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Jurg Steiner, Andre Bachtiger, Markus Sporndli and Marco R. Steenbergen
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Introduction

The research questions

This book is about deliberation in parliamentary institutions. It presents data on the institutional antecedents as well as the consequences of legislative deliberation in four countries: Germany, Switzerland, the United Kingdom, and the United States. Our goal is to connect the literature on deliberation, which has developed almost exclusively within the field of political philosophy, to a theoretical and empirical understanding of political institutions. Our main argument will be that talk matters: the nature of speech acts inside legislatures is a function of institutional rules and mechanisms, and bears an influence on political outcomes that transcends those rules and mechanisms. Our main vehicle of analysis is a Discourse Quality Index (DQI), which measures the quality of deliberation.

To give a feeling for the empirical data to be presented in the main body of the book, we open with two illustrations, one of a high quality of deliberation and one of a low quality of deliberation. The former example comes from a debate in the Swiss Council of States on amending the constitution with a language article. In the committee stage German-speaking René Rhinow made the proposal to establish in the amendment the abstract principle of freedom of language. He withdrew his proposal in the plenary session in deference to the opposition of many French speakers, referring to the importance of peaceful relations among the language groups. From a deliberative perspective it is important that Rhinow was willing to listen with respect to the arguments of the French speakers and that he did not withdraw his proposal as part of a bargaining deal in exchange for the votes of the French speakers in other matters important to him. Rather, he based the withdrawal of his proposal on his concern for language peace. An extreme

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example of a low quality of deliberation occurred in an abortion debate in the German Bundestag when Claus Jäger interrupted another member of parliament, saying: "You deserve a slap in the face for that!" With this rude remark Jäger lacked any respect for other arguments; in this way he signaled that he was unwilling to yield to the force of the better argument. He denied that other arguments had any merits at all so that it was not worth his while to consider them in any serious way. The speech acts of Rhinow and Jäger are at the extreme ends of our Discourse Quality Index with most speech acts being somewhere in between.

At the beginning of the book we put forward two concrete illustrations in order to make clear at the outset that we are addressing the issue of deliberative politics in an empirical way. We wish to investigate the level of discourse quality in the parliamentary debates of several countries and to see how variation in discourse quality can be systematically explained by its preconditions and consequences. Until very recently, the discussion on deliberative politics took place almost entirely among political philosophers. Within this philosophical discussion the following questions are at the center: (1) How is the deliberative model of democracy to be defined and how is it different from other models of democracy? (2) Is deliberation a good thing in itself? (3) Has deliberation beneficial consequences, in particular for social justice? (4) What are the favorable conditions for deliberation? The last two questions cry out for empirical investigation, and it is precisely our intention to tackle them in this book.

We address several audiences in this book. First, we address political philosophers by formulating our DQI in a theoretically justifiable way, linking it in particular to the ideas of Jürgen Habermas. Because of this theoretical foundation, empirical data generated using the DQI should be of interest to political philosophers. They can inform future philosophical debates about the preconditions for and merits of deliberation.

Our second audience consists of the scholars of political institutions. Much of the theoretical understanding of institutions is based on two traditions – rational choice theory and psycho-sociological models of norms. The former tradition typically views legislators' preferences as fixed and generally focuses on the way in which institutional rules translate those preferences into formal outcomes (e.g. votes). The latter tradition focuses on the manner in which legislators adopt behavioral norms and how those norms influence behavior. In both traditions, strong emphasis is given to voting. Of course, voting is an important aspect of legislative behavior, and part of this book is concerned with that topic. But much (if not most) of

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what legislators do is talk. Is such talk cheap, as some have argued? Perhaps, but we believe this cannot be determined in the absence of empirical data. This book takes political talk in legislatures seriously, asking if and when such talk is politically consequential. In this manner, we seek to introduce a neglected aspect of legislative institutions – deliberation.

Our third audience consists of those interested in comparative politics. We believe that the institutional antecedents of deliberation are best studied from a comparative perspective, which provides better leverage over the key predictors. One institutional aspect is particularly strongly related to the comparative literature, namely our distinction between consensus and competitive systems, which relates back to the literature on consociationalism. Thus consociational scholars should have a particular interest in our findings.

The senior author has himself a longstanding interest in consociational theory going back to the creation of the theory in the 1960s. Until now, deliberative and consociational theories have hardly been linked at all. We will argue that the two theories can be linked in a fruitful way. The consociational model stands in contrast to the competitive model, well illustrated by the Westminster model. The latter is characterized by the winner-takes-all system for parliamentary elections, the winning party forming the cabinet, weak veto power for minority groups, and a strong centralization of the state. The consociational model, by contrast, uses proportionality for parliamentary elections, grand coalitions for cabinet formation, strong veto power for minorities, and federalism. The consociational model is often recommended for deeply divided societies which are encouraged to use its institutional features. Such recommendations, however, are too mechanical and even somewhat naïve since they neglect the *cultural* aspect of how political actors interact and speak with each other in these consociational institutions. To be sure, this cultural aspect was part of consociational theorizing from the beginning, but merely in the vague expression "spirit of accommodation." The *intellectual history* of the current project is that the initial impetus was to come to terms in a theoretically grounded way with the phenomenon of a "spirit of accommodation." What exactly does this concept involve? As we read the consociational literature, a "spirit of accommodation" means to a large extent prudent leaders bargaining for compromises with prudent leaders of other societal groups. But there is more to a "spirit of accommodation," namely, something captured in the philosophical literature by the concept of deliberation.

Theoretically, we make the causal linkages differently than is traditionally done by consociational scholars. Their key dependent variable is democratic stability, their independent variables, on the one hand, institutions and, on

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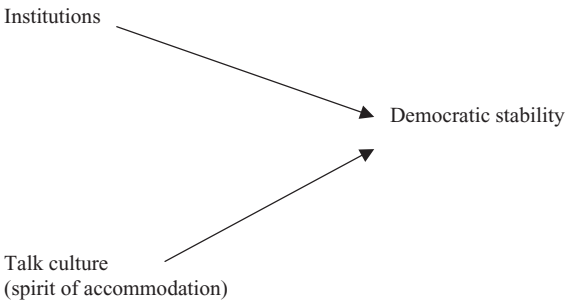
the other hand, the talk culture[1] known as the spirit of accommodation. Graphically depicted it looks like this:



For our current project, the ultimate dependent variable is political outcome, in particular with regard to the aspect of social justice. We then investigate how these outcomes depend on the talk culture of deliberation and how the level of deliberation in turn depends on institutional settings. In addition to institutional features, we also investigate to what extent the polarization of the issues under discussion influences the level of deliberation (for this aspect see figure 4.1).

Institutions ➔ Talk culture (deliberation) ➔ Political outcomes

In chapter 1 we will elaborate how, starting with consociational literature, we arrived at the current project on deliberation. In chapter 2, we summarize the philosophical literature on deliberation. The concept of deliberation is so broad that it can be usefully applied to any political system. Thus, although the starting point of the current project is consociational theory, our immersion in the philosophical literature on deliberation has allowed us to greatly broaden our research interest beyond consociational theory. We are now squarely involved in this broad literature on deliberation, and our research questions have to be seen in this broader context. We still wish to make a contribution to consociational theory, but our ambition is to a make a contribution to the discussion of the deliberative model at large. At the core of the deliberative model is the idea that all arguments in a political discussion are respected and that the force of the better argument in terms of the common good prevails. Deliberative politics contrasts with bargaining where arguments are used in a strategic sense to realize the personal interests of the individual political actors. Instruments to attain a bargain are threats

[1] In German there is the word "Gesprächskultur" that captures nicely how people talk to each other. Talk culture is a somewhat clumsy translation.

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of punishment and promises of reward, and the actors make cost-benefit analyses in order to determine whether they should enter into a bargain.

In chapter 3, as already mentioned, we develop our Discourse Quality Index (DQI) to measure the level of deliberation. There is disagreement among political philosophers on what exactly constitutes deliberation. For the construction of our index, we follow closely the deliberative model developed by Habermas that has inspired much of the interest in and debate about deliberative politics. The success of our research, however, should not be judged on whether we defend Habermas's model in a compelling way. This is not our intention at all. We are not philosophers, but empirically oriented political scientists, and our research interest is not to defend the Habermasian model but rather to establish in an empirical way the preconditions of a high-quality discourse and its consequences for policy outcomes. Our first task was to get an empirical handle on the Habermasian model. We broke down the model into its key elements, such as broad participation, justification of arguments, references to the common good, respect for the arguments of others, and willingness to change one's preferences. To code these various elements of the deliberative model needs a sophisticated interpretation of the entire decision situation and its context. It was not simply a matter of making a list, for example, of respectful terms and to count the number of these terms in the various speeches. One and the same term, depending on the context, may indicate quite different levels of respect, so that each coding decision has to take account of the context in which a term is uttered. The same is true for the coding of the other elements of the deliberative model. Despite this interpretative nature of the coding procedures, we attained high inter-coder reliability. To our knowledge, ours is the first effort to submit coding decisions on the deliberative model to reliability tests.

In chapter 4, we develop the hypotheses about our two main research topics: (1) the favorable conditions for a high-quality discourse, and (2) the influence of a high-quality discourse on the policy outcome. To address these two topics, we take as our units of analysis debates in plenary sessions and committee meetings of parliaments. Why debates in parliament? First, parliament is the place where, according to democratic theory, the representatives of the people are supposed to debate the crucial issues of their country. We will ask to what extent reality corresponds to this normative idea. Second, there is much cross-national institutional variation between parliaments, and there is also much institutional variation within individual parliaments; such variation allows the investigation of the impact of different institutional settings on discourse quality. Third, parliaments usually have good records of their debates, which is a great practical help for doing the actual research. We acknowledge, however, that in a later phase of our

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research it will also be necessary to investigate debates in the wider public sphere, which is so important for deliberative theorists. For them, opinion formation among friends, neighbors, at the workplace, in voluntary associations, on the internet, and elsewhere in the public sphere is crucial for the democratic quality of a society.

With regard to the first research topic, the favorable conditions for high-quality discourse, we unpack the consociational model into its key elements: for example, whether cabinet formation is by grand coalition or by a majority-opposition pattern. Another variable unpacked from the consociational model is the number and strength of veto points for minorities. We also include variables that are less central to the consociational model but are quite important for the comparative study of institutions: for example, the difference between a presidential and a parliamentary system and the corresponding difference in party discipline. We also look at the differences between first and second chambers of parliament and between plenary sessions and committee meetings. With regard to the issues under discussion, we ask to what extent they polarize members of parliament. In order to relate such variables to the quality of the discourse of a parliamentary debate, we anchor our hypotheses in the broad literature of new institutionalism, taking our insights from a combination of rational institutionalism, sociological institutionalism, and historical institutionalism. We expect that members of parliament pursue their individual preferences to a large extent but that they are also sensitive to the prevailing social norms in parliamentary settings so that they follow rules of appropriateness. What the individual preferences and the prevailing norms are in specific parliamentary situations has to be seen in a historical perspective with an emphasis on the path dependency of parliamentary behavior. Our approach is actor-centered, with the assumption that behavior is always constrained to some extent, but not completely determined so that there is always some room for choice. With this theoretical approach to the explanation of variation in the discourse quality of parliamentary debates, we cast the net for our first research topic very broadly in investigating the potential explanatory power of new institutionalism for the behavior of political actors. In this sense, investigating the first research question should also be seen as a contribution to the general literature on new institutionalism.

With regard to the second research topic, the influence of a high-quality discourse on the policy outcome, we distinguish a procedural and a substantive aspect. For the procedural aspect, we examine whether a high-quality discourse increases the probability of unanimous decisions. For the substantive aspect, we investigate whether a high-quality discourse increases the level of social justice in the sense that the most disadvantaged in society are particularly helped.

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In chapter 5 we test the hypotheses for the first research topic, for which we need enough variation in the independent variables. We attain this goal in investigating parliamentary debates in Germany, Switzerland, the United Kingdom, and the United States. Chapter 6 presents the results for the second research topic. Here the discourse quality becomes the independent variable, and for the research design it is important to have debates with enough variation in the discourse quality with all other variables being kept as constant as possible, so that the effect of discourse quality on the policy outcome can be established. Debates from the German Conference Committee fulfill these criteria in an optimal way; this committee has the task of mediating between the two parliamentary chambers. We try to present the results in chapters 5 and 6 as much as possible in a non-technical sense so that they are also accessible to readers without much statistical background.[2]

[2] For the more technical aspects of the analyses we refer readers to the website of our research project: www.ipw.unibe.ch/discourse.

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Institutions and behavior: the example of consociational theory

In its intellectual history, this book evolved from an interest in consociational theory and an increasing dissatisfaction with the integration of the behavior aspect into the theory. As consociational theory moved from studies of single countries like the Netherlands, Belgium, Switzerland, and Austria to the analysis of a large number of countries all over the world, the emphasis shifted increasingly to the institutional aspect. How political actors interact and speak with each other in consociational institutions was more and more neglected. In this opening chapter we use consociational theory as an illustration to show how the *culture* of how politicians interact and speak with each other is an important element that must be integrated into any institutional theory. Our basic argument is that speech is not cheap but may very well matter in many important theoretical ways (Noel 1990).

While we illustrate this argument for consociational theory, it also applies to other institutional theories. As we discuss in greater detail in chapter 4, much institutional research to date draws on two intellectual traditions. On the one hand, rational choice theories typically focus on a logic of consequentialism, which assumes that political actors seek the most efficient means to desired ends (Risse 2000). Institutional rules and structures are formulated to aid in this process. On the other hand, sociological theories frequently postulate a logic of appropriateness. In this view, institutions create behavioral norms that guide the actions of politicians (Risse 2000). We do not deny the importance of the insights that these perspectives offer, but we believe that both underestimate the importance of speech acts.[1] That is,

[1] There is an important exception to this within the rational choice literature. Over the past decade, Austen-Smith (1995) and others have made a concerted effort to unite rational

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we believe that there is a "logic of arguing" (Risse 2000) that contributes to political outcomes independently of the logics of consequentialism and appropriateness, and cannot be reduced to those two logics. A fuller understanding of political institutions requires that we understand how the members of those institutions engage in deliberation. What happens during political debate? What role do argumentation and respect play during parliamentary deliberations? How constructive is the political dialogue? We maintain that these questions should be answered if we want to obtain a complete understanding of institutions.

The creation of the concept of a spirit of accommodation

Let us elaborate on this broad argument by considering one particular institutional theory, consociational theory, which has played a central role in comparative politics for almost forty years. Consociational theory tries to explain the conditions for democratic stability in culturally fragmented political systems. The hypothesis is that the probability of democratic stability in culturally fragmented political systems increases if these systems are characterized by the following four institutions: (1) parliamentary election systems of proportionality, (2) cabinet formation by grand coalition, (3) federalism, (4) many strong veto points. Besides these four institutional elements, consociational theory already contained in its initial formulation a cultural element called the *spirit of accommodation*. This cultural element was the starting point for the current book. We will argue in this chapter that the concept of the spirit of accommodation is conceptually ambiguous and theoretically not sufficiently grounded, and we will replace it with the concept of deliberation.

Initially, consociational theory was developed on the basis of a few country case studies, in particular studies of the Netherlands, Belgium, Switzerland, and Austria. The most influential country study at the beginning of the development of consociational theory was Arend Lijphart's (1968) *The Politics of Accommodation. Pluralism and Democracy in the Netherlands*. In a chapter entitled "A Divided Nation," Lijphart argues that the Netherlands was for a long time culturally fragmented into Roman Catholic, orthodox Calvinist and secular subcultures. Lijphart then asks whether the Netherlands was at the time a stable democracy. Based on a number of indicators, he answers this question in a positive way: "Democratic government has proved both legitimate and effective . . . Dutch politics appears to be . . . healthy and stable" (p. 77).

institutionalism with deliberative theory. This work has come to view deliberation as more than cheap talk. Instead, deliberation is depicted as an essential vehicle of information transmission without which decision making in institutions would be severely hampered.

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In the political science literature at the time, there was the puzzle of how a divided nation could manage to be democratically stable. Lijphart's explanation refers to the practice of the "politics of accommodation." According to Lijphart, it was of particular importance that the principle of *proportionality* was not only applied to the parliamentary election system, but to the political system at large. Besides proportionality, *grand coalitions* in cabinet formation are a second important institutional device of consociationalism. The Netherlands never had grand coalitions in the fullest sense, but coalitions were usually oversized and political parties not represented in the cabinet had nevertheless some influence. With regard to *federalism*, the Netherlands never practiced federalism on a territorial basis, but they had federalism on a sectoral basis. With the institutional features of proportionality, oversized cabinet coalitions and sectoral federalism, the Dutch political system also had *strong veto points* built into the decision making process.

With the establishment of the four consociational institutional features, Lijphart was not yet at the end of his explanation of democratic stability in the Netherlands. He did not limit himself to the institutional argument that proportionality, oversized cabinet coalitions, sectoral federalism, and strong veto points were sufficient conditions for the culturally fragmented country to achieve democratic stability. Lijphart rather argued that these four institutional features were necessary, but not sufficient conditions for the achievement of democratic stability. For a full explanation, Lijphart added what he called a spirit of accommodation. Indeed, he had an entire chapter entitled "The Spirit of Accommodation." This spirit is considered to be at a high level when politicians are "willing and capable of bridging the gaps between the mutually isolated blocs and of resolving serious disputes in a largely nonconsensual context" (p. 104). Thus, according to Lijphart, it is not only important what kind of political institutions the Netherlands had established, but also in what spirit the politicians interacted in these institutions. This is not only an academic argument, but also an argument that one finds among insightful politicians. When on November 16, 2001, the parliament in Macedonia changed its constitution in a consociational direction, Arben Xhaferi of the Albanian Democratic Party exclaimed: "We have improved the constitution to reduce ethnic conflicts, now we must improve the mentality that has caused these ethnic conflicts."[2] Reinforcing this point, Matthijs Bogaards correctly points out, "ultimately, consociationalism is not about getting the institutions right, but about changing elite behavior."[3]

[2] *Neue Zürcher Zeitung*, November 16, 2001.
[3] Personal communication, December 13, 2003.

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