Inequality is Always in the Room: Language & Power in Deliberative Democracy

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Abstract: Deliberative democracy has the potential to legitimize collective decisions. Deliberation's legitimating potential, however, depends on whether those who deliberate truly enter as equals, whether they are able to express on equal terms their visions of the common good, and whether the forms and practices that govern deliberative assemblies advance or undermine their goals. Here, we examine these sources of deliberation's legitimating potential. We contend that even in situations of apparent procedural equality, deliberation's legitimating potential is limited by its potential to increase normatively focal power asymmetries. We conclude by describing how deliberative contexts can be modified to reduce certain types of power asymmetries, such as those often associated with gender, race, or class. In so doing, we hope to help readers consider a broader range of factors that influence the outcomes of attempts to restructure power relationships through communicative forums.

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Deliberative democracy seems to offer democracy not only in our time, but in our neighborhoods. People meet as equals and reason together to find their way to a common good. We are not surprised, therefore, that deliberation is an idea with many advocates. Where people meet as equals, democracy is advanced. Where people reason together, democracy is advanced.

Deliberative democracy has the potential to legitimize collective decisions. Deliberation's legitimating potential, however, depends on whether those who deliberate truly enter as equals, whether they are able to express on equal terms their visions of the common good, and whether the forms and practices that govern deliberative assemblies advance or undermine their goals. In this essay, we examine these sources of deliberation's legitimating potential.

Beneath and throughout the evaluation of deliberative democracy are questions about *whether and*

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how language facilitates communication and *whether and how communications inform assent*. In attempts to measure the effectiveness of deliberation, either theoretically or empirically, it is common to reference instances of consensus, compromise, or clarifying sources of conflict as evidence of success. Deliberative endeavors that fail to produce such outcomes are seen as less successful.

The path to such outcomes travels through sequences of communicative acts. These acts entail members of a society describing their lifeworlds to one another. In the deliberative ideal, participants are free to make these descriptions without having to filter them in ways that conform to existing power imbalances. Participants describe their lives as they live and feel them.

In the deliberative ideal, participants are free to express their views on any socially relevant issue. They need not subjugate themselves to dominant views of history, culture, and power. Through listening to these narratives, participants may come to an appreciation of diverse lifeworlds. Through this understanding, communities may come to realize shared norms and shared foundations for legitimate collective action.

Deliberation's potential to create legitimacy lies in its ability to limit the kinds of oppression and power asymmetries present in other means of social decision-making, where these other ways of "legitimating" social decisions include violence, the edicts of oligarchs, decisions produced by the power structures underlying many modern democracies, and distributional outcomes influenced by the world's myriad systems of markets. For this reason, we focus particular attention on the extent to which deliberative mechanisms mitigate power asymmetries. We contend that even in situations of apparent procedural equality with respect to every individual's basic right to convey their lifeworlds, the legitimating potential of deliberative mechanisms is limited by the possibility that they can increase, rather than reduce, normatively focal power asymmetries.

Language and communication themselves entail power relationships. Language gains meaning, and communication becomes an efficient means of communicating ideas, in part because language and communication each build from, build on, and reify existing power imbalances. Language issues from power, language creates power, language is inseparable from power. Deliberative exercises that use language and communication to produce assent and legitimacy cannot help but produce their outcomes on the backs of existing power asymmetries. Even language environments that claim to feature universal inclusion and procedural equality cannot be assumed to be independent of deep and potentially destructive power dynamics.

In what follows, we seek to inform deliberation as a means of producing legitimate social decisions. We focus on the kinds of power imbalances that are present in language and communicative practices. In so doing, we demonstrate how the language and communication that people might use in deliberative settings carry these inequities to new places – even when a deliberator's intention is to reduce their impact. In our examples, language and communication pertain not only to what is formally written or intentionally said, but also to what is read by others when they see our bodies or imagine our backgrounds. We will argue that it is difficult or impossible for participants in a deliberative setting to unsee what they are clearly seeing or unthink the meanings others communicate when they present themselves. These nonverbal communications infuse conversations and affect deliberation's ability to produce legitimate outcomes.

We conclude by describing how deliberative contexts can be modified to reduce

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certain types of power asymmetries, such as those often associated with gender, race, or class. In so doing, we hope to help readers consider a broader range of factors that influence the outcomes of attempts to develop norms or restructure power relationships through communicative acts.

When communication and language are in the room, so are inequality and coercion.

Communication. The foundation of human interaction. The principal means by which we express basic emotions. Love. Anger. Fear. The vehicle through which we convey tales of heroes and villains. The medium through which individuals testify about their vulnerabilities and adversities. The means by which oppressed persons seek assurance and plead for assistance.

When seeking to manage problems that we as individuals cannot solve on our own, we seek communicative currencies that allow us to discover shared histories, develop common interests, and build trust. Communication offers a foundation from which we construct social compacts and contracts. These pacts set the stage for all forms of collective action and influence the terms by which such actions are remembered.

Language. The languages and lexicons that we use to communicate with one another are intricate human creations. They help us organize the world for ourselves and describe it to others. Language provides a means for categorizing worlds observed and imagined. Language is, however, our maker as well as our servant. We enter a world language has made for us. Our most intimate experiences are mediated by language.

At all times, language frees and constrains.

Language frees us by allowing us to combine its words and phrases in an infinite number of ways. Language gives us the capacity to express diverse ideas and emotions. The continuity of language over time gives us access to the past. Language can be used to categorize the present and to propose desired futures. Language enables people to overcome the isolation integral to human experience. People are able to speak of their pain, their pleasure, their needs, their hopes, and their experiences. They are free to make public their sense of things: their interpretation of events, institutions, laws, and customs.

Language also constrains. We enter a world already named, in which meanings are attached to all that we encounter, including our bodies. Language makes us meaningful to ourselves. We know our sex, our race, our ancestry, our faith, and our politics through language. We are often given a race (or two), an ethnicity, a class position, a nation. Each of these comes with a history. Each of these comes with a meaning that predates our awareness of them.

We are governed by language even when we are silent. When we use language we are bound by words whose meanings are already set, by grammatical rules and by other linguistic conventions.[1] Philosopher of language Paul Grice observed that we have incentives to use terms that are easily understood by others.[2] To achieve understanding in the space of a single conversation, we use familiar words. We seek analogies, metaphors, and examples that are likely to be familiar to others. Many of these words are well established with long histories. In our quests for fluidity and speed, we seldom take time to reflect on the origins of these rules, examples, or words. Those who do, Heidegger and Nietzsche among them, enrich our thinking, but they too cannot fully comprehend the infinite and changing richness of a word. The meaning of a word may shift as it travels from one geographic, political, or class site to another. Words change with use. However erudite, however careful we are, we cannot fully control the meanings and connotations of the words that we use.

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They have associations that may be unintended by us, even unknown to us.

Our words reflect and extend power in ways that we only partially understand. Some words and rules provide easy ways to inflict cruelty. Some words and rules have a cruelty that is felt by others but hidden from us. Often that capacity for cruelty is available only to some. The sting of racial epithets, for example, is often more severe when voiced by those who occupy a higher position in a racial hierarchy.

We use language to hide, as well as to reveal, our sentiments. The purposes of some of these devices range from saving face to deflecting attention away from unattractive elements of ourselves and toward the unattractive attributes of those who threaten us. We bite our tongues at critical moments not because we are uninjured, but because we hope that such patience will produce its own rewards.

We are made in language – as Wittgenstein and Lacan, Gadamer and Lévi-Strauss (and a host of others) recognized – but we are also the makers of language. We coin new words and phrases. For each new mixture we create, others attend to them or they do not. They derive meaning or walk away confused. They use our words to express their own feelings – or they do not. If they do not, whatever we were trying to express at that moment withers away. In the hands of skilled or privileged communicators, language is an instrument of incredible power, yet even the most eloquent often find language inadequate.[3]

Because we make language, important attributes of language change. Grammar changes. Idioms change. Some changes are willful and deliberate: we choose not to say a host of once common racial and ethnic epithets. Other changes are unconscious. They are the work of practice, representing erosions in the structure of language made by the currents of speech and writing in the everyday. To learn more about this topic, for example, we can consider "googling" the topic and then "emailing" or "texting" what we find to others. We can ask what has changed in *jihad* as the word has traveled west.

Yet in this march of linguistic "progress," new meaning sometimes emerges at the expense of old meaning. What is lost in these evolutions may be seen by imaginative interlocutors as rightfully subservient to new expressions. But the old meanings we sacrifice for contemporaneous convenience may be lost to future selves in need of those meanings. The march of meaning as manifest in language is a dialectic between present and past, between the creators of language and those who are made in it.

Most of us don't think about communication and language in these ways very often, if at all. As long as our words elicit the social and cognitive reactions that we seek, we carry on without thinking about what meaning and power our words have conveyed. We don't think about these things despite the fact that every time we use language, we transport myriad residues of human relationships to new places and people. We reinforce social and political structures, often without willing to do so. In our use of language, we export broader, fractured elements of history from the past to the present.

In every quest to achieve fast coordination and mutual understanding through communication and language, we necessarily provide new energy to a continuance of the past imbalances and power asymmetries that are part of every widely used language. In so doing, we use words that assert authority. We use terms that can inspire or injure. We do this even when attempting to find common meaning. Even when attempting to mitigate power relationships. Even when we incompletely understand the meaning that others derive from our words – which is to say, almost always.

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Language is not only a matter of words, spoken and heard. Language is also written. The written is carried not only in words but also in other signs. The silent body speaks, whether it wills that speech or not. It speaks of its place in the social order: of race, sex, age. The black man must speak as a black man, the white woman as a white woman. The old speak from the shell of age. Some speak from the haze of beauty. The text written on the body, read from the body, may amplify or mute what the speaker says, but it cannot be easily silenced.

Nonverbal communication communicates. Nonverbal expression expresses. Utterances and meanings enter the room with us. They are part of the conversation, whether they are formally recognized, whispered in the shadows, or have emerged in others' consciousness automatically once we are seen. Few speeches have the power of the silent body. Often the texts of race and sex and age operate as supplements; they are, in Derrida's phrase, "that which adds only to replace." The man of the Declaration of the Rights of Man is displaced by blackness, evoking not the triumph of freedom but the legacy of slavery.

We have spoken before we speak, we have been read before we write. The people who enter a room carry not only the inscribed body, but the many texts they have written on that body: when they shaved or didn't shave, when they put on makeup, when they dressed. The people who deliberate do so clothed in texts that speak of their place: of their wealth or poverty, their religion, their level of education, their regions, their preferences and politics. The uniform and the political T-shirt carry messages, but so do headphones and Birkenstocks. The clothes a speaker wears inflect the speech. Speech about policies toward Israel carries different meanings when it comes from a body wearing a kipot or a kaffiyeh. Speech about freedom of religion will be inflected by the hijab or the habit the speaker wears.

We are often not fully conscious of the texts we write on our bodies as we dress, but we are unconscious adepts at reading them. We see the people that surround us not as naked human beings, not even simply as people inscribed with only race and sex and age. We see them as members of social orders, clothed with information about their positions and their preferences. Policemen and firemen, military officers and security guards wear uniforms. We know where they work. We know the Army lieutenant has taken an oath, that the fireman is willing to risk his life for others. We know the captain outranks the sergeant, though the sergeant may be older. We know the general makes a lot more money than the private, that he may have advised presidents, that he has power. We know the workers at Target and McDonald's make less money than the general, that they almost certainly have less education. We know they have less power. We conclude, on the basis of good evidence, that the woman in the starched cap of the Amish and the Mennonites is unlikely to support abortion or military intervention.

The texts written in clothing have all the power and imperfections, all the strategies and misfires, that one encounters in other uses of language. A person may try to dress unobtrusively and nevertheless boast of wealth, forgetting, for example, the familiar Rolex on the wrist. But clothing – like every other form of speech – does not always tell the truth. One can use clothing to pass: as richer or poorer, man or woman, even as black or white.

The texts written on the body, and those that people write on themselves, enter with those who deliberate. One can, of course, forbid uniforms, but clothing will remain, and the physical signs of race, sex, poverty, age, and certain types of abuse are difficult to erase.

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The texts written on the body are not, however, simply problems to be overcome, impediments to be set aside. They can operate – rarely, but with great force – as occasions for questioning and enlightenment. Thinking of the Declaration of the Rights of Man and of the Citizen when the man is black and the citizen is Native American raises questions that can spur deliberation. Sojourner Truth changed the debate when she asked in her blackness "Ar'n't I a woman?" The visible presence of poverty can alert the well-to-do about relations between luck and skill in the current social order. The vision can induce them to think about how they would want to distribute power and privilege if skill-luck relations turned out to be even a little bit different than they imagined.

Whether carried by language or appearance, inequality is in the room even before the deliberators enter. One can always, must always, ask what the room says. Who is silenced or intimidated by the room?[4] Who feels at home in the room? Is the room in a public building or a church? The ex-convict and the undocumented immigrant enter public buildings on different terms than the policeman and the public official. The union hall may be enemy territory for the businessman; the church an unsettling space for a Jew. Parents walking into a public school will be faced with rooms like those their own children occupy, or with rooms that boast of riches denied to their children, or a poverty that their children do not face. The room will speak of privilege or deprivation, of class and regional identities. There is no neutral, unspeaking space. Perhaps the harshest speech of all would be the clinical sterility of a room with no chairs and white walls.

Which brings us to deliberation. The idea has such promise. The idea of forward-looking individuals. The idea of sharing. Unfiltered descriptions of diverse individual lifeworlds. Everyone, in principle, having a right to speak. No one having to modify their truths for the sake of going along to get along. Each person obliged to confront, face-to-face, the people with whom they share a caucus, a district, a country. Each person faced with a body that, like or unlike their own, shares a common humanity and with it the whole human complement. These deliberative ideas are seen as a way to mediate and reduce socially damaging power inequities.

Common ideal forms of deliberation build not just from the premise that everyone has a right to speak; they build from the premise that speakers will actually be heard.[5] In other words, participants enter not only with a license to speak but also with an obligation to listen. The obligation is not necessarily to agree, but to actively engage what all the stakeholders feel they need to say.

Hence, many deliberative ideals depend on the implicit assumption that in the ideal, participants would have an unconstrained capacity for attention and listening. This is a problem in practice. Time is scarce. Attention is limited. Sometimes people say things that we have heard a hundred times before. We tune them out. Or they repeat themselves. We tune them out. Or they offend us. We tune them out. There is also prejudice. Not just what we think about when we see certain types of people, but also what we think about when we hear certain types of words spoken in certain types of ways. In many cases, we tune those words out.

A considerable scholarly literature on attention tells us what our experience has already shown: we ignore almost every piece of information to which we are exposed, we pay fleeting attention to almost every piece of information to which we pay any attention, and most of the phenomena to which we do pay attention leave no lasting impact on our subsequent feelings or memories.[6]

In other cases, we have the ability to pay attention, but we are so self-focused that

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we "listen" only for an instrumental reason: to set up our own awesome response. Here, we are constantly thinking of how to shore up our positions. How to expand or protect our self-esteem. How to elevate our social position. How to arrange the moment in a way that will help others appreciate our virtuousness in the stories that we will later tell others about this exchange. So we listen as tacticians, plotting the next move in a game we think we already know how to win.

Even when we are not consciously using a conversation for the purpose of self-inflation, we can be led astray by our attempts to place another's words in a context that we feel comfortable contemplating. When the black woman speaks, the white woman may think "she is a woman like me, she will be an ally" or "the black woman is speaking, will she reproach me?" The black woman may speak unwillingly of blackness, willingly of her wealth and privilege, or vice versa. The white woman may be so distracted by her concern with her own standing in the black woman's eyes that she fails to listen, fails to hear, what the black woman actually says. She may listen, but only to hear the voice of the race while ignoring a person caught in a particular mesh of structures and constraints of which race is only a part. She may hear the voice of the race, but if she fails to hear the voice of the speaker, she will have heard a message quite different from the one the speaker intended to convey. When we listen to others, we may listen for the voice of the race and fail to hear the voice of poverty or the wisdom of age. We may listen for the guidance of the educated and fail to hear a more refined bigotry. We may work to hear difference and fail to hear an invitation to make common cause. We may fail to hear the voice of one person, like and unlike all others.

With these communicative dynamics in mind, what can we say about the consensuses, compromises, or agreements reached after a deliberative session? Can we say that everyone reached an identical understanding about the entirety of the testimony that their setting allowed? No, we cannot say that or, indeed, anything close to it unless the deliberation was remarkably short and its content was the type to which people could devote undivided attention. In all other cases, physical limits of attention and memory prevent people from recalling all elements of a sustained communicative interaction. Even if people remember many such elements, there would be questions about how heavily they should weight them in any post-deliberative conclusions that they draw. Should people weight all aspects of all utterances equally? Should they realize that some people take longer than others to "get to the point" and perhaps discount utterances of excessively wordy individuals? Should they account for the fact that some people may be speaking strategically in order to achieve a certain outcome where others' utterances are more heartfelt?

There are limits to what deliberative outcomes can tell us about what thoughts and feelings its participants share.[7] If a deliberative proceeding goes on for too long, people may lose hope about their ability to be heard. Others may be more likely to become tired and less likely than others to recall a particular moment in a conversation. Some may be hungry, have children waiting at home for dinner or bedtime, or even have to go to the bathroom and "assent" to a particular proposition to facilitate a speedy exit. Others may by physically or intellectually attracted to a person in the room and assent to a particular proposition to increase the likelihood of subsequent interactions. None of these forces can be kept from a deliberative context.

In some theories of deliberation, constraints to interpreting a post-deliberative consensus, compromise, or agreement

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would themselves be limited by the idea that deliberation is not a discrete event. In some theories, perpetual openness to new information is a key part of the device's normative appeal. So agreements made for the purpose of a fleeting convenience can be undone. A practical problem, however, is that undoing agreements that were alleged to represent the broad assent of deliberative participants takes time to do. If such "do-overs" were to happen often, they could reduce confidence in the future force of a current agreement. Why invest one's heart and soul into a deep conversation about how we should live if we are repeatedly asked to "reconsider" any consensus, compromise, or agreement that we might reach?

To avoid attaching to deliberative outcomes interpretations that limits of memory and forces of identity cannot sustain, people should enter fully conscious of their fallibility, unsure that they understand – or even could understand – the experiences of their fellow participants. They should distrust their knowledge, their capacity for empathy, and even their values.

They should realize that if consensus is the object, certain outcomes are foreclosed at the outset. If agreement is the end, certain positions are delegitimated at the outset. Consider a meeting that asks Scottish nationalists to join an effort to reach a consensus on how to maintain the United Kingdom. The Scottish nationalist would be better served by a call to deliberate over "whether the United Kingdom should continue in its present form" than a call to "find common ground for the United Kingdom."

They should realize that if compromise is a desired outcome of deliberation, those who reject compromise are excluded. Yet rejection and refusal may be the most useful and honorable forms of action in some instances. Consider the Missouri Compromise. That compromise was predicated on the imperative to maintain the Union. That construction excluded secessionists, but it also excluded abolitionists. Refusal to accept a compromise of that kind can be politically and morally defensible. Should we commend efforts to reach a compromise over segregation or apartheid? Those who value peace, order, and the rule of law very highly may say yes. That hierarchy of political values is not without its defects and dangers. The civil rights movement in the United States depended on a willingness to disturb the peace. King called for civil disobedience and defiance of the laws that maintained an unjust racial order. Decolonization required more aggressive, even violent confrontations with law and order. Even a tacit assumption that compromise is what deliberation seeks can undermine the larger democratic end of seeking common understanding and the common good.

In all interpretations, moreover, we are also apt to overestimate our capacities for empathy. Consider, for example, Hannah Arendt's "Essay on Little Rock." In her rejection of forced desegregation, Arendt speaks for and as "the Negro mother." Arendt's confidence in her capacity for understanding and sympathy misleads her. The passage is cited now not as an instance of empathy or solidarity, but as evidence of the limits of her thinking.

Efforts to reach common ground or a common understanding are seductive, particularly for Americans. We often believe these are easier to reach than our history indicates. We retain a commitment in principle to the idea that "all men are created equal," that they are endowed with a common set of rights, needs, and desires. Yet even if we all have the right (and the need) for life and liberty, even if we all have the right (and the desire) to pursue happiness, we differ profoundly on what these objects are and how we should be permitted to pursue them. The belief that we understand the rights, the needs, and the interests of those we join in discussion is un-

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reliable at best. It may lead – it has led – to efforts to impose compromises that have held us back: the three-fifths clause being an early and shaming example. Common ground can be rocky and shifting. History and memory may come to reproach us for decisions we reach together. We cannot completely avoid error and, therefore, we must regard any common ground we reach not as where we end, but as a resting place along the way.

Deliberation is a liberal enterptise. It expresses the liberal commitment to order and procedure. Deliberative meetings are governed by rules, procedures, and norms of practice. These mechanisms aim at ensuring equality and giving everyone a hearing. Those who follow the rules and observe the conventions appear to be showing a greater willingness to advance the deliberative process, to engage with others and to find common ground, but it is also possible that they are simply better served by the rules in place. Those who are most willing to search for common ground may be those who hold a strategic advantage on that ground.

Liberalism is, however, not always conducive to liberal values, and it can be very much at odds with democracy. If those who deliberate and subsequently decide make their decisions only for themselves, the enterprise may capture, in its form, valuable elements of liberal democracy. That is, deliberation linked with decision is an instance of people governing themselves within a set of procedures (ideally, ones they make themselves) and a commitment to using reason to advance democracy. If those who deliberate decide for others, the enterprise is troubled as all representation is troubled.

Deliberation also reflects the liberal unease with democracy. Liberalism, like so much of political thought before it, regards democratic power as a force to be managed. Democratic passion and will are problems to be solved. The liberal answers to the problem of democracy have been rules and representation.

Many observers fear that the great masses of people are incapable of deliberation. Most people, they conclude, are prone to irrational fears, hatreds, appetites, and hopes. Rules are necessary to rein them in. Representation moves the most important decisions, the most technical decisions, and perhaps any decision requiring reason away from the masses toward a smaller group. The few, it is argued, can reason as the many cannot.

In liberal democratic systems, the legitimacy of the decisions of the representatives is grounded in democratic right. The answer to the question "who gave them the right to decide for the people?" is "the people." That claim is far less tenable for any deliberative group making decisions for others. It is still less tenable for any deliberative group not chosen by those they are supposed to represent. Legitimacy is further compromised with any deliberative group impeded by unseen power asymmetries in communication. The advocates of deliberative endeavors are not always attentive to these matters. How those who deliberate are chosen and how they view one another determine whether the assembly will be liberal, liberal-democratic, or neither, in relation to the people for whom they speak.

This matters because deliberation values rationality in both its forms: as reason and as order. For many deliberation advocates, the commitment to reason is explicit, profound, and made with conviction. In this advocacy, those who deliberate are called not only (and perhaps not primarily) to share their lifeworlds with one another. Participants are called to reason together. The language of reason is always appropriate and welcome in such meetings. The language of passion is not.

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We believe, however, that politics requires more than reason alone; politics requires passion. It is passion that enables people to endure the "slow drilling through hard boards" that is the work of politics. It is passion that enables people to endure the frustration of listening to views they find tedious or abhorrent. It is passion that enables people to convey not just the facts, but the subjective experience of a lifeworld. It is passion that enables people to challenge settled beliefs and political conventions that they believe are unjust. If deliberation is to produce shared understandings with legitimating potential, if it is to produce shared assent that reflects the life experiences of the diverse people whom such endeavors are meant to represent, deliberation requires passion as well as reason. Jane Mansbridge's distinction between first- and second-generation deliberative theory marks this recognition among deliberative theorists themselves. Second-generation deliberativists have recognized that emotion and passionate intensity contain truth as well.[8]

With these and related challenges in mind, what can we read from a deliberative outcome that can legitimate a collective decision? To answer this question, suppose that a major goal of deliberation is to convey legitimacy to some socially relevant propositions and withhold such legitimacy from others. Suppose, moreover, that the form of deliberation is an ideal version that entails a universal right to participation.

Let's start with what we know. The communicative acts that precede the outcome will use language that conveys power. They will be used by people who are more and less skilled in using language to acquire power. If participants are not paying close attention to these skill imbalances, and if the deliberative rules are not built to mitigate deleterious effects of such imbalances, participants are likely to be swayed by the skilled. Any resulting consensus, compromise, or agreement will not simply emanate from equal consideration of all relevant lifeworlds, it will also reflect different abilities to use language in quests for influence.

Moreover, the acts in question, both the speaking acts and the listening acts, will be made by people. These people will be seen before they speak and they will be interpreted before they attempt to convey any meaning. We will know who enters marked with signs of privilege. We will know who lacks those signs. We will know who enters a familiar place and who enters a foreign one. Appearance and words will interact. Some appearances will help deliberative participants recognize the diversity, glory, and pain of different lives. Other appearances will lead deliberative participants to ignore what is being said or to substitute their own privileged narrative for the one that the speaker is attempting to convey.

We will know things about the process. We will know who is likely to be advantaged by its procedures. We will know that assent may be the product of people holding back. People may not reveal their true motivations. People may give in to power out of desperation, fatigue, or fear. People may choose to remain silent in the face of history-bound and institutionally reinforced asymmetries.

For these reasons and more, we will know that a deliberation-generated consensus, compromise, or agreement that represents a deeply shared understanding to a clearly stated set of principles will often be observationally equivalent to a deliberative outcome that is the result of all of the asymmetric and oppressive factors described above. So a deliberatively generated outcome can be normatively desirable, it can represent real intellectual exchange, and it can be legitimating – but it is none of these things automatically.

As a result, now is an opportune moment to reevaluate claims about deliber-

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ation that gauge its effectiveness by referencing instances of opinion movement, opinion convergence, or language-based consensus. Such outcomes represent the normative desires that have led many to be interested in deliberation. The forces described above allow language to carry power asymmetries to new destinations. They allow seemingly open and equal communicative domains to be dens of oppression. Language-based consensus, compromise, or agreement, in the presence of such forces, becomes a limited means of conferring legitimacy to collective decisions in modern societies.

Deliberation takes place in a communicative forum. In such forums, participants engage in speech acts with the possibility of converging on shared meaning. Deliberation is endorsed on the basis of theories and beliefs about how these shared meanings provide individuals and societies with a stronger and broader moral, ethical, and technical foundation for improving quality of life. But communication and language carry inequality, and the limits of human attention, patience, and self-love create or reinforce coercive conversational norms.

The promise and the principal challenge of deliberation is that language is a weapon that can be wielded with great force. There is no way to construct a deliberative environment in which asymmetry, power, and potentially coercive flashpoints do not contribute to the outcome. If deliberation is to be justified on the basis of its ability to mitigate power imbalances, the domain of deliberative interactions must be constrained.

Many people who advocate for deliberation take for granted that deliberation is preferable to violence. But what if deliberation simply reinforces the experience of oppression? Given the examples and factors raised in this essay, such outcomes are imaginable. Do some uses of speech justify violent responses? Are there some statements to which a society's best response is to, at minimum, stop the conversation? What if deliberation reveals insurmountable oppositions? This discovery might not require violence, but it might well call for secession or partition. For any number of reasons, deliberative situations can be as coercive as violence, with the added insult that the coerced are presumed to consent, or to have been overcome by reason. In extreme cases, this outcome, while not entailing physical violence, would be attempting to generate legitimacy on the basis of dishonest claims about what language-based consensus, compromise, or agreement actually means.

Having now raised questions about *whether and how language facilitates communication* and *whether and how communications inform assent*, we turn to two final questions that scholars and practitioners can use to reconcile their motives for seeking deliberative activities with likely outcomes of those attempts:

1) What outcomes can we actually expect from deliberation?

2) Are there any conditions that would make these outcomes more tolerable from the perspective of persons or populations who are otherwise run asunder by the wheels of political and social institutions?

To address these questions, we begin with the recognition that deliberation is another way of allocating power. It privileges some interests at the expense of others. It is not generally neutral with respect to who wins and who loses.

When the social project motivating deliberative democracy is to reduce a particular set of social imbalances, the question becomes when and whether it is possible for deliberative participants to recognize these imbalances and design subsequent interactions to diminish them. The power imbalances that deliberation proponents believe they are stopping at a deliberative

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chamber's front door will storm in through the back and take over the proceedings.

To take such concerns seriously, a sufficient number of deliberative participants must share a set of values that induces them to be aware of the imbalances, to try to mitigate them procedurally, and to seek measures of progress that the affected participants would recognize as valid. If there is not a sufficient values consensus on the need to protect a particular population or point of view, there will be little or no motive to pursue procedural change or to measure the effects of these procedures on the affected. In such cases, claims of having achieved legitimacy or advanced democracy would not reflect actual circumstances. If deliberation is to be legitimating from the broadest set of perspectives, then the expectation must be that the weak can receive justification from their own perspectives and on their own terms.

One of the redemptive possibilities of language is that it enables people to transform status; to take a lower status position and use it as a claim to power. Such transformations can produce situations when formerly (or presently) less powerful people control the conversation (or seem to). Thus the many complaints about political correctness. One may respond: "So what? It is the turn of the less powerful to exercise a control that once silenced them." While this type of response may dismay some deliberation advocates, it should not be lightly dismissed. Deliberate changes in who controls communication can reveal new foundations of justice that would otherwise go unspoken.

Another proposal that could make deliberation's outcomes more tolerable from the perspective of persons or populations whom political and social institutions otherwise diminish is that *consensus, compromise, or agreement should not always be the aim*. If differences arise, perhaps they should remain: open and acknowledged. Rather than seeking to overcome differences, it might be better to enshrine them institutionally (for example, through federalism or concurrent majority) or to develop a modus vivendi that preserves the differences. In this stance, we echo the second generation of deliberative theorists who see clarifying conflict as an important goal of deliberation and extend their view by asking for further introspection about how agreement is or is not a product of the coercive power of language described above.

Politics entails deep value conflicts, monumental struggles for power, and real questions about quality of life. To manage these dynamics and facilitate efficient social interaction, communities seek to discover shared values and build agreements from these discoveries. If it is important that political communities are built from honest assessments of what their members actually share, then it is important to be cognizant of how deliberative outcomes are manufactured. In such inquiries, we can come closer to understanding whether deliberative outcomes are meaningful or illusory, sustainable or ephemeral, and, hence, whether they are capable of securing legitimate decisions and advancing a common good.

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ENDNOTES

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[1] For a summary and discussion with extensive references, including those in this and the following paragraphs, see Anne Norton, *95 Theses on Politics, Culture, and Method* (New Haven, Conn.: Yale University Press, 2004), 12–27.

[2] Paul Grice, "Logic and Conversation," in *Syntax and Semantics, Volume 3: Speech Acts*, ed. Peter Cole and Jerry L. Morgan (New York: Academic Press, 1975), 41–58. See also Arthur Lupia, *Uninformed: Why People Know So Little about Politics and What We Can Do about It* (New York: Oxford University Press, 2016).

[3] The literature on the politics of language is vast and rich. For a summary and discussion with extensive references, see Norton, *95 Theses on Politics, Culture, and Method*, 12–27.

[4] Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste*, trans. Richard Nice (London: Routledge, Kegan & Paul, 1984).

[5] Arthur Lupia, Yanna Krupnikov, and Adam Seth Levine, "Beyond Facts and Norms: How Psychological Transparency Threatens and Restores Deliberation's Legitimating Potential," *Southern California Law Review* 86 (3) (March 2013): 459–493. The authors link normative theories of deliberative democracy to empirical literatures on attention limits and communication dynamics.

[6] For example, see Alan Baddeley, "Working Memory: Theories, Models, and Controversies," *Annual Review of Psychology* 63 (1) (2012): 1–29; and Earl K. Miller and Timothy J. Buschman, "Working Memory Capacity: Limits on the Bandwidth of Cognition," *Dædalus* 144 (1) (Winter 2015): 112–122.

[7] Iris Marion Young, "Communication and the Other: Beyond Deliberative Democracy," in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton, N.J.: Princeton University Press, 1996), 120–135.

[8] Jane Mansbridge, "A Minimalist Definition of Deliberation," in *Deliberation and Development: Rethinking The Role of Voice and Collective Action In Unequal Societies*, ed. Patrick Heller and Vijayendra Rao (Washington, D.C.: World Bank, 2014).

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