The consensus paradox: Why deliberative agreement impedes rational discourse

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In this paper, we present a paradox in deliberative democratic theory. The paradox consists in that, on the one hand, deliberative opinion-formation aims to reach a more or less consensual agreement, while on the other hand, a consensus, once established, will likely impede the conditions for further rational public discourse. Hence, over time, deliberative democracy might risk undermining itself.

While the paradox is demonstrable in theory, we also support our argument by drawing on empirical research to suggest that consensus might hamper rational deliberation by way of three cognitive and socio-psychological mechanisms: after an agreement, (a) the incentives to develop new arguments are undermined, (b) existing arguments tend to be forgotten and (c) the fear of being different promotes conformism to the consensual norm.

Though the 'deliberative turn' in democratic theory has spawned a fruitful programme for empirical research, existing research has largely neglected to study how the conditions for rational public deliberation can be sustained over time. Our paper thus serves three purposes: To demonstrate the consensus paradox in deliberative democracy theory, to open up a research agenda for studying it empirically, and to assess the paradox's normative implications.

INTRODUCTION

Over the past two decades, the ideal of deliberative democracy has gained widespread recognition, among political researchers as well as in the broader public. Theories of deliberative democracy assume that democratic processes of will- and opinion-formation aim to reach an informed, rational agreement among all affected parties. Ideally, public deliberation leads to better decisions than alternative procedures, since everyone gets to express their opinion on the matter and since different opinions are subject to open scrutiny, so that the better argument triumphs.

However, if deliberation aims to reach a rationally grounded, consensual agreement, what happens to deliberation after that aim has been attained? Reaching a closure, whether consensual or not, does not put an end to the need for further argument, but, we shall argue in this paper, it does impede on the preconditions of further rational discourse. As such, reaching a closure, a collective decision, implies that parties decrease or halt their deliberative activities, if only temporarily. The more such a closure approximates the ideal of consensual agreement, however, the worse the conditions will be for resuming deliberation at a later point in time. For instance, theorists emphasize that deliberative democracy is 'multi-perspectival', representing a diversity of views and opinion.[1] But the more consensual the agreement, the fewer views and opinions will be represented in future deliberation, and hence, reaching a consensual agreement might impinge on the conditions for deliberative democracy. This, we argue, represents a puzzle, or even a paradox, in deliberative democratic theory: How can we reconcile, over time, the ideal of a rational consensual closure with the ideal of lively, ongoing public deliberation?

This paper proceeds in three steps: First, we detail why deliberative democratic theory ends up in a paradoxical tension between consensual closure and deliberative disagreement, by drawing on a rich literature. We also suggest three causal mechanisms, grounded in cognitive and social psychology, which support our claim that actual public discourses could end up in the paradox we identify in deliberative democratic theory. Second, building on existing scholarship, we suggest ways in which the consensus paradox could be studied empirically, using both quantitative and qualitative methods for studying actual deliberation in the public sphere, for instance in parliaments. Third, we reflect on what the consensus paradox implies for deliberative democratic theory and practice, and suggests ways in which a deliberative procedure could seek to avoid becoming a victim of its own success.

The consensus paradox
Since the early 1990s, normative democratic theory has taken a 'deliberative turn' away from rationalist, aggregative, and majoritarian notions of democracy towards understanding democracy rather in terms of argumentative processes aiming for a reasoned consensus.[2] On the deliberative account, democratic decisions derive their legitimacy not simply from counting Nays and Yeas as expressions of pre-political preferences, but from the sincere, reasoned unanimity among all affected parties.[3] Sincere unanimity is reached when participants become convinced of a decision's

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[1] Bohman 2004.
[2] Dryzek 2000; Chambers 2003.
[3] Parkinson 2003.

desirability through deliberation under conditions where the best argument wins.[4] In political practice, too, consensus is often cherished as the desirable outcome or resolution of public deliberation.[5]

Of course, consensus is an ideal subject to much criticism and contestation, within as without deliberative democratic theory.[6] Some deliberative theorists suggest that in many circumstances, intensified disagreement might be a more desirable outcome of deliberation.[7] Even so, however, any deliberative procedure must result in an agreement, a decision, and we take it to be fairly uncontroversial to suggest that the mainstream of deliberative democratic theory holds that while the ideal of consensus might often be unattainable in practice, agreements should preferably seek to approximate that ideal, and the more consensual the agreement, the better.

While both critics and proponents of the ideal of consensus usually focus on the process leading up to a decision made in a spirit of enlightened unanimity, both normative and empirical scholars of deliberation have paid less attention to how an agreement approximating consensus, once established as a matter of fact, impacts on the conditions for *future* deliberation. As consensus is a prospective goal of deliberation, this neglect may be understandable, but it is also unfortunate, since the establishment of a consensus does not eliminate the need to argue in support of a policy position or a decision.

Although deliberative democratic theory assumes that affected parties ideally reach agreement on a particular standpoint, we should not merely assume that this agreement will be sustained over time. Agreements are perishables, made at specific points in time by specific parties. Parties may need to reconsider their agreement as new circumstances enter the picture, or as new persons – immigrants or new generations, for instance – become subject to authoritative decisions which they have not participated in making.[8] For deliberative democratic theory, new circumstances and new members would be valid reasons for reconsidering a consensual agreement and re-opening deliberation, as the persons affected by a decision should also be granted the right to participate in making it.[9]

Hence, a deliberative democracy must ensure favourable conditions for continuing or resuming deliberation even after reaching a consensual closure. At the same time, however, an established consensual agreement might hamper the conditions for a rational public discourse, compared to a situation with less unanimity. As public deliberation serves to reach a decision, preferably grounded in a rational consensus, deliberative activities will presumably halt once that goal has been reached.[10] But if deliberation stops, deliberative democratic theory would expect worse conditions for resuming rational deliberation in the future. This, we claim, is the paradox of consensus in deliberative democratic theory: Rational, deliberative opinion formation aims at consensual agreement, but consensus as such will likely worsen the conditions for continued rational public discourse.

If this paradox is problematic in ideal theory, it seems even more pressing under non-ideal circumstances, that is, in the reality of political practice. Certainly, actual persons discussing political

[4] Habermas 1988; Habermas 1992; Barabas 2004.
[5] Coglianese; Steiner et al. 2004; Lewin 1998.
[6] Mouffe 1999; Mouffe 2005; Young 2001; Lewin 1998.
[7] Thompson 2008, 508.
[8] Karlsson Schaffer.
[9] Gutmann and Thompson 2000, 161.
[10] Goodin 2000.

matters hardly ever reach a true consensus on any issue, but even a partial, imperfect consensus will likely lead deliberation to deteriorate and ground to a halt.[11] As human beings have a limited cognitive capacity, arguments for and against a certain policy decision will tend to atrophy and be forgotten, as they will not have to be revisited and employed as much in retrospect as before the decision was made.[12] Thus, consensus limits not only the evolution of new arguments, but also risks undermining the rational quality of public discourse as people come to forget existing arguments. Moreover, deliberation is also affected by facts of social psychology which are not part of the ideal speech situation. In the reality of politics, the fear of deviating from the consensual majority, and hence risking social exclusion, may lead people who agree with the minority not to express their dissenting opinions, while those who agree with the majority view will tend to be more bold in asserting their opinions. To the extent that a consensual agreement initiates such a 'spiral of silence', the preconditions for healthy deliberation will be difficult to sustain over time.

In these ways, even if parties reach consensual agreement under conditions which approximate deliberative democratic ideals, their agreement might be reproduced by mechanisms of cognitive and social psychology, rather than by good reasons and the force of the better argument. Over time, deliberative agreement may paradoxically worsen the conditions for a rational public discourse. Thus, in theory as in practice, consensus does seem to come at a cost for deliberative democracy.

How deliberation might improve rationality

A key claim in deliberative democratic theory holds that ongoing public deliberation among all affected parties produces better, more informed and rationally grounded decisions and policies. So if deliberation deteriorates, decreases or even stand-stills once parties have reached an agreement, deliberative democratic theory would assume that the rational quality of decision-making would also deteriorate over time. There is a solid theoretical ground for fearing that political discourses becomes less rational as consensus increases. A long epistemic tradition – from Aristotle via Mill to Habermas and Estlund – suggests that we have better chances of approximating the truth through an open, deliberative process where opinions are publicly challenged.[13] Thus, if reaching a consensus would lead deliberation to a halt, the conditions for a rational discourse would likely worsen.

Some skeptics doubt that public deliberation produces epistemically better results. These critics argue that while groups can sometimes outperform individuals and while groups of lay people can sometimes outperform individual experts in producing good epistemic outcomes, deliberation within groups will not necessarily make them collectively smarter. To the contrary, Cass Sunstein argues that deliberation within groups can sometimes serve to polarise opinions among group members in a way that does not improve the rationality of their collective opinion-formation.[14] In a similar vein, James Surowiecki warns that too much communication can make groups less intelligent, as it makes members less independent and furthers conformism and groupthink, so that the group as a whole does not take advantage of the comparative advantages of individual group members.[15] Outright rejecting deliberation, Hibbing & Theiss-Morse claim that it "can fan emotions unproductively, can exacerbate rather than diminish power differentials among those deliberating,

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[11] Dryzek & Niemeyer 2006.
[12] Mill 1991, 59.
[13] Solomon 2006.
[14] Sunstein 2005.
[15] Surowiecki 2005.

can make people feel frustrated with the system that made them deliberate, is ill-suited on many issues and can lead to worse decisions than would have occurred if no deliberation had taken place."[16]

Acknowledging these objections, we still see a few good reasons to believe that if deliberation becomes more intense because the deliberants disagree on the issue at stake, the rationality of their political discourse should also improve. First, the skeptics' critique does not affect our claim that there is a consensus paradox in deliberative democratic theory. Indeed, their warnings about the negative effects of deliberation are entirely in line with our argument, as we argue that discord and heterogeneity among deliberants imply comparative advantages in terms of rationality in public deliberation. Second, the broad stock of empirical research on deliberation tends actually to support the deliberative democratic argument about the positive effects of deliberation, even though this conclusion is hedged with reservations.[17] Hence, on theoretical grounds, we can assume that increased deliberation will improve the rationality of public political discourse.

The mechanisms by which consensus impedes deliberative rationality
If we assume that public political debates include deliberative components that ought to improve the rationality of public discourse, why would consensus impede the rational quality of public discourse? We suggest three social and cognitive mechanisms by which a massive consensual agreement might undermine rational discourse: Stagnation, forgetfulness and conformism.

1. *Stagnation*: Reaching a massive consensus results in a homogenous opinion environment, where the conditions for deliberating are worse than in an environment with greater dissensus and heterogeneity in opinions.[18] If dissensus fuels political debate, replacing it with consensus will likely cause deliberative activities to stagnate. In the words of Mill, "even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds."[19] That is, unless your opinion is being challenged continuously, and unless you are being forced to defend it publicly, in order to convince an audience, you will have little reason to develop new arguments for your view, and elaborate those arguments you already hold. Hence, if there is widespread agreement on a standpoint, we should fear argumentative stagnation and, hence, a less rational public discourse.

2. *Forgetfulness*: Not only might a deliberative closure lead parties to cease developing new arguments in favour of their preferred policy option, they'll most likely forget existing ones, too. In order for people to remember an argument, they need to spend time actually contemplating it, for instance by constructing counter-arguments for themselves.[20] This 'deliberation within', a process through which people try and test out arguments for themselves, will probably be more active in an environment with dissensus. In an opinion environment characterised by a dominating consensus, to the contrary, people who embrace the majority view will be more likely to forget arguments.[21] Additionally, deliberation requires that participants know not only the is-

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[16] cited in Thompson 2008, 499.
[17] Ryfe 2005; Gastil and Dillard 1999.
[18] Ryfe 2005, 52.
[19] Mill 1991, 59.
[20] Lupia 2002; Goodin 2000.
[21] cf. Pingree 2006.

sues but, more importantly, the political views of other participants, a kind of political knowledge that deliberation also helps to promote.[22] Hence, once deliberation ends, we should expect participants to forget not only their own arguments, but also knowledge about issues and the views of others, too. And to the extent that people forget arguments and knowledge, the conditions for a rational public discourse will also necessarily decline, so this mechanism might be self-reinforcing.

3. *Conformity*: Finally, people's fear for being different or deviant could explain why a massive consensus could threaten the rationality of public discourse. A series of classical experiments in social psychology demonstrate that people are strongly inclined to conform with what they take to be a prevailing norm.[23] For instance, in Solomon Asch's conformity experiments, test subjects increasingly tended to provide incorrect answers to trivial, obvious factual questions, after confederates of the experiment unanimously had given wrong answers. On an aggregate level, this conformist inclination has been confirmed by empirical support for the so-called spiral of silence, although results have been equivocal.[24] According to the spiral of silence thesis, people who deviate from what they take to be the majority view on a certain political issue tend not to express their opinion publicly, while those who think the majority agrees with them are more inclined to state their view, which causes a self-reinforcing spiral effect, as majority supporters speak out while minority supporters increasingly stay silent. Hence, we suggest that this fear of deviating from what one takes to be the social norm risks impinging on the free exchange of ideas and opinions, which is the very kernel of deliberation and thus, it will also hamper the rationality of public discourse. Indeed, Gerry Mackie calls this human inclination not to deviate from prevailing norms a "non-rational conformism".[25]

Hence, argumentative stagnation, forgetfulness and conformism represent three plausible causal mechanisms explaining why a massive consensus might impede on the rationality of opinions and decisions formed through deliberative procedures.[26] One might expect these mechanisms to interact and strengthen each other. For instance, if minority proponents increasingly turn silent, those who endorse the majority view will rarely face situations in which they are forced to remember and sharpen their own arguments. On the other hand, if the dominant view is less often given a thor-

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[22] Thompson 2008, 507.
[23] Asch 1951; Larsen 1990; Schneider and Watkins 1996.
[24] Neuwirth, Frederick, and Mayo 2007; Priest 2006; Kim 2004; Noelle-Neumann 1993.
[25] Mackie 2006, 285.
[26] One might suspect other mechanisms to be at work, too, both individually and collectively. Sunstein suggests one such mechanism: Reassurance, i.e., reasoning with others makes us more self-assured in our judgments: "group members tend to become a lot more confident about their judgments after speaking with one another. A key effect of group interaction is a greater sense that the postdeliberation conclusion is correct – whether or not it actually is." (Sunstein 2006, 55.) If people become more confident after a deliberative agreement that they, as individuals and as a collective, have agreed on the right conclusion, this confidence in the agreement could hamper deliberative efforts at a later point in time. People would be less prone to reconsider their opinion after an agreement reached through deliberative than after one reached through non-deliberative procedures.

Mercier & Sperber (2009.) suggest similar cognitive mechanisms which seem to distort people's ability to argue rationally with others: *confirmation bias* (to see and recall only evidence which supports your own beliefs) and its flip-side, *disconfirmation bias* (to reject evidence that does not fit your views). Arguing is less about seeking truth and more about overcoming opposing views, they argue, and these lapses of rational argument help people devise and evaluate arguments that are intended to persuade others.

While such mechanisms might be at work more or less constantly in real-world argument, they would likely be catalysed in an environment characterised by homogenous opinions, as is likely after an agreement approximating consensus has been reached. For instance, confirmation and disconfirmation biases will rarely be challenged in a context where people mostly agree, not least because of conformism.

ough, reasoned defence in public, as stagnation and forgetfulness sets in, we should also expect conformity to loosen its grip, eventually, on minority proponents.

EMPIRICALLY STUDYING THE PARADOX

So far, we have presented what we call the consensus paradox: That the consensual agreement for which democratic deliberation ideally aims might worsen the conditions for future rational deliberation, and we have suggested stagnation, forgetfulness and conformism as three causal mechanisms which plausibly reinforce the paradox. Now, while there are both theoretical and empirical reasons to believe that the paradox exists, could it be studied empirically? In the following, we survey existing research and suggest some fruitful ways in which our thesis about the consensus paradox could be tested, by using both qualitative and quantitative methods applied to real-world deliberative situations, such as in parliaments.

While deliberative democracy was initially a theoretical and often normative concern, formulated as a critique of both electoral, aggregative and direct, participatory models of democracy, much research done on deliberation today is empirical.[27] We see two sorts of studies that give crucial, if partial, elements to the study of the consensus paradox: One type of studies concerns how people deliberate under conditions where they are expected to reach a consensus; another type of studies analyses how polarisation on issue areas affects opinion formation.

Consensus-oriented decision-making: Existing research on how consensus affects opinion-formation and decision-making usually study consensus as a method or criterion for decision-making. This category of research usually regards consensus as the goal of deliberative procedures, and asks how the procedural requirement to make decisions consensually impacts on the decision.[28] How do people reason with another about political issues, knowing that they must, in the end, reach a consensual agreement? However, to our knowledge less research has been done on consensus as the start, rather than the end-point, of public deliberative discourse. In deliberative theory as in political practice, no political issue is ever settled, once and for all; democratic agreements represent a temporary closure, and issues where a decision has been reached in consensus could become actualised again, for a variety of reasons. Hence, drawing on these studies of how deliberation anticipates consensual decision-making might be useful for studying whether consensual agreement has effects on posterior deliberation, too.

Effects of polarisation on opinion formation: Another, related line of scholarship examines how the degree of polarisation on a political issue affects opinion formation. In their study of parliamentary debates, Steiner *et al* construct a "discourse quality index", which measures, among other things, how well members of parliament justify and give reasons for their policy positions.[29] According to Steiner's *et al* results, parliamentarians give better reasons for their positions on issues that are non-polarised than they do on issues where opinions are strongly polarised. Explaining this result, Steiner et al argue that parliamentary politicians are more oriented towards pragmatic cooperation on non-polarised issues, which in turn forces them to give more thorough reasons for their positions.

[27] Chambers 2003; Ryfe 2005.
[28] Vanlear and Mabry 1999; Coglianese; Schwenk and Valacich 1994; cf. Renz 2006.
[29] Steiner et al. 2004.

Steiner's *et al* empirical findings, and the explanation they give for them, might seem to contradict our thesis about the consensus paradox and our suggested causal mechanisms: They find that discourse quality increases when issues are less polarised. However, there are important differences: First, Steiner *et al* study the quality of deliberation leading up to a decision, while our argument concerns the rational quality of the opinion-formation processes that follow once a deliberative agreement has been reached, and thus their empirical results, strictly speaking, do not pertain to our hypothesis. Second, our explanatory model is fully compatible with theirs, since we do not claim that the preconditions for rational opinion-formation improve the more polarised the debate. For instance, politicians have only weak incentives to publicly justify their positions on strongly polarised issues, as they have little reason to think that they will be able to convince their opponents on such issues. Moreover, the distinction between polarised and non-polarised issues is not exhaustive. We see an opportunity for examining whether a high degree of unanimity, not to be confused with non-polarisation, undermines the preconditions for rational deliberation. What happens when the non-polarised condition in a debate – which still can accommodate contradictory opinions – transforms into unanimity? Will the positive effect upon political debates remain? From a theoretical point of view, that seems improbable. Moreover, we see an opening for examining whether a polarised debate negatively affects collective opinion-forming processes, by studying issues where debate has gone from polarisation via non-polarisation to virtual unanimity.

Studying the mechanisms of the deliberative paradox
Hence, while existing empirical studies of deliberation provide important pieces to our puzzle, the consensus paradox as such still deserves thorough examination. In the following, we suggest methods by which to study actual deliberative decision-making processes, such as in parliaments, in order to determine whether the paradox occurs – that is, whether the rationality of public discourse on an issue decreases after a more or less consensual agreement, and whether it can be accounted for by the mechanisms of stagnation, forgetfulness and conformism.

In order to test whether consensual agreements impede further rational discourse, one could study actual public discourses on issues where the degree of consensus has varied over time, either by consensus replacing dissensus, or vice versa. As a corollary of our hypothesis, we should expect public discourse to become more rationally grounded if consensus is replaced by a greater variety of publicly expressed opinions.

While actual political debates in parliaments may seem only too far removed from the ideals of deliberative discourse, they might fruitfully be used to test deliberation under non-ideal circumstances. First, one might well operate with a low threshold and regard deliberation as any cognitive process where actors form and express opinions through argumentation.[30] And, moreover, as Mark Warren argues, deliberative democracy should not restrict its ambit to the rare occasions when perfectly rational gentlemen meet to quibble with each other.[31] Second, deliberation can be more or less complete.[32] That is, opinions can be more or less formed and expressed through argumentation. Hence, parliamentary arenas, as well as broader mass-media arenas – the strong and the weak

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[30] Habermas 1996; Wessler 2008; Simon and Xenos 2000.
[31] Warren 2002.
[32] Fishkin 1997, 41.

public spheres – contain deliberation, even if they are more or less far away from the ideals of deliberative democratic theory. Deliberation in actual political life is always imperfect.[33]

Hence, assuming that we can test our hypotheses in the real-world laboratories of parliaments and similar arenas where deliberation informs collective decision-making, an empirical study would involve two tasks: First, to test the hypothesis that consensual agreement eventually decreases the rationality of public discourse, and, second, to test whether the causal mechanisms we have suggested – stagnation, forgetfulness, and conformism – can account for the variation we expect in the first step.

Since we hypothesise that a deliberative agreement might impede the rational quality of future discourse, operationalising rationality is crucial. We suggest that coherence might be a fruitful indicator, and conform, thus, to the established view that coherence is one component of rationality, out of several.[34] Against a backdrop of empirical research in cognitive psychology on human logical capabilities, we can assume that people, more or less regardless of culture, strive for at least a measure of coherence in their opinions.[35] Thus, we can assume that participants in public political discourses strive to take coherent positions, i.e. of holding non-contradictory and logically consequential beliefs, an assumption in line with standard claims in deliberative democratic theory. We assume rationality, as indicated by coherence, to vary with the degree of consensus: The more consensual the agreement, the less rational the public discourse on the issue over time.

Hence, having operationalised the rationality of public discourse as coherence, we suggest that established methods of argumentation analysis might be useful for empirically assessing the coherence of statements made in public debates.[36] An argument consists of premises and conclusions. In order for an argument to be valid, the premises must not contradict each other and they must be relevant in relation to the conclusion. Testing for coherence is a form of internal validity testing, as it does not involve testing whether the premises are factually true or morally good, etc. This is an advantage: The internal ideal of coherence is less controversial and easier to evaluate than criteria for truth or goodness. Moreover, applying argumentation analysis to the study of public deliberation might ameliorate existing methods for studying deliberation and consensus. Research in this field has previously mainly consisted in studies where groups have been composed for the purpose of the study itself, in order to observe or interview deliberants during the deliberative procedure.[37] But it would also be fruitful to study real, documented argumentation and decision-making processes, for instance in parliamentary debates, where data is usually readily available.

Provided that the paradox can be observed, a second step involves testing whether the causal mechanisms can account for the decreasing rationality of public discourse after a consensual agreement. Being cognitive in their nature, the first two mechanisms, stagnation and forgetfulness, should leave traces in actual debates. Presumably, these mechanisms would result in a reduced tendency to justify claims and beliefs. Hence, in the context of parliamentary debates, such traces could be studied by means of content analyses. Steiner's *et al* 'discourse quality index' should be useful in order to quantify the amount of justifications. Additionally, it is possible to gather evi-

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[33] Grimes 2008; Gastil 2006.
[34] Coherence constitutes a necessary condition for a belief or aclaim to be rationally credible. Pinto 2001; For coherence as a criterion of rationality, see also Wedgwood 1999; Also cf. Mercier and Sperber 2009.
[35] Gaus 1996; Nisbett and Norenzayan 2002.
[36] Toulmin 2003; Feldman 1993; Johnson and Blair 1994; Björnsson et al. 1994.
[37] Renz 2006, 165.

dence of both stagnation and forgetfulness through survey techniques. Forgetfulness, for instance, implies that once the issue has been settled, people will forget factual knowledge and arguments on the issue at stake, a kind of political knowledge which is routinely tested in survey research.

Conformism, our third mechanism, is a matter of group psychology, and could prove difficult to track directly in the textual remnants of actual political debates. If the mechanism works as we expect, people who embrace minority views will be reluctant to publicly state their true opinions, though this absence of voices should be possible to document. Moreover, in the scholarly literature on the spiral of silence, we find numerous studies of this kind of socio-psychological mechanisms, using quantitative survey data. Alternatively, one could also use semi-structured interviews with representatives of majority and minority views in order to examine whether the fear of deviating from the social norm, set by a consensual agreement, has impacted on the course of the ensuing debate.

NORMATIVE IMPLICATIONS OF THE CONSENSUS PARADOX

If, as we have argued, deliberative democratic theory leads to a consensus paradox, so that the better we approach its ideals in reaching an agreement, the worse the conditions for rational public discourse over time, what should be done? Could the dilemma be avoided, or could its effects be mitigated?

Of course, in what sort of trouble deliberative democratic theory is, depends on whether the paradox can be demonstrated empirically to actually exist. One might think that a negative result, falsifying our claim that consensual agreements subsequently makes public discourse less rational, would be unproblematic for deliberative democratic theory. However, such a negative result might actually be more troubling. The consensus paradox builds on a core claim in deliberative theory: That the quality of public opinion benefits from having a broad and lively deliberative debate. Hence, after an agreement has been reached, deliberation decreases or ceases and we should, accordingly, expect the quality of public discourse to decrease, too. But if the quality of public discourse cannot be proved to decrease once deliberation halts, we should ask whether ongoing public deliberation really makes a difference. A negative result might thus seem to resonate with the critique against deliberation raised by skeptics such as Sunstein, Surowiecki and Hibbing & Theiss-Morse. Of course, one could still favour deliberation on grounds other than that it leads to more rationally sound decisions, etc, but that would be a major concession for deliberative democratic theory.

A positive result, confirming that the paradox arises in actual political debates, yields different normative implications for deliberative democratic theory. Dennis Thompson gives a sort of value pluralist defense of deliberative democracy, in arguing that we should recognise that the values deliberative democracy seeks to promote may sometimes conflict with each other, in theory as in practice:

> "We miss the complexity and power of deliberative democracy if we do not recognize the possibility that its elements may conflict with one another, that not all the goods it promises can be secured at the same time, and that we have to make hard choices among them."[38]

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[38] Thompson 2008, 511.

The consensus paradox points to such a potential conflict in deliberative democratic theory, but also in actual deliberative situations: between the good of agreement in decision-making and the good of ongoing lively public deliberation, between the bad of social conformism and the bad of collective irresolution.

If the paradox exists, a deliberative democracy should seek to develop deliberative procedures and institutions which reduce the risk that people stop exercising their arguments, or forget their knowledge of settled issues, or simply conform to the consensual or majority view. Institutionalising such counter-consensual procedures is entirely in line with the elements of deliberative democratic theory that emphasise ongoing public contestation. Indeed, there is a long tradition of democratic institutional design that has sought to create provisions for recurring contestation, in order to prevent a consensual agreement from eventually becoming undisputable. Cass Sunstein, for instance, argues that all societies need dissent, and points to the devil's advocate as an example of ways in which such dissent has been institutionalised in diverse settings.[39]

Given that the paradox occurs over time, from a consensual agreement onward, a deliberative democracy should seek to institute mechanisms for recurring revision. In actual public discourse, this is often the case: Many items recur on the agendas of political assemblies with an institutionalised interval, thus providing an opportunity for revisiting and reconsidering arguments and evaluate previous positions. Instituting various advocacy and accountability agencies might ensure that the consensus position is challenged even after an agreement has been reached.[40]

In that sense, the consensus paradox is not just bad news to deliberative democrats. Our argument here rather underscores a key insight in deliberative democratic theory: That any agreement, decision, policy or law must be constantly re-submittable to actual deliberative procedures. But it might point in the direction of those normative models of deliberative democracy that put less emphasis on the search for consensual agreement, and play up the agonistic quality of public deliberation, recognising reasoned disagreement as a valid outcome.

CONCLUSION

In this paper, we have argued that a paradox lurks in deliberative democratic theory: While deliberation aims to produce a rational, consensual agreement, the stronger such a consensus is, the worse the conditions will be for sustaining the conditions for deliberation over time. Deliberative democracy, thus, might become a victim of its own success: The more we approach its ideals, the more we undermine those ideals in the long run.

The argument we have explored in this paper has some interesting implications for deliberative democratic theory. If we can never, in theory as in political practice, regard political controversies as settled, once and for all, a deliberative democracy needs to ensure that over time, there are good preconditions for a rational discourse, for which actual, and not just hypothetical, deliberation and debate are crucial. However, once deliberation reaches a more or less consensual agreement (or is just settled, due to time constraints) and policy issues are no longer the object of public deliberation, the preconditions for upholding an ongoing, rational discourse seem less likely to be met in the future. Thus, we suggest there is a clash of two values deliberative democracy holds dear: The ideal

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[39] Sunstein 2005.
[40] Kuper 2006.

of consensus seems difficult to reconcile, in theory as in practice, with the ideal of ensuring fertile conditions for rational public discourse over time.

The paradox needs to be examined further, both theoretically and empirically. Here, we have only drawn on secondary literature in social and cognitive psychology to argue that a paradox that can be demonstrated in theory could also be expected to exist in the reality of public deliberation, for instance in parliamentary assemblies. However, whether that is so is ultimately an empirical question, and we have suggested ways in which the paradox – our hypothesis and the causal mechanisms – could be tested empirically, by means of both qualitative and quantitative methods.

To the extent that the paradox can be documented, however, we should not jump to conclusions and throw out the deliberative baby with the consensual, conformist bathwater. The paradox simply proves a point that has been hammered home by deliberative democratic theorists for quite some time now: The need for continuous, vigorous public deliberation.

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