a criterion for democratic legitimacy. I agree with her that there are indeed potential benefits from such endorsement. She does not, however, elaborate this claim any further (2015, pp. 45, 54).

Jane Mansbridge's definition of *the political* relates deliberation and non-domination (1999, p. 214). In her words: 'Large numbers of mutually interacting individual choices, weighed unequally through patterns of domination and subordination, chance, and other justifiable and unjustifiable inequalities, together create a host of collective choices ... To 'politicize' one of these collective choices – to make it 'political' – is to draw the attention of the public, as something the public should discuss as a collectivity with a view to possible change' (1999, pp. 214-215). This has important consequences for Mansbridge's recent work on deliberative systems. Like Bohman, Cohen and Lafont, however, she does not specify the extent to which, if at all, she is relying on a republican conception of liberty.

By contrast, I submit that there are valuable instrumental linkages between republicanism and deliberative democracy. The elements defining deliberative democracy can be reasonably accounted for as expressions in democratic theory of the republican aspiration to prevent domination. In turn, the elements of the definitions of republican freedom I have used above show that the desideratum that individuals should be, to the greatest possible extent, participants in the process by which they give norms to themselves and to each other represents a democratic instantiation of the republican ideal of freedom, for it implies that the preferences manifested in the deliberative decision-making process should be the highest possible expression of autonomous reasoning and not of others' imposed preferences.

These features are advocated by deliberative democrats.⁹ They generally support the participation of all potentially affected by a decision or their representatives, as well as collective decision-making by means of arguments offered by and to participants who are committed to the values of rationality and impartiality.¹⁰ Inclusion decreases the risk of arbitrary imposition of norms insofar as those affected by those norms are able to participate in their production as equals. Of course, more guarantees must be in place other than inclusion if domination is to be avoided during a decision-making process. Yet, it is a necessary condition for freedom to obtain.

Conversely, a process of decision-making that excludes some of those potentially affected by its outcomes, results in the application of norms on people who are mere subjects of decisions adopted by others with whom they may disagree. Moreover, inclusion helps to avoid the danger of domination insofar as it secures equal treatment between individuals before they enter the **deliberative** process. **What exactly counts as a potentially affected is something that must be left open, for the question raises too many considerations to which this paper could not complete justice. It must be noted, nonetheless, that deliberative democrats generally portray the theory as more inclusive than other competing democratic theories.**¹¹

Autonomy in the process of reasoning is also a concern republicans and deliberative democrats share. It implies that the preferences and actions of an agent are determined by herself to the greatest possible extent, and not by her circumstances or by others' imposition (Bohman 1997, p. 326; Christman 2015). This is a fundamental element for republican liberty to obtain, as avoiding being subject to the will of others

⁹ Manin (1987, p. 352), Habermas (1996, p. 107), Bohman (1998, p. 402); Cohen (2009, pp. 247-249).

¹⁰ For example, Elster (1998, p. 8), Bohman (1998, pp. 408-410), Martí (2006, p. 24).

¹¹ Manin 1987, p. 352; Bohman 1998, pp. 400, 408-410; Martí 2006, pp. 92-93; Waldron 1999, pp. 105-106.

presupposes that individuals be as autonomous as possible to determine their own preferences without potential external interference.

The same applies to deliberative democrats. As Joshua Cohen has argued, the ideal deliberative scheme indicates the importance of autonomy in a deliberative democracy. To him, the ideal deliberative procedure should be responsive to the two sorts of threats. In his words, ‘actions fail to be autonomous if the preferences on which an agent acts are, roughly, given by the circumstances, and not determined by the agent’ (1997, p. 77). The first kind correspond to adaptive preferences, i.e., individuals’ adjustments of their aspirations to their circumstances (Elster 1983, p. 109), and the second to accommodationist preferences, that is, ‘psychological adjustments to conditions of subordination in which individuals are not recognized as having the capacity for self-government’ (Cohen J. 2009, p. 78). Deliberative procedures should thus be responsive to the fact that certain groups and individuals manifest acquiescence with situations where they have been excluded, exploited or discriminated, which reflects that their preferences could have been moulded within oppressive and arbitrary contexts. This exhibits the necessity to determine the circumstances in which those contexts exist and correct unjust institutional systems or conditions such as lack of information, illegitimate disenfranchisement or exploitation, which distort the range of an individual’s available choices.¹² The deliberative process is an instrument for controlling the influence of such distorted preferences.

These considerations regarding autonomy can indeed be phrased in the language of republican theory. Adaptive and accommodationist preferences act upon individuals in ways that reduce their capacity to determine their own courses of action, substituting, as

¹² See, for example, Sunstein 1988, p. 1544; Habermas 1994, pp. 110, 117; Cohen J. 1997, p. 78; Elster 1997, p.10; 1998. This is shared also by some moral philosophers, particularly theorists of feminism. See for example, Code 1996, p. 6 and Hutchings 2013, p. 16.

it were, their own will for those of other subjects, or forming their preferences in circumstances that forced them to act and choose between restricted options, thus rendering individuals unfree. Deliberative democracy strives to reduce the extent to which circumstances and individuals may be dominating. As Sunstein has argued regarding the influence of factions and interest groups, ‘factional domination effectively deprives other groups of the opportunity to assert their views. If it were permitted to occur, the political process would be undermined and freedom would be at risk’ (1985, p. 33).

The democratic inference I draw from this is that the recognition of distorted or fully informed preferences ought to be the result of a process undertaken by the affected themselves to the greatest possible extent. This is compatible with measures aiming at developing autonomy by those who, like children, lack the resources to exercise it by themselves. Such measures include, for example, parenting and educational systems. The exact ways, however, by which parenting, schooling, etc., should be exercised in ways that foster the autonomy of children instead of simply replacing their judgements for that of their educators, is something that requires more research and more room than the one this essay can provide. In the absence of conditions for this self-determination to obtain, means should be adopted for those individuals to acquire the resources necessary for the development of their autonomy, so they may be capable of distinguishing fully informed preferences from those resulting from circumstances conducive to domination.

This should not be entrusted to elites. For the same reasons that oppressed individuals are subject to cognitive dissonances and biases, adaptive and accommodationist preferences, individuals who are well-off and part of an elite are likely to ignore the preferences of those to whose reality they have no access. This is a problem that increases more the bigger the gap between the well-off and the worst-off, as individuals adjust their

worldviews and expectations downwardly when in poverty and upwardly when in wealth (Elster 1983, p. 109; 1997, p. 10; Cohen G. 2011c, p. 74).

In conclusion, absence of domination calls for an institutional framework where citizens are able to enter the process by which they give norms to themselves and to each other, and where they are capable of reflection as authors and subjects of those norms. Additionally, freedom is not something achievable by a single individual, for an isolated individual will always be vulnerable to the power of others. It follows that securing freedom requires an institutional setting defined by everyone because it affects everyone. Hence, for republicans, liberty should be linked to the active exercise of citizenship by individuals capable of determining their own rules, enjoying an equal share of power, exercised in an inclusive forum. Such requirements are consistent with the normative tenets of deliberative democracy.

This leads us to republican virtue and its potential connections with deliberative democratic theory. I submit that a republican conception of democracy should encourage inclusive deliberation and participation, not as a matter of prioritising a substantive conception of public over private life, but because one is instrumental to the other. In this respect, republicans can also rely on deliberative democracy.

Deliberative democracy is instrumental for virtuous republican citizenship. This given the centrality deliberative democrats give to two aspects of participation that are consistent with republican virtue and with avoidance of domination: the inclusion of all potentially affected by decisions on the one hand, and the demand for a intersubjective justification of those decisions, on the other. Making this connection allows us to adjust the requirements of virtue in its classical sense to present-day politics, which can no longer demand the kind of sacrifice classical republicanism demanded from their citizens, at least not with the same degree of legitimacy.

Both elements can be linked to republican virtue. The risk of domination is reduced insofar as citizens are provided with the tools for accessing the fora where collective decisions are adopted, and to the extent those decisions take their viewpoints and preferences into account through the justifications of the decisions adopted. But this requires that individuals have the actual possibility of accessing those fora and engaging in the creation of those norms, so that institutions are receptive to their preferences.

This calls for the formal and material possibility of ‘being present’ and having a voice, but also entails that preferences be formed and be, to the greatest possible extent, the result of the individuals’ own wills and not of the constraints imposed by their circumstances and/or by other individuals. Hence, individuals need autonomy and access to an inclusive hearing where those preferences and arguments can be aired, listened and considered. How to ensure presence may admit different institutional mechanisms, but it surely excludes a priori justifications for trustee models of representation, and it is compatible with policies such as compulsory voting and, for example, compulsory participation in deliberative processes leading to collective decisions. This is not to say that direct democracy exercised by ordinary citizens themselves is the only desirable institutional model for the fulfilment of deliberative ideals. There is a tension between participation and deliberation that is well acknowledged in the literature. The relations between the micro level, embodied by the radical notion of ordinary citizens deliberating and deciding by themselves, and the amount of participation demanded by macro accounts are not easy to accommodate, for “social complexity and scale limit the extent to which modern polities can be both deliberative and participatory” (Cohen J. 2009, p. 191).

Deliberative democrats are indeed somehow forced to choose between two essential criteria, namely, the inclusion of those potentially affected by the decisions

adopted, and the reason-giving nature of the deliberative process, whose success ought to be measured by the rationality of the arguments wielded (Habermas 1996, p. 107; Bohman 1998, p. 400). Favouring the former view, Young (1999) and Lafont (2015, p. 15) argue for more inclusion and improved mass deliberation. As a sample of the latter, Fishkin defines deliberative democracy “as explicitly affirming political equality and deliberation but agnostic about participation” (2009, 191).

Moreover, some have argued that there cannot be deliberation in the political realm without representation. Practical constraints limit the possibility for deliberative encounters to be meaningfully interactive, which would make deliberation “inherently representative” (Bohman 2012, 76). On the other side of the tension, we bump into the “scale problem” of deliberative democracy (Parkinson 2006, 5), that is, that “if deliberation changes minds and positions as deliberative democrats expect ... people who did not directly participate in the process do not have reasons stemming from deliberation itself to accept the outcome” (Schäfer 2017, 1).

In my view, this is a false dilemma, whose resolution hinges on conceiving representation as something more than just a solution for a practicality. Contemporary democratic theory encourages a revision of the idea of representation that would allow us to understand that it is not only a necessary evil but, to say it in Young’s words, something “both necessary and desirable” (1997, 352).

In this context, I find Urbinati’s account of representation as advocacy particularly illuminating. She offers an explanation and a justification for the compatibility between representation and deliberative public speech. In her words, speech is “a means of mediation that belongs to all citizens, linking them and separating them at the same time ... It gives meaning to voting, which presumes evaluation and discrimination among articulated opinions... Thus, it is not indirectness per se that

distinguishes representative democracy from direct democracy” (2000, 765). Rather, it is their lack of simultaneity. Judgement and resolution in modern democracies take place at separate times, but not in disconnection to each other. The nature of that linkage is not personal, but discursive.

Finally, a deliberative process capable of including all the potentially affected while being sensitive to everyone’s preferences, not only enhances the chances of being heard and considered. It reduces the possibilities of domination by imposing restrictions on speakers who wish to pursue their own interests without consideration for others (Elster 1998, p. 104).

These restrictions are, however, not enough if the recipients of those self-interested discourses lack the intellectual and material resources necessary for evaluating their content, engaging in discussion, and offering their own alternatives. In the absence of those egalitarian conditions, hypocritical discourses may actually produce ideological domination or deliberative pathologies that would likely reproduce power differences and engender inequality (Przeworski 1998, pp. 145-146; Stokes 1998, p. 124). I will come back on these issues in section II.

An Objection

My emphasis on participation raises the objection that it seems naïve and/or inefficient to design political institutions under the assumption that citizens will be willing to engage in politics. Individuals face trade-offs between the amount of time they are willing to spend in public affairs and their private matters,¹³ and they will most likely choose the latter over the former. It seems more reasonable to design political institutions

¹³ Examples of scholars making this point are, Christiano (1996, p. 40), Larmore (2001, p. 233) and Pettit (2012, pp. 226-227)

under the assumption that self-interested rather than altruistic and participatory behaviours are the general rule.¹⁴

This **objection** is exemplified by Philip Pettit's rejection of deliberative democracy. In *On the People's Terms* he explores the possible relations between republican theory, deliberation and participation, and elaborates a democratic theory that expresses the republican ideals of liberty as non-domination and civic virtue. He identifies the latter with what the term *contestatory citizenry*, i.e, citizens' disposition to contest public policies in order to prevent domination both in its private and public sphere. This model gives citizens influence over the decision-making process, and requires the use of such influence to impose a direction on government (2012, p. 153). That influence has to be individualised, unconditioned, and efficacious (2012, p. 153, 167-179), and this in turn requires equality and equal respect in public public contestation and debate.

This looks a lot like deliberative democracy, as Pettit acknowledges (2012, pp. 253-255, 267). He claims, however, that there are important differences at the foundational and operational level of both theories.

At the foundational level, his approach is inspired by the republican insight that 'people must share equally in their control of government if they are to avoid domination, and not by a foundational commitment to the value of deliberation as such' (Pettit 2012, p. 267). At the operational level, he claims his account is 'organized around the idea that it is the deliberative regulation of public businesses – that is, regulation by deliberatively tested norms – that is essential, not the deliberative conduct of decision-making at every site and on every occasion' (2012, p. 268). These differences warrant attention, as a close inspection shows that Pettit does not properly justify his departure from deliberative democracy.

¹⁴ Machavelli 2003, pp. 45, 84; Skinner 1981, p. 57; Buchanan & Tullock 2004 p. 26.

First, at the foundational level, Pettit depicts deliberative democracy too narrowly. He discusses Cohen, Elster and Habermas' accounts, but he sidesteps other scholars and approaches to deliberative democracy. In particular, he takes consensus-oriented approaches as common to all deliberative democrats: 'the difference of perspective and practice between the two approaches shows up in the fact that whereas *dissensus always represents a second-best* for deliberative democrats, it is entirely acceptable, even desirable, within the present approach' (2012, p. 268).¹⁵

This is an overstatement, as deliberative democracy does not require consensus (Karpowitz & Mansbridge 2005, p. 348; Dryzek, 2010, p. 15). More significantly, deliberativists need not value dissensus as a second-best, but as an actual condition for deliberation. Dissensus is a fundamental and desirable part of any deliberative process, and discussion is essential even when agreements are unlikely to be achieved (George 1999, p. 188), something which unfortunately for Pettit's anti-Rousseauian guiding principles, was in fact promoted by Rousseau himself (Rousseau 1997, p. 60). Consider, for example, Mansbridge's critique of Cohen's consensus-based approach: '[Consensus] is not ... an appropriate criterion for legitimate deliberation. Even at the formal assembly level, normatively legitimate deliberation should aim not only at consensus but also at clarifying conflict, sharpening that conflict if necessary' (1999, p. 226). Hence, at this foundational level, there are good reasons to question Pettit's departure from deliberative democracy.

Pettit's departure at the operational level is also questionable. This is because he is wary of relying too strongly on the value of participation. He showed this reluctance when he claimed that the republican tradition 'points us towards the ideal of a democracy based, not on the alleged consent of the people, but rather on the contestability by the

¹⁵ My emphasis. Likewise, Waldron 1999, pp. 91-92. Notwithstanding, see Waldron 1999, p. 93.

people of everything that government does: the important thing to ensure is that governmental doings are fit to survive popular contestation, not that they are the products of popular will' (1997, p. 277). Elsewhere, he decided not to follow the Rousseauian republican tradition because of its implications with a 'rather romantic picture of the tirelessly engaged public figure' (2012, p. 18). He claimed that the kind of political activism his theory envisages 'reject[s] the romantic idea of each citizen's exercising a panoramic, altruistic form of oversight ... [as well as] the equally romantic idea of participatory, Rousseauian engagement [because it is] so other-worldly that it is likely to demoralize activists, not inspire them' (2012, p. 227). These concerns with feasibility are to him 'good reasons to economize on virtue' (2012, p. 248). Regarding deliberative democracy, Pettit affirms that ideal members of a group of deliberative democrats conduct all their business in explicit exercises of deliberation, and must be aware of the deliberative regulation under which they operate at every moment of the deliberative process (2012, p. 268). In his view, such commitment is unfeasible.

Again, his understanding of deliberative democracy is too narrow. A number of empirical studies on deliberative democracy and actual deliberative processes successfully undertaken around the world, suggest that those concerns with feasibility are overstated, both at the micro and macro level. At the micro level, evidence shows that individuals are willing and capable of deliberating to the extent that apt institutional conditions are put into place.¹⁶ Moreover, these concerns with feasibility have also been addressed in different ways at a large-societal scale. Although there is disagreement as to the desirability of scaling-up the conditions under which mini-publics operate or the results they produce,¹⁷ empirical and institutional literature show that the use of mini-

¹⁶ See Fishkin (1997), Fung (2003), Goodin & Dryzek (2006), the works included in Gastil & Levine (2005) and Grönlund, Bächtiger, & Setälä (2014), and the many case-studies available in participedia.net (Fung & Warren 2011)

¹⁷ Lafont 2015, p. 41.

publics may indeed prove useful for dealing with problems at a societal scale. In particular, current approaches in deliberative democracy explore the idea of deliberative systems. Simply put a deliberative system is one where different qualities or features of deliberation are found or take place across a range of differentiated and interconnected venues. The focus of a systemic approach is not on a particular institution, process or agent, but on their connectedness and interactions. It thus consists of an interrelated set of individuals, civil associations and formal political institutions gathered in a political unit, linked in such a way as to form a complex whole, and engaged in the production, transformation and expression of considered political emotions, preferences, discourses and arguments, in the context of solving conflicts and adopting legitimate respectful, inclusive and egalitarian collective decisions in an ongoing fashion.¹⁸ Conceiving deliberative democracy in this way, “with many different elements, levels, and sites may offer a feasible way to integrate different approaches without having to choose among them” (Lafont, 2015, p. 41).¹⁹

Moreover, no deliberative democrat calls for a system where individuals engage in deliberation, are political activists and vote every day and every week on a regular basis. Consider, for example the commitment expected from participants in deliberative experiments at the empirical level. Some experiments include economic incentives for participants (Ackerman & Fishkin 2004, p. 3; Fishkin & Farrar 2005, p. 74). In others, self-selection is rejected because it may raise problems of partisanship and representation (Ryan & Smith 2014, pp. 16-19). Some provide individuals with information on the subject matter so they are not initially required to have extensive knowledge (Ackerman & Fishkin 2004, p. 4). They often have access to experts (Ackerman & Fishkin 2004, p. 4), and the time required to participate has nothing to do with the image of a political

¹⁸ Chambers 2013, pp. 201-202; Lafont 2015, p. 41; Kuyper 2015, p. 51; Owen & Smith 2015, p. 215.

¹⁹ Mansbridge 1999; Mansbridge, et al. 2012.

addict (Ackerman & Fishkin 2004, p. 17; Ryan & Smith 2014, p. 12). The experiments take into account that individuals face trade-offs between their private and public affairs (Christiano 1996, p. 40; Larmore, 2001, p. 233), that they may be rationally ignorant (Ackerman & Fishkin 2004, p. 8), and that they may need help to understand the issues presented to them (Landwehr 2014). This is incompatible with any image of a tirelessly engaged public figure, and suggest that had Pettit depicted deliberative democracy in a less narrow manner, he would have been more sympathetic to it.

These responses argue against Pettit's reasons for dismissing deliberative democracy as an attractive theoretical and practical instrument for the republican cause. In reality, his account is not incompatible with deliberative democracy.

There is an additional consequence following from my responses: unlike Pettit does,²⁰ it is not necessary to limit virtue in a republican democracy to contestation. Present-day societies generally provide their citizens with means of contestation like judicial and administrative procedures, falling short, however, of means where individuals can participate and program political power by themselves. It is true that Pettit would like to see more effective means than the ones people currently have access to (2012, p. 239), but we need to ask why limiting those means to contestatory ones. I thus do not agree with him that theories encouraging direct participation are romantic and demoralising.

II. Republican Democracy and Equality of Access and Deliberation

In the introduction to his *The Rule of the Many*, Christiano argues that liberty-based arguments for democracy – of which the arguments advanced in the preceding sections are a kind – “require a principle of equality in order to ensure that each person has an equal right to participate. They are incomplete without a principle of equality”

²⁰ 1997, pp. ix, 12, 62, 63, 172, 176, 183-200, 277-280; 2012, p. 293; 2013; Larmore 2001, p. 233.

(1996, p. 18). I agree. Freedom in a participatory and deliberative democracy must be distributed to all the potentially affected by the decisions adopted. Hence, in my account democracy is about freedom and popular participation, but also about political equality. Consequently, the account I have elaborated in the preceding section must include an egalitarian principle. The question to be answered, then, is what sort of egalitarian principle would underpin a republican deliberative democracy of the sort I here defend. In what follows I elaborate such principle, which I call Equality of Access and Deliberation (EAD).

The elaboration of EAD is necessary for an additional reason: that the political theorists working on the different bodies of literature involved in these reflections have also failed or neglected to link an egalitarian principle to either freedom as non-domination, deliberative democracy or to both in a satisfactory way. In that vein, this section also represents an original contribution to the literature. Consider the following authors.

Thomas Christiano combines his principle of equality of resources with equal consideration of interests and deliberation. Nonetheless, he rejects freedom-based arguments as foundations for democracy. According to him, liberty-based arguments ‘fail to explain why democratic participation is necessary to freedom since it is clear that one can be free in many ways, including just minding one’s own business [and because] they fail to show how democracy is simply incompatible with self-government’ (1996, p. 43). He also affirms that equality of participation in public deliberation is one of the main conditions for making decisions in deliberative settings (1997, p. 253). But again, liberty is not part of his justification for democracy.

Christiano would profit, however from adopting a republican, liberty-based perspective. Since his rejection of freedom-based foundations for democracy hinges upon

an understanding of liberty as self-government, the problems arising from that conception would diminish if freedom was understood as non-domination. As I have argued, being free in a republican sense involves considering other's interests and not just 'their own will as a rule' (1996, p. 21). Unlike Christiano's depiction of self-government, republican freedom can justify democratic rule.

Harry Brighouse's principle of equal availability of political influence is framed strictly in terms of the relationship between equality and the distribution of the resources necessary for accomplishing that ideal (1996). The principle is achieved when the means necessary to affect the collective conditions of the shared life of individuals are equally available to each citizen. Freedom, however, does not play an explicit role in this account. Elsewhere (2008, p. 6), Brighouse & Fleurbaey proposed replacing the traditional democratic egalitarian concern with a principle of proportionality according to which power must be distributed in proportion to people's stakes in the decisions. Nevertheless, the foundations for this principle – equal respect, autonomy and outcomes – include neither non-domination or freedom more generally, nor deliberation. Reflecting on republican terms may strengthen the proportionality principle, as it could be framed in terms of the lack of liberty a person suffers when power is not given according to her stakes in the matter.

José Martí, Félix Ovejero and Roberto Gargarella relate republican liberty and deliberation more explicitly, as part of a critique of liberalism (Ovejero 2002; 2008), and in the context of reflecting on current tendencies in current republican theory (Ovejero, Martí & Gargarella 2004). However, they do not specify the kind of equality those approaches require. Elsewhere, Martí describes how deliberative democrats have depicted equality, but this overview is limited to a general description of the principle as a structural element of the deliberative process (2006, p. 94-95). As argued before, liberty-

based arguments for democracy entail egalitarian principles, and these authors fail to provide a full-fledged account of the kind of equality their theories need.

Elizabeth Anderson understands her principle of ‘democratic equality’ as ‘collective self-determination by means of open discussion among equals, in accordance with rules acceptable to all’. In her view, ‘[t]o stand up as an equal before others in discussion means that one is entitled to participate, that others recognize an obligation to listen respectfully and respond to one’s arguments, that no one need bow and scrape before others or represent themselves as inferior to others as a condition of having their claim heard’ (1999, p. 313).¹ The links here between equality and deliberation are explicit. The passage also identifies equality with something akin to republican freedom: being equal entails eliminating the need of bowing and scraping before others. This is compatible with Pettit’s ‘eyeball test’, which implies that individuals ‘can look others in the eye without reason for the fear or deference that a power of interference might inspire; they can walk tall and assume the public status, objective and subjective, of being equal in regard with the best’ (2012, p. 84).

However, the eyeball test emanates from liberty as non-domination, rather than from an egalitarian perspective. In Pettit’s account, it is a *condition* of equality (2012, p. 87). In this regard, Pettit follows a capability approach, and claims the state should entrench people’s fundamental liberties ‘to the point where each is able to pass the eyeball test in relation to others’ (2012, p. 87). Here the connections are more subtle, but they show that, as a minimum, Anderson’s account of equality has a certain Pettitian republican connotation that could provide a firmer basis for her position.

This survey suggests that there is room for developing the sort of egalitarian principle that would underpin the republican deliberative democracy sketched in the

preceding section. As said in the introduction, the principle I here champion is labeled *Equality of Access and Deliberation (EAD)*.

EAD is a complex principle of political equality that demands the provision for all citizens of equal access to deliberate on the collective norms of their community. It claims that a republican democracy is egalitarian insofar as it does not establish any criterion that could count as decisive for treating some members of a polity as privileged citizens. Instead, it puts a premium on the deliberative nature of a political process where inclusion, justification and reason giving are essential (Bohman 2009, p. 28).

EAD's relation with republicanism and deliberative democracy is intrinsic. That is to say, that eliminating or reducing the domination of some individuals, groups, elites, or institutions over others, is necessarily linked to the guarantee of the equal possibility of having a say, justifying one's preferences and considering those of others.

EAD comprises two sub-principles: equality of access, and equality in deliberation. Equality of access means that all potentially affected by collective decisions must have the equal opportunity of entering the fora where those decisions are adopted. Equality of deliberation requires that decision-making processes be sensitive enough as to be able to capture, make visible, and consider the claims of all the participants in the discussion in non-dominating manners.

Equality of access has a formal and a material dimension. In its formal dimension, it establishes a duty for individuals and for the state to refrain from obstructing others from participating in the political process. The instruments needed to fulfil these duties may vary across different polities but, as a minimum, traditional political constitutional guarantees like freedom of speech, freedom of movement, freedom of association, voting rights, and so on, must be recognised and entrenched. More positively, the principle orients the political process towards inclusion and participation in its constitutional

design, and understands government as a public entity at the service of all citizens of the territory over which it exercises power, and the constitution as more than an instrument conceived to limit democratic government (Elster 1988, pp. 2-4, Nino 1998, p. 3). As an example, consider the sort of duties imposed on the state included in Chapter 3 of Title I of the Spanish constitution, that are conducive to secure adequate living standards and political participation. In particular, but not exclusively, consider sections 40 (redistribution of income and full employment), 41 (maintenance of a public Social Security), 43 (right to health protection), 47 (right to the enjoyment of decent and adequate housing), and 48 (promotion of conditions for free and effective participation of young people in political, social, economic and cultural development) of that section.

Equality of access has also a material dimension. Individuals should enjoy a minimum of living standards and political capacity that guarantee their presence and voice in the decision-making process. This is not a requirement of entrance imposed on individuals, but a duty placed on the state so individuals don't run the risk of being dominated once they enter the deliberative process. It entails equality in the provision of the means, resources and opportunities to make politics a part of one's life. The tradeoffs between public and private life affect only those whose resources and capabilities are below a minimum that would allow them not to take politics as a luxury (Bohman 1997, p. 332). For those with enough monetary, social and cultural capital, politics becomes an attractive avenue in spite of their relative success in the private sphere, because better positions in politics helps them to secure their private positions (McCormick 2011, pp. 12-13). **Concrete measures instantiating these desiderata may vary, but some examples can be provided. For instance, these ideas are compatible with the implementation of policies such as universal basic income (Raventós, 2007, pp. 47-69), with state subsidies for parental leave, tax-paid universal access to education, among others.**

Equality of access thus sets a minimum that allow citizens to make politics and deliberation an option for them. This partly makes it a sufficientarian account. It is, however, ultimately egalitarian, provided that it is meant to facilitate individuals the entrance to the deliberative forum on an equal footing with the rest of their fellow citizens. The benchmark of equality of access is interpersonal — no citizen should have an amount of political resources that would permit her to voice her preferences without concern for the preferences of the rest of individuals. In republican jargon: no citizen should be in a position to dominate others. The threshold is relative to others, and is thus, egalitarian.

A further question at the level of material access is what is it that must be distributed (G. Cohen 2011a, p. 3). The literature on the ‘equality of what’ debate has generated myriad answers such as equality of resources (Dworkin 2000; Christiano 1990, p. 176; 2004, pp. 274-275; 1996, pp. 47-101; 2013, p. 370), primary social goods (Rawls 2005, pp. 54-114), basic capability (Sen 1979, pp. 217-220), availability of political influence (Brighouse 1996), access to advantage (Cohen G. 2011a, pp. 14, 19, 35; 2011b, p. 60), opportunity for welfare (Arneson 1989), and others (Anderson 1999, pp. 289-295; Gosepath 2014). I submit that, individually considered, none of these alternatives meet the requirements of equality of access because, as Elizabeth Anderson has argued, they are ‘too narrowly focused on the distribution of divisible, privately appropriated goods, such as income or resources, or privately enjoyed goods, such as welfare’ (Anderson 1999, p. 288). At the poles of the continuum of egalitarian metrics, equality of resources makes the assumption that everyone is capable of making effective use of them (Sen 1979, p. 218; Bohman 1997, p. 333; Cohen G. 2011b, p. 49), and equality of welfare degenerates in the problem of counting all preferences as equal (Bohman 1997, pp. 329-330; Gosepath 2014, pp. 27-28).

Anderson's critique also shows that these sorts of egalitarian theories fail to meet a test of equal respect and concern for all citizens because some of them exclude citizens from enjoying the social conditions of freedom on the ground that it is their fault for losing them, and that they escape from this at the cost of paternalism. Moreover, she shows that the distribution of whatever distribuand these accounts favour, is made according to the fact that some are inferior to others in the worth of their lives, talents and personal qualities. Finally, she shows that in attempting to make people responsible for their choices, they 'make demeaning and intrusive judgements of people's capacities to exercise responsibility and effectively dictates to them the appropriate uses of their freedom' (1999, p. 289).

Equality of access does not fall prey to these objections. The reason is that it does not share the assumption that preferences are always traceable to choices. As I have argued, preferences can be the result of oppression, exploitation and lack of information. In such cases, preferences are not fully determined by individuals' choices. In fact, the premise of equality of access is precisely the opposite: some people lack freedom because their preferences are not really the result of the exercise of their autonomous will (Locke 1988, p. 385; 2008, p. 171). Equality of access is meant to guarantee such enjoyment, and to prevent that domination.

An additional problem is that the aforementioned distribuands are presented as 'holistic' (Carter 2001, p. 88). They are championed in ways that their selection excludes other options as proper understandings of what the ideal distribuand should be. This is not correct. Some egalitarian standards can be implemented jointly without contradiction. Different political communities face different challenges, so there is not only one plausible metric applicable to all of them. Hence, an egalitarian account must be necessarily context-dependent, in the sense that the distribuand must be determined in

accordance with the conditions and necessities of each polity, individually considered. In G.A. Cohen's wording, egalitarian accounts must be presented as standards saying that individuals should be as equal as possible in some dimension 'but subject to whatever limitations need to be imposed in deference to other values' (2011a, p. 5).

These limitations are not specified by the claim in question. For equality of access, the distribuands are to be determined by the specific challenges different polities and individuals face in accomplishing republican freedom. Some of them will require resources, other with enough resources will require equalising political influence, others increasing the basic capabilities of their citizens, and so on.

I now turn to equality in deliberation, which is EAD's operational principle. It regulates the deliberative process once individuals have entered it.

Equality in deliberation dictates that participation in the process of decision-making should be made in terms that the procedure can be sensitive enough as to be able to capture, make visible, and facilitate the consideration of the claims of all the participants in the debate.

Equal access to having a say and to be offered reasons are aspects warranting attention. Both have been widely elaborated by deliberative democrats who underscore the importance of conceiving democracy as a method for forming opinions and judgements and not merely as a system of aggregation of preferences.²¹

In this vein, for equality in deliberation, political systems ought to grant individuals the opportunity to reflect on common problems and offer their own solutions in spite of the asymmetrical access to expertise and the limited problem-solving capacities of laypersons. The reason is that 'even [if] the public consists of laypersons and communicates with ordinary language, this does not necessarily imply an inability to

²¹ Among others, Martí 2006, p. 91; Sunstein 1986, p. 896; Cohen J. 1986, p. 34; Manin 1987, pp. 347, 349, 350; Nino 1998, p. 69; Elster 1998, p. 11.

differentiate the essential questions and reasons for decisions' (Habermas 1996, p. 373). Not doing so undermines the morality underpinning citizenship that is based on the idea of being considered as an equal just because of being a citizen (Rousseau 1997, p. 53), and can serve as a pretext for a technocratic incapacitation and 'de-skilling' of the citizenry (Öffe & Preuss 1991, p. 169), as a form of state paternalism over the public sphere (Habermas 1996, pp. 317-318), and/or as an incentive for citizens and representatives to take their deliberative responsibilities less seriously (Mansbridge et al., 2012, p. 3).

From this it follows that EAD admittedly welcomes lower levels of technicalisms and expertise in public debate. It lowers the entrance barriers for individuals and groups, forcing those 'who know' to translate their opinions and knowledge to those who lack the opportunity to form their opinions and preferences about collective matters in more educated terms. This 'translation' to ordinary language affects the kind of reasoning employed to justify collective decisions, increases the number of inputs entered in the process, and has consequences regarding the nature of the forum where deliberation occurs. It implies that the justifications for the decisions adopted should express the understanding of the principle(s) upon which the decision(s) is (are) based. Equality emerges when those decisions are the result of the understanding citizens have of what their collective problems are, gathered through a process of deliberation between the people themselves, channelled through a framework of institutions capable of transforming those opinions, preferences and deliberations into administrative power. EAD is thus built on the simple – not trivial – fact that the needs, lacks of resources, deficiencies in capabilities and advantages, as well as shortages in welfare, are not uniform and demand processes of communication between individuals with different

cognitive and epistemic competences. Those processes are less restricted the more those channels are sensitive to every possible input.

My conception is inspired by Mansbridge's notion of 'everyday talk'. This approach allows different forms of non-coercive forms of justification and argument, including rhetoric, bargaining and emotions. It includes 'talk among both formal and informal representatives in politically oriented organisations, talk in the media, talk among political activists, and everyday talk in formally private spaces about things the public ought to discuss' (1999, p. 211).²²

No elitist forum or individual has a privileged position here. Even if one showed that some individuals are better deliberators than ordinary people, better educated and with higher capabilities to reason on moral and/or political issues, the democratic egalitarian and freedom-preserving conclusion that should be drawn is not giving these individuals higher privileges, but reforming the political system in order to provide individuals with the intellectual, moral and material resources that would allow them to form their own judgements and reasons, and justify their own claims when those judgements, reasons and claims have bearings on collective issues.²³

This alternative rejects elitism and puts the people themselves as the guardians of their own liberties (Machiavelli 2003, pp. 31-33). It rejects Burkean versions of democracy (Burke 1854), where participation is limited to the selection of individuals who 'know better' and have more time and experience than the ordinary, ignorant and non-virtuous citizens. For the elitist alternative, there are roughly two kinds of citizens: virtuous ones, with civic disposition and knowledge – the expert politician, the judge, the

²² In the same vein, Dryzek (2000, pp. 1-2), Chambers (2012, pp. 68-69) Bohman (2012, p. 79), Christiano (2012, p. 30), Parkinson (2012, p. 151), Mansbridge et al. (2012, p. 2), Owen & Smith (2015, p. 215).

²³ In the same vein, Brighouse & Fleurbaey (2008, pp. 146, 149).

public officer, etc. -, and the rest, uninformed and indifferent to public life.²⁴ The election of representatives allows non-virtuous individuals to select virtuous representatives, who are in turn controlled through the publicity of their campaigns and the evaluation of the accomplishments made during their incumbency. If they deviated from the citizens' preferences, then the public would manifest by throwing the rascals out in a non-violent way (Popper 1943, p. 110).

I disagree. The argument fails to see that citizens accept or reject their representatives by voting in favour or against them, which implies at least some degree of conformity or disapproval with those policies that are allegedly incomprehensible for them. On the other hand, empirical studies show, not only that laypersons are able to understand complex political processes and their consequences, but that under certain institutional conditions, they are willing to give up their time to participate in them (Fishkin 2011).²⁵

There is one additional question: does EAD guarantee that deliberative egalitarian procedures will not themselves dominate individuals, for example, those in the minority? My response is that such infringement goes against the premises of my theory. Put differently, bad results can be generated by any institution, working under any design, and we should find the means to minimise them and their impact. A theory must aim at not being a justificatory device for those bad results, even knowing that they may occur. In the case of the principles I here advocate, the hypothetical domination of some groups over minorities could not be accounted for as a result of the application of EAD. Its aim is to safeguard liberty, autonomy, inclusion and equality in rational debate, where those who lose may find comfort in the fact that their preferences were taken into

²⁴ Representatives of this view are Downs (1997, p. 36), Schumpeter (2003, p. 269), Hardin (2009, p. 231-246).

²⁵ See also footnote 15.

account and considered in the final decision. Losing a democratic discussion does not imply by itself an infringement on someone's rights. As Waldron puts it, 'provided that the opinion that is acted upon takes my interests properly into account along with everyone else's, the fact that my opinion did not prevail is not itself a threat to my rights, or to my freedom, or to my well-being' (2006, p 1398). Also, the question seems to suggest that outcome-based procedures produce better results overall in comparison to participatory ones. This is wrong for two reasons. First, outcome-based arguments are only a part of the full justification for institutions and principles, and do not establish decisive advantages in favour of any of them (Waldron 2015, p. 444). Second, there are inherent difficulties in anticipating the effects produced by public policies over the long term. Given the limitations of our social sciences to predict those outcomes, we should choose institutions which are perceived as just rather than efficient in the long-term (Elster 1987, pp. 715-720).

III. Conclusions.

I have shown ways in which republican liberty and deliberative democracy operate in mutually beneficial ways. I have also championed an egalitarian principle underpinning the republican and deliberative model resulting from these reflections. The upshot of this paper is then, twofold: on the one hand, it has shown that republican theory and deliberative democracy, two of probably the most influential and discussed contemporary political theories, share a number of concerns and principles. Their linkages result in theoretical and institutional benefits for republicanism, for they provide reasons for answering whether republican theory is related to democracy in a positive fashion. They also represent a possibility for instantiating republicanism in concrete institutional settings, i.e., the ones developed by deliberative democrats. Republicans may envision concrete democratic institutional paths by which their conception of freedom

may be reached. On the other, deliberative democracy benefits from these linkages inasmuch as it gains strength in terms of its theoretical justification by fostering and securing the republican freedom of individuals.

Moreover, I argued that the republican and deliberative democracy sketched in section II leads to the endorsement of EAD, an egalitarian principle including all those potentially affected by collective decisions, securing the capacity of those individuals to form and transform their preferences in autonomous fashions, and providing them with the opportunity to participate in the deliberative process through which collective decisions shall be adopted.

The upshot of these considerations is a novel and mutually reinforcing interrelated three-tiered theoretical and institutional proposal intertwining freedom, deliberation and equality. Reading these thesis in these ways represents a novel contribution to these bodies of scholarship.

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