

Title: **Citizen Deliberation and a Communalist Ethics of Freedom**

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Abstract

Unlike many mainstream accounts of deliberation, Kwasi Wiredu offers a distinctly ethical conceptualization that foregrounds a robust accounting of pluralism in understanding the distinctive, general good of deliberation. Wiredu's account partially emerges from his considerations of an African political geography where the pluralism of high ethnic stratification is structured into all political life. His broader arguments underscore the benefits to Africa and everywhere else of a robust consideration of pluralism and its ethical significance to deliberative understanding. Indeed, developing Wiredu's arguments corrects a longstanding oversight in much deliberative theory which fails to treat pluralism robustly. Consequently, much mainstream theory misses a crucial, ethical, understanding of deliberation and its distinctive good. Developing Wiredu's political and moral arguments, the article argues that deliberation fulfils a distinctly ethical function in enabling citizens' moral consideration of each other and of those interests that are most meaningful to them in ways that are fundamental to the communal fabric of free society. This challenges the dominant justificatory view that sees deliberation predominantly as a means of justifying law and policy. By drawing out the moral and philosophical implications of Wiredu's arguments, the article argues that the justificatory view fails to account for a normatively coherent understanding of deliberation because it fails, also, at an ethically robust understanding of the kind of difference—and agreement—with which deliberation is concerned. Further, with a

field experiment, the article demonstrates that the empirical claim embedded in the justificatory view about the adherence of participants to deliberative decisions lacks support.

Keywords: Deliberation, Deliberative theory; Deliberative ethics; Democracy; Kwasi Wiredu; Freedom; Communalism; Justification of law and public policy

Introduction

Increasing use of deliberative mechanisms that include groups of ordinary citizens— for example, through citizens assemblies and mini publics— in public decision making belies a much longer scholarly concern with deliberative democracy.¹ Indeed, since the deliberative turn in contemporary democratic theory in the 1980s and 90s (Dryzek 2000), it has become a widespread understanding that deliberation offers substantive benefits for pluralist democratic societies (Chambers 2003, pp. 307-309). Scholars argue that in contrast to standard models of competitive electoral democracy where politics is often decided—in many cases, poorly— merely by aggregating our votes and leaving more substantive decisions to political elites, deliberation allows for better, more epistemically legitimate decisions (Young 2000, Estlund 1997; Landmore 2013). Scholars argue, further, that deliberative decisions, therefore, better justify the imposition of law and public policy over citizens (Cohen 1996; Habermas 1996; Benhabib 1996; Landmore 2013; Lafont 2020).

Yet, within this mainstream scholarship, theorists continue to overlook deliberation's ethical import in the relationship between citizens themselves. Indeed, many theorists overestimate the justificatory capacity of the kinds of decisions to which deliberation, properly conceived, leads. As such, much prevailing scholarship misapprehends the primary, distinctive, and generalizable aim and good of deliberative engagement in modern plural societies.

Within the dominant literature, theorists argue that deliberation is the cornerstone of ‘thick’ democracy (Barber 1984; Habermas 1979; Pateman 1970), transformative of society and of individual preferences (Pateman 1970; Barber 1984; Mansbridge 1996, 1999; Sunstein 1988, 1991; Nino 1996; Benhabib 1996). Jane Mansbridge suggests that deliberation may allow for a level of collective decision-making not found in adversary or aggregative democracy because the deliberative process focuses, and expresses, questions of what is in the ‘common good’ (Mansbridge 1980; also, Gutmann and Thompson 2004, pp. 12-27; Cohen 1989, pp. 23-6; Cohen 1989; Fishkin 1995).

Further, deliberation, theorists argue, enables greater accountability (Chambers 2003, p. 308; Landemore 2020). By allowing individuals and political actors to account for their reasons for political decisions, these decisions are made justifiable to all those who must live by them (Cohen 1996, pp. 95-100; Habermas 1996; Benhabib 1996). A hugely influential mainstream scholarship has long been dominated by the claim that deliberation’s primary value lies in its ability to provide the public justification necessary for public policy decisions to be either legitimately imposed on, or accepted by, citizens (Cohen 1996; Habermas 1996; Benhabib 1996; Landemore 2013; Lafont 2020).

As such, Seyla Benhabib argues that ‘procedures of deliberation generate legitimacy’ (Benhabib 1996, p. 71). Joshua Cohen notes that the ideal, ‘free’ deliberation— where preferences are determined only by participants— and ‘given the fact of reasonable pluralism’ (Cohen 1996, 100), not only produces acceptable or justifiable reasons for action, but is, additionally, ‘sufficient reason for [participants] complying’ with the decisions of deliberative procedure (Cohen 1989, p. 22; Cohen 1996, p. 100; Cohen 1986; Cohen 2010;

Estlund 1997, pp. 194-6; Habermas 1975). Amy Gutmann and Dennis Thompson agree that even when ‘many disagree,’ the political decisions secured by deliberation will be ‘legitimate’ because they result from a procedure of ‘good’ reason-giving by ‘free’ and ‘equal’ participants (Gutmann and Thompson 2004, pp. 3-13; Cohen 1986, pp. 279-281; Cohen 1996, pp. 99-100). In other words, deliberation is both normatively and procedurally necessary for the just and legitimate political order.

Within this justificatory tradition, more contemporary scholarship highlights the democratic importance of deliberation’s distinctly participatory elements. Cristina Lafont, for instance, argues that deliberation is important not only because it upholds the democratic ideal of self-government where the political equality of citizens over public decisions is crucial but, further, because it upholds an ideal of ‘political participation in decision-making’ (Lafont 2020, p. 22). According to Lafont, this will mean that citizens have *control over*, and substantive *identification with*, the content of laws and public policy (Lafont 2020, 18-25). By citizens participation in shaping laws, they ensure that ‘laws and policies conform to *their* judgments about justice’ (Lafont 2020, p. 22). Through deliberation citizens avoid alienation from, and blind deference to, law (Lafont, pp. 18-25).

Outside this dominant view, Kwasi Wiredu foregrounds a more ethically robust understanding of deliberation whose goal is not, fundamentally, the legitimation of public policy. Rather, for Wiredu deliberation is distinctive in enabling the reflective consideration among citizens *of each other* such that the development and sustenance of a *communal* sense and understanding of freedom is made ethically possible. The primary aim of deliberation, under the interpretation of Wiredu’s elaborated here, is not the just determination of law and public policy but, rather, our moral understandings of each *distinct* other such that, by

deliberation, our further understanding of the ways in which we depend on each other for the proper sense and fulfilment of our own moral interests and agency is made ethically substantive. Wiredu's ideas, further, raise a question about the nature of pluralism in deliberation. It is not the 'reasonable pluralism' of justificatory theories but, perhaps ironically for a distinctly communalist perspective, Wiredu's arguments lead to an understanding of radical pluralism that considers the distinctive arguments and interests of each participant meaningful to genuine deliberation and to development of the communalist sense and understanding of freedom that deliberation enables and sustains. This understanding of deliberation is crucial to assessing some of the long-standing assumptions in prevailing deliberative theory and, further, to an assessment of the kinds of societies we are, by deliberation, building.

My argument unfolds in three steps. First, I clarify the distinctly ethical component that distinguishes Wiredu's analysis and conception of deliberation from mainstream understanding. Second, I argue that in contrast to many deliberative accounts, the account that arises from developing Wiredu's arguments about the kind of pluralism with which deliberation is concerned offers a more ethically robust and normatively plausible consideration of deliberation. I argue that a radical view of pluralism emerges from Wiredu's arguments about the decisional concern of genuinely deliberative engagement between citizens that substantively clarifies Wiredu's own arguments about why deliberation, properly understood, leads not to the kind of justificatory, overlapping agreement much theorised in the existing literature but, rather, to a more practically constrained decisional agreement among our meaningfully distinct interests. I argue, further, that—in addition to the theoretical and normative grounds the article motivates—there are good empirical reasons to question the justificatory claims of much existing literature. Finally, I draw out the implications of the

article's conceptual and ethical arguments for how we should understand the distinctive, and general, aim and advantage of deliberation between citizens.

The article is made up of three further sections. In the section **Pluralism and The Ethical Grounds for Decisional Agreement**, I draw out the ethical considerations that motivate Wiredu's conceptualization of deliberation by taking together his key political and moral arguments. I underscore the point that the ethical critique that Wiredu levels against standard majoritarianism is not resolved by much of the existing literature on deliberation. Further, I argue that serious consideration of Wiredu's arguments reveals an incoherence in the justificatory assumptions of mainstream theory. In the section **Decisional vs. Overlapping Agreement and Justifying Adherence to Deliberative Decisions**, I further develop the distinction between decisional and overlapping agreement. I show how it is possible for deliberation to get to the former without getting to the latter. I present the results of a field experiment in Lagos, Nigeria and empirically demonstrate why deliberative theorists have been wrong to think that simply because deliberation can lead to decisional agreement, this agreement should be taken to be justificatory to compliance. The experiment results show the freest deliberative settings to be least likely to lead to compliance. These results are not proof of my own positive arguments. Rather, they give a clearer, more practical view of the assumptions and logical error behind much dominant deliberative theory. In the section **Difference, Deliberation, and a Communalist Ethics of Freedom**, I develop the article's own positive arguments about the distinctive and general good of deliberation. To draw out the kind of communication distinctly deliberative engagement requires of its participants, I engage Wiredu's conceptual and moral arguments about the dependence of each of us, in the ways we seek to be free in political society, on the communicative and moral agency of all others. I argue for an understanding of the deliberative good as the increase it gives in our

ability to understand each person, and what is most important to them, *as they understand it themselves*. That is, it enables a distinctly ethical consideration among citizens and enables also understanding of the ways in which we each depend, for the fulfilment of some of the most important aspects of ourselves and the ways we seek *to be*, on the moral agency of others. The distinctive good of deliberation, I argue, is also its general good because it is what is achieved by deliberation prior to its ability to any other end and it applies, therefore, regardless of the political order in question. That deliberation brings us to decisional agreement is, I argue, further testament to the notion that, in deliberation, we reveal— by our very distinctions —the dependence of our freedoms, in a fuller ethical sense, on one another and make possible, therefore, the sustenance of that same communal sense of freedom. In **Conclusion**, I argue that an ethical view of deliberation should force deeper consideration of the notion of genuinely deliberative society and deeper consideration, therefore, of the motivations of mainstream deliberative theory and the contemporary political developments— citizens assemblies and the like— that evolve from them.

Pluralism and The Ethical Grounds for Decisional Agreement

In this section, I examine the importance to coherent theoretical understanding of the kind of decisional outcomes we should expect from deliberation if we take seriously a distinctly ethical understanding.

It has come, almost, to be taken for granted among deliberative theorists that deliberation solves many challenges of aggregative democracy. As Jane Mansbridge describes, in aggregative models

voters pursue their individual interests... politicians also pursue their own interests, adopt policies that buy them votes, thus ensuring accountability. In order to stay in

office, politicians act like entrepreneurs and brokers, looking for formulas that satisfy as many, and alienate as few... From the interchange between self-interested voters and self-interested brokers emerge decisions that come as close as possible to a balanced aggregation of individual interests (Mansbridge 1980, p. 17).

Iris Marion Young further explains that in aggregative democracies

we take individuals' preferences, whatever they happen to be as given. There is no account of their origins... there are no criteria for distinguishing the quality of preferences by either content, origin, or motive... Because preferences are conceived as exogenous to the political process, furthermore, there can be no account of how people's political preferences may change as a result of interacting with others or participating in the political process. On this understanding, furthermore, democracy is a mechanism for identifying and aggregating the preferences of citizens, in order to learn which are held in the greatest number or with the greatest intensity.... Thus there is no account of the possibility of political co-ordination and co-operation... the aggregate outcome has no necessary rationality and itself has not been arrived at by a process of reasoning (Young 2000, pp. 20-21).

In contrast, deliberation is meant to allow for a level of collective decision-making not found in adversarial or aggregative democracy because it asks citizens to 'leave aside their parochial concerns ... [and] co-operate by looking for what they have in common, seeking similarities among themselves' (Young 2000, p. 81). Thus, deliberation enables what Mansbridge calls 'reasoning together' (Mansbridge 1980, p. 78). Indeed, many scholars argue that deliberative procedure leads to decisions that will be more legitimate than those arrived at outside deliberation (Estlund 1997, pp. 194-6; Knight and Johnson 1994, pp. 277-296)

precisely because they are the outcome of rational agreement, reason, and collective consensus and, thus, better serve and express the common interest (Gutmann 1993, pp. 171-206). For many, deliberation is most capable of guaranteeing the aspect of ‘self-legislation that characterises strong democracy’ (Barber 1984, p. 175). This is because deliberation better allows for the representation of each citizen’s interests and is, therefore, better equipped to fulfilling the democratic promise of free equality (Young, 2000).

By this account, decisions that are the outcome of deliberation are those that incorporate the reasons that citizens all share or have in common. In collective decision-making, deliberation enables our agreement only to those decisions that include our own reasons and are, thereby, legitimately justifiable over us (Mansbridge 1980, p. 78; Sunstein 1988, pp. 1539-1590; Cohen 1989, pp. 17-34; Cohen 1996, pp. 101-2; Benhabib 1996, p. 73; Estlund 1997, pp. 194-8). This legitimating process will be especially valuable in complex societies where ‘a fact of reasonable pluralism’ makes necessary a procedure through which decisions of law and policy can be legitimately accepted by all (Cohen 1996, pp. 95-100; Habermas 1996; Benhabib 1996).

Amy Gutmann and Dennis Thompson have argued that by incorporating a ‘reason-giving requirement’ (Gutmann and Thompson 2004, p. 3; Gutmann and Thompson 1996, p. 52), deliberation ‘provide[s] the most justifiable conception for dealing with moral disagreement in politics’ (Gutmann and Thompson 2004, p. 10). Joshua Cohen has also argued that the democratic legitimacy of decisions imposed on citizens in modern societies, where there exists a ‘fact of reasonable pluralism’— i.e. multiple moral and religious perspectives— will rest on the fact that they were decisions arrived at through ‘free discussion among equal citizens’ (Cohen 1996, p. 95-100). As Seyla Benhabib puts it, ‘legitimacy in complex

democratic societies must be thought to result from the free and unconstrained public deliberation of all about matters of common concern' (Benhabib 1996, p. 68).

In addition to the major arguments mainstream theorists level against aggregative democracy—that it does not adequately represent each interest and does not, therefore, protect the free equality of citizens in a democracy— Kwasi Wiredu adds another: that it does not fulfil the right each person has to have their interests substantively considered by one's fellow citizens and which is morally necessary to the distinctly *ethical* function in any political society.

Taking the contemporary African political geography as part of the site for his theorising, and where majoritarianism's effect in many states with high ethnic heterogeneity is to leave the majority persistently 'politically marginalised' (Wiredu 2001, pp. 230-233), Wiredu agrees that aggregative democracy does not ensure 'that the decisions of the governing body reflect the consent of all *or even a large proportion* of the citizens' (Wiredu 2001, p. 230). The result is that 'a substantial part of the citizenry ...[suffers] veritable disenfranchisement *in the matter of decision-making*' (Wiredu 2001, p. 230). On any given policy, this disenfranchisement will apply to those in the voting minority and, also, to many in the voting majority since, as Young notes, aggregative models do not distinguish among the reasons for our vote (Young 2000; Wiredu 2001, pp. 230-2). Even among the majority, then, the outcome of aggregation is 'formal representation' without 'substantive representation' as the substantive preferences of many will have little bearing on concrete policy (Wiredu 1997, p. 307).

Reading Wiredu's political arguments alongside his moral arguments on deliberation, however, clarifies that part of the problem Wiredu highlights is not merely political but, more fundamentally, ethical. Order in any human society, Wiredu argues, requires a communicative function (Wiredu 1999). Further, in requiring the assessment and harmonization of certain principles, that communicative function is also, necessarily, *a moral engagement* (Wiredu 1999; 2008). The meaning of morality here is specific to the communicative function of society and Wiredu describes it as follows: 'if all the members of any community were to run completely short of due regard for the interests of other people in their behavior, that community would regress into brutish chaos. Conduct cognizant of that constraint is what morality is, in the strict sense. (Here, therefore, I am using 'morality' and 'ethics' as cognates.) In this sense, ethics is binding on all' (Wiredu 2005, p. 45).

The problem of majoritarian democracy, then, is not only that, in the post-colonial African context, for instance, of high ethnic stratification where the state remains bifurcated from its population, the majority is left persistently 'politically marginalized' (Wiredu 2001, pp. 230-233; Ekeh 1975; Joseph 1987). It is, further, that majoritarianism is unable to secure the ethical right of each person to have their interests *given moral consideration* by fellow citizens. What Wiredu highlights is not only that aggregative democracy fails to align with the core self-governing principle of democracy (Wiredu 1997, p. 307; Wiredu 2001, p. 231; Lafont 2020). He foregrounds, further, a broader concern that aggregative models are not adequate to fulfilling the *ethical* component of the communicative duties citizens have *in respect of each other*.

The deliberative corrective on Wiredu's view, therefore, is not merely the *political* representation of each person's interests but their *distinctive* representation such that their

moral or ethical consideration by *fellow citizens* is made possible. Wiredu's account raises the notion that deliberation requires an understanding of radical pluralism such that the interests of *each* participant is considered to be of *substantive* ethical and moral meaning (Wiredu 1997, p. 307; Okeja 2022, p. 73).

It will be helpful to further clarification of the kind of pluralism that arises from Wiredu's framework to consider Iris Marion Young's argument that deliberative communication is made necessary and possible by the 'facticity of people being thrown together, finding themselves in geographical proximity and economic interdependence such that activities and pursuits of some affect the ability of others to conduct their activities. A polity consists of people who live together, who are stuck with one another' (Young, 1996, p. 126). This 'minimal unity,' Young argues, further necessitates thin conditions of 'interdependence, formally equal respect, and agreed-on procedures' if deliberation is to take seriously, and value as a political resource, the fact of difference and the plurality of social positions, perspectives, interests, socio-cultural understandings, and so on (Young 1996, pp. 126-8). For Wiredu, the problem that deliberation solves, and which deliberative theorists ought to consider more vigorously, is more ethically robust than this.

For Wiredu, deliberation is necessitated not simply by the minimal condition that we must share freedom in the strictly socio-spatial political sense and that we are interdependent to that same degree. Deliberation is, further, necessitated because it is required for the ethical fulfilment of the ways in which we share, also, with each other, our moral agency, for it is indeed, this which makes the communicative function in society, necessarily, a moral engagement. The benefit of deliberation, then, is not strictly, or singularly, political, for it expresses, in each person, the distinctive, moral, sense by which they understand and wish

themselves to be free. By the dependence of each of us on the moral agency of every other, the distinctive depth of each free sense of action and of self-understanding enables, further, the determination and understanding of a genuinely communal, ethical, shape and scope of freedom in any given society.

The pluralism that concerns such a view cannot be merely the pluralism of group identification, or social positioning, and so on. It is rather the kind of pluralism capable of enabling our view and consideration of each person's *fundamental* sense (in that it matters most to them) of self and our view, also, of the ways in which each free sense of self is distinctly fulfilled by the consideration of all others. In other words, by deliberation, our view and understanding of the ways in which we each depend on others for the sense and depth of our own moral, free, agency is given, in respect of each other, proper *ethical* clarification.

Young is correct, therefore, that the reasonable pluralism of many existing deliberative models tends to take pluralistic difference as either not so fundamental to the perspectives of citizens, or as insufficiently beneficial to the *common* political project, such that the point of deliberation is to move past or 'transcend' difference (Young 1996, p. 127). As such, under many mainstream models, the point of deliberation is 'mutual identification,' so that the result of deliberation, in transcending difference, is that people 'now have the same meaning, or beliefs, or principles' (Young 1996, pp. 127-8). Many deliberative models therefore assume, and take as a normative advantage, the idea that deliberation leads to outcomes that resemble overlapping agreement.

The ethical grounds for the radical pluralism that arises from Wiredu's arguments, however, not only suggest that this understanding of overlapping agreement is incoherent to the task of

genuine deliberation but it leads, further, to an opposite understanding of decisional agreement as the practical outcome deliberation *ought* to achieve.

Genuinely deliberative outcomes, Wiredu argues, presume ‘*original position[s]* of diversity [italics mine]’ (Wiredu 1997, p. 304), where the plurality of positions applies to as wide a range of views that are of *substantive* meaning to each as there are persons in the room (Wiredu 2001, pp. 235-6). This is because deliberation, properly called, concerns those interests, reasons, and perspectives that substantively *depend on one another for agreement* (Wiredu 2001, p. 235-6) precisely because their substance is not identical. Such agreement should be understood, Wiredu argues, as ‘decisional’ (Wiredu 2001, pp. 235-7), because they concern decisions about ‘what *is* to be done’ (Wiredu 2001, pp. 235-7) but, also, because even in cases where decisional agreement involves issues of normative or cognitive belief, and on which there is ‘general agreement,’ there will still be ‘residues of differences’ (Wiredu 2001, pp. 235-6).

It is on these differences that deliberation relies, because without such distinctions of person and mind, unanimity would be ‘instantaneous... perfect in some sense’ (Wiredu 2001, p. 235). This latter, overlapping, agreement is morally, *ethically*, ‘uninteresting’ (Wiredu 2001, p. 235), and it cannot be the aim of deliberation because while many, if not all, deliberative issues will involve normative or cognitive beliefs on which many may even agree, the *benefit* of deliberation in political society is that it elaborates those reasons that in their distinctiveness, *depend on* those of genuine *others* for the possibility of reasoned agreement (Wiredu 2001, pp. 235-7).

Indeed, the idea that deliberation should make overlapping agreement possible assumes that we are only talking to those who are, *in the most morally relevant ways*, the same as us. In which case, overlapping agreement, or mutual identification is made possible because—despite recognition of the need each has of all others that deliberation, even in the minimal political sense, requires—each is doing nothing more than accepting those reasons *they*, also, have. As such, the matters over which we deliberate will, even when they are of moral, not merely practical, interest, be resolvable, *despite our differences*, into *substantive* uniformity (see Cohen 1996, pp. 95-100).

But the uniformity envisaged by such idealizations is not real because, as Wiredu's arguments highlight, such frameworks conceive of a procedure by which, regardless of morally substantive difference, we come merely to agree with ourselves and in agreement are, *nevertheless*, left *independent* in our reasons *from* all others. Such mainstream theorizations do not offer a conception of deliberation, properly speaking. Further, the normative coherence of the kind of overlapping agreement for which prevailing theory argues and takes as sufficient to the justification of public policy is now, also, unclear. This is especially true if we are actually concerned with the practice and ethics of deliberation in genuinely pluralistic political society.

Further, while decisional agreement is not that 'perfect [and morally] uninteresting' form of agreement whose aim is the justification of law and public policy (Wiredu 2001, p. 235), it is nonetheless necessary in societies where persons depend, for the proper sense of their own free action and understanding, on the moral agency of each distinct other in the genuine consideration of each distinct sense and reason of freedom. This view does not ignore the

fundamental distinctions among citizens, for they are what make deliberative agreement ethically meaningful (Wiredu 1997, p. 304).

Importantly, Wiredu's accounting suggests that if aggregative democracy fails, it fails not only because it is unable to sustain the representative reasons of each citizen to a decision but, further, because it is inadequate to citizens' moral consideration of each *distinct* one among them. On this latter criterion, many mainstream deliberative accounts fail too.

Perhaps the understanding of radical pluralism to which Wiredu's arguments give rise will be seen as of the kind that philosophers like Cristina Lafont have argued should not occupy deliberative thought because it thinks difference 'runs all the way down' (Lafont 2020, p. 37). In the section **Difference, Deliberation, and a Communalist Ethics of Freedom**, I return to the question of pluralism and to why, by a more ethically coherent understanding of deliberation's own mechanics, the radical pluralism that arises from Wiredu is precisely the pluralism that *should* concern genuinely deliberative engagement and theory.

Decisional vs. Overlapping Agreement and Justifying Adherence to Deliberative Decisions

In this section, I expand on the distinction between decisional and overlapping agreement. Not only does prevailing theory that deliberative agreement should lead to overlapping or mutual identification appear normatively incoherent—requiring agreement that, for commonality's sake, aims, nevertheless, at reasons that secure our moral independence from one another—it lacks, also, empirical support. Questions of empirical proof are usually irrelevant to normative theory, but not here because the claims of many theorists go beyond

what deliberation ought to achieve to include an empirical assumption that because deliberation *ought* to produce more procedurally, democratically, and/or substantively legitimate law and policy, these outcomes *will* justify the adherence of participants who *will* take the deliberative outcome as meaningfully constituted by their own reasons.

I present the results of a field experiment in Lagos, Nigeria, which I argue are beneficial to practical illustration of the fact that deliberation may yield even *unanimous* agreement and yet not be taken by participants to justify adherence to their own decisions. I should be clear that my aim here is not to derive normative claims from empirical analysis. I seek, however, to illustrate that the assumption in much mainstream theory, that deliberation leads to the kind of overlapping agreement that we should take as necessary and sufficient for non-coercive obedience to law and policy is not only lacking empirical proof but requires, further, sharper theoretical focus.

An older deliberative theory literature has been most explicit in its empirical assumptions about deliberative outcomes. Joshua Cohen, for instance, states that in the ideal deliberative setting ‘the participants [will] suppose that they can act from the results, taking the fact that a certain decision is arrived at through their deliberation as a sufficient reason for complying’ (Cohen 1989, p. 22). Despite its developments in other areas, more contemporary mainstream scholarship continues to accept that ideal deliberation—where preferences are determined by the participants—will produce justifiable decisions *for action* among free and equal persons (Gutmann and Thompson 2004, pp. 10-13; Cohen 1986, pp. 279-281; Cohen, 1996, pp. 99-100) that are, consequently, ‘sufficient reason for [participants] complying’ with its decisions (Cohen 1989, p. 22; 1996, p. 100; Estlund 1997, pp. 194-6).

Even more recently, Cristina Lafont, for instance, has argued that the substantive democratic legitimacy of policies requires citizens' participation because participation is what ensures that the substance of policy is in broad alignment with citizens views about justice (Lafont 2020, pp. 24-30). Lafont's view should be critically distinguished from an older, narrower view of deliberation as requiring face-to-face agreement on particular policies (Lafont 2020, pp. 28-9). Nevertheless, at the core of Lafont's understanding the goal of deliberation, 'is to transform actual public opinion into considered public opinion over time *so that citizens can endorse the laws to which they are subject and identify them as their own* [italics mine]' (Lafont 2020, p. 30, p. 162, pp. 179-187). Lafont argues,

the *democratic aim* of public deliberation is justifying the coercive power that citizens exercise over one another by trying to convince *each other* of the reasonableness of the policies to which they are subject... Its fundamental aim is showing *those who are bound to obey* the policies in question why *they* too can reasonably endorse them and identify them as their own. This is the genuinely *democratic* significance of public deliberation (Lafont 2020, p. 168).

By such accounts, we should expect —despite the real-world difficulty of attaining such outcomes— that more, and better, deliberation will lead to more, and better, alignment in the reasons participants have for accepting a decision. We should find, also, that in accepting a deliberative outcome based on these reasons, participants are more likely (than had they not deliberated) to comply with their decisions.

Experiment Hypothesis and Results²

Hypothesis: *an increase in free levels of deliberation will lead to an increase in compliance.*

This deliberative experiment utilised the Lagos Bus Rapid Transit (BRT) system in Nigeria,

which serves an estimated 200,000 passengers a day.⁴ We recruited 3,445 participants along the BRT’s 22 kilometre route, of which 814 took part in the experiment. Participants were randomised into full participation (FP), semi- participation (SP) and control (C), treatment groups with the task of deliberating over the passenger rules of the BRT. A list experiment and OLS regression was used post-test. We cannot reject the null hypothesis from the experiment results. In fact, those under the freest deliberative settings were most likely to disregard the deliberative decision.

List Experiment Results: Table 1 shows the difference in average responses given by participants across deliberative categories randomised to receive the treatment list (containing the sensitive item) against the average response of those in the same deliberative category randomised to receive the control list. The increased difference in means between both sets of responses is an estimate of the proportion of the sample admitting to the sensitive item in the treatment list (i.e.: an estimate of the proportion of the sample admitting to disregarding the deliberative decision).

Table 1: Difference- in- Means between Groups (FP, SP, and C) by List Treatment Status

	Deliberation Group		
	<i>Full participation</i>	<i>Semi-participation</i>	<i>Control</i>
Treatment	2.414 (0.079)	2.584 (0.076)	2.469 (0.040)
Control	1.950 (0.053)	2.309 (0.062)	2.136 (0.054)
Difference-in-means	0.464*** (0.095)	0.276*** (0.099)	0.333*** (0.067)

N

200

170

409

Note: * $p < 0.10$ ** $p < 0.05$ *** $p < 0.01$. Column A identifies treatment and control assignment for the list experiment. Columns B, C, and D provide the unconditional group means and standard errors by deliberation group status of the participant based on initial experimental assignment. Means and *standard errors* are rounded to the third decimal place. The differences-in-means between treatment and control groups using a two-tailed test across the three deliberation groups yielded statistically significant results at the 0.01 level. The final row N provides the number of list experiment respondents for each deliberation group post attrition.

Table 1 shows the unconditional difference-in-means analysis. There are statistically significant differences between the three deliberative conditions in their responses to the list experiment. There is a .46 increase in the average response value to the treatment list by FP respondents compared to the average response value to the control list also by FP participants. This is compared to a .27 increase by SP respondents, and a .33 increase by control respondents.

Using OLS regression, I then analyse the effect on responses to the list experiment of being treated across the three deliberative conditions, after controlling for demographic characteristics— income, age, ethnicity, and gender. I do this using two empirical specifications— one that includes group effects, and one that also includes additional demographic controls. This is to account for the effect that being in a particular deliberation sub-group or demographic characteristics may have had on responses. I first run the OLS

regression on the full sample including both treatment arms (FP and SP) and the Control arm.

The models can be specified using equations (1) and (2) below.

Specification only accounting for group effects (1):

$$Y_i = \beta * (T \times X_i) + \alpha_i + u_i$$

Specification with additional demographic controls (2):

$$Y_i = \beta * (T \times X_i) + \beta_1 * \text{agegroup} + \beta_2 * \text{female} + \beta_3 * \text{ethnicitygroup} + \beta_4 * \text{incomegroup} + \alpha_i + u_i$$

Where, for both specifications,

Y_i – outcome variable, which is the participant’s response to the list experiment question

β – parameter of interest

X_i - treatment assignment into deliberation groups – FP, SP, or C

T – treatment assignment in the list experiment

α_i –group effects due to group assignment at deliberation stage

u_i - error

$\beta_1, \beta_2, \beta_3$ - parameters on demographic controls (gender, age, ethnicity, income)

agegroup – categorical variable with three levels corresponding to age group (young, middle-aged, old)

female – dummy with values 0 or 1

ethnicitygroup – categorical variable with 47 distinct values

incomegroup – categorical variable with three levels (high, middle, low) based on occupation

Table 2: Full Sample OLS Regression Results with Group Fixed Effects and Demographic Controls

	(1)	(2)
	With Group Fixed Effects	With Group Fixed Effects and Added Controls
Full Participation Group	0.464***	0.474***
Treated in List Experiment	(0.093)	(0.094)
Semi-participation Group	0.209**	0.261**
Treated in List Experiment	(0.093)	(0.10)
Female		-0.078 (0.07)
Incomegroup = 2		-0.102 (0.155)
Incomegroup = 3		-0.154 (0.155)
Agegroup = 2		0.089 (0.061)

Agegroup = 3 0.005
(0.080)

Constant	2.309*** (0.055)	2.556*** (0.16)
Group fixed effects	Yes	Yes
Ethnicity	No	Yes
N	779	779
R-squared	0.147	0.217
DF	734	670

Note: * p<0.05, ** p<0.01, *** p<0.001.

Column A provides the independent variables for the two models, both with the dependent variable as the answers to the list experiment. Column B runs the OLS regression with just group fixed effects, while Column C shows the results with additional demographic controls. N represents the number of observations, R-squared provides an estimate of model fit, and DF represents the degrees of freedom.

Table 2 shows that, when administered the treatment version of the list question, participants in the full participation group are 46 percentage points more likely to admit to the sensitive item relative to the control group and that estimate is statistically significant at the 0.01 level. Those in the semi participation group were 21 percentage points more likely to admit to the sensitive item relative to the control group, and this estimate was also statistically significant at the 0.05 level. Addition of demographic controls does not significantly alter the effects, suggesting that age, income, gender, or ethnicity were not driving these results.

One concern we might have in interpreting these results is self-selection— that the results are down to a particular personality type (for example, a high sense of civic duty) and not to the deliberative treatment. However, this would only be worrying if this personality type was present in one treatment group and not in others. This concern might be warranted for comparisons with control group participants who were not physically present for treatment. In comparing FP and SP treatments, however, it should be resolved by random allocation to treatment. We cannot reject the null that freer deliberation does not lead to increased compliance.

I want to emphasise a further point. My aim in this section is not simply to demonstrate that proof for the empirical assumptions about the relationship between deliberation and participants adherence to its outcomes that is embedded in the claims of many mainstream deliberative theorists is lacking. The empirical analysis above, further, provides a certain insight that should also sharpen our view of even the *theoretical* assumptions theorists make about the nature of deliberative agreement even when this is *decisionally* unanimous.

As I argued earlier, the mechanism underlying the relationship between deliberation and *our acceptance* of its outcomes under the dominant justificatory view is that deliberative agreement will be agreement on reasons that are, *substantively*, reasons that those who deliberate have in common, and therefore, *independently* for each of themselves. The question now is: even in *unanimous* agreement is it, even *theoretically*, plausible for deliberative agreement to amount to an agreement that — in including the reasons that emerge or are accepted in common— will be *substantively* overlapping in including *also* the reasons *fundamental* and substantive to *each* participant?

To answer, let us imagine that several citizens are deliberating over whether to pay taxes to the British government, and if so, how much. Each participant is of varying socio-economic, socio-cultural, and other demographically significant characteristic. More importantly, each person is a different person from every other.

We can take it for granted that some will think that taxes should not to be paid, and behind this will be some substantive reason that matters deeply, and differently, to each of them. Among the remaining, each will have a different set of reasons for why they think taxes should be paid. After hours of heated deliberation, the group comes to a decision that taxes should be paid at a flat rate of 20%.

For those whose initial view was to not pay taxes, we might easily understand that this decision—though they may, upon deliberation, agree to it— is not an agreement by them over what ought to be done but over what deliberation makes clear needs to or should be done. In other words, their deliberative agreement is not an agreement over their substantive beliefs. But what of those whose fundamental views were that we *ought* to pay taxes in some amount, and who were more deeply convinced by whatever substantive arguments led to the formulation of an actual figure?

Let us specify, also, some of the normative and cognitive understandings it is safe to say will have gone into making this decisional agreement. For each participant, there may run a nearly endless list of things believed to be in the state's duty to fund— schools, hospitals, a national defence and military, upkeep of the British monarchy, and so on. Some will have other beliefs about the duty of wealthier citizens towards others. Indeed, the subtle variety in each person's beliefs will, perhaps, lead to serious disagreements over what, precisely, should be

funded from state taxes and how. We might imagine, also, that at the heart of the arguments each person offers, and even among those that appear similar enough, are even deeper and more distinct cognitive understandings (elucidated or otherwise), that come from the interpretations that each has of their own experiences of the world and of themselves. In this scenario, it is unclear why we should think that the agreement to a decision even among this majority group will resemble anything like the kind of overlapping agreement theorised in much mainstream deliberative theory. It is far more likely that even where the deliberative decision seems borne of a similarity in normative beliefs, there will, as Wiredu notes, be ‘residues of differences,’ so long as those involved in the decision-making are, indeed, different human beings (Wiredu 2001, pp. 235-6).

However, that the decision should not be construed as overlapping in the fullest substance of every individual reason does not amount to an understanding that these residues of difference are morally irrelevant either to participants or to our understanding of them—far from it. Indeed, it is *in consideration* of such difference—of what is distinctively meaningful to others— that decisional, deliberative agreement, in the truest sense, is made possible. Nevertheless, the decisional agreement, even in our example of the majority proponents of a tax rate, should not be confused with the kind of overlapping agreement that many theorists have taken to be justificatory of deliberative decisions.

This understanding is important not only for clarifying the concern that Wiredu’s analysis raises over mainstream conceptualizations of deliberative agreement but, also, for establishing the most coherent interpretation of Wiredu’s own framework. For instance, scholars like Emmanuel Ifeanyi Ani have criticized Wiredu for thinking deliberative agreement possible without agreement on deeper normative beliefs (Ani 2014, p. 311). This

seems unlikely to Ani unless we accept that deliberation will necessarily disregard ‘not just the ideologies and beliefs of [many] participants ... but their desires or interests as well’ (Ani 2014, p. 315). The interpretation of Wiredu I develop here suggests that accounts such as Ani’s misapprehend the nature and purpose of consensual decisional agreement in Wiredu.¹⁴ Indeed, the focus in Wiredu is on the distinctive importance of deliberation to political decision-making among citizens in ethical and moral respect of each other and it, thereby, recognises the separation between that question and the somewhat distinguishable, broader question over the justification to obedience of even deliberative decisions. Existing accounts of Wiredu, and many mainstream deliberative theories alike, thus, miss the distinctive *ethical* importance of deliberation *in the process of decision-making* in evolving and securing the moral, communal, sense *and understanding* of freedom among citizens in *substantive* respect and consideration of one another.

Indeed, far from disregarding the deeper interests and desires of citizens, this understanding of decisional agreement is precisely the one capable of holding, and taking seriously, the notion that at the core of many of the arguments we offer in deliberating are those beliefs that also contain our most fundamentally held normative and cognitive understandings and that relate, also, to our own interpretive experiences of the world and the interests we have for *being* in that world. As such, no two arguments—no matter their external similarity—should be construed as, *meaningfully*, the same. Further, we should understand what is different about each to be significant not only to those who make them but, also, to our theoretical and normative understandings of the aim of deliberative activity.

One objection is that while the above argument is plausible over tax deliberations, it fails for deliberations about more fundamental questions of justice where substantive *overlapping*

agreement is required. In the next section, I argue that the objection fails to properly conceive what we mean, and ought to mean, *distinctly*, by deliberation.

Difference, Deliberation, and a Communalist Ethics of Freedom

It will not surprise many deliberative scholars that, in itself, deliberation may not lead to deep and overlapping agreement. Indeed, many have argued that deliberation can lead to deep disagreement (Mendelberg and Oleske 2000, Karpowitz and Mendelberg 2011, Druckman 2004; Elster 1986; Przeworski 1998; Stokes 1998; Sanders 1997; Knight and Johnson 1994, Frank 1997; Gaus 1997; Johnson 1998; Michelman 1997; Mansbridge 1996), particularly over the most morally substantive of issues (Manin 1987; Young 1996).

Against a background of reasonable pluralism, we might expect this competition to increase as, under deliberative conditions, groups that are identified ‘along some salient dimension,’ and especially in opposition to some other group, can become increasingly polarised (Sunstein 2002, p. 181, p. 184). My argument in this section, however, is that these sceptical arguments about deliberation — similarly to many of the justificatory arguments advanced on deliberation’s behalf— miss a crucial point about the distinctive, ethical, and *general* value of deliberation between citizens.

Cristina Lafont offers a scenario between a mother and son deliberating over a family policy about whether texting should be allowed while driving that is helpful to our view of what participants are doing in deliberation. As we might imagine, the mother has access to all sorts of verifiable evidence about why the accepted policy should be ‘no texting while driving,’ and which she can eloquently relay. Not only does the son have no access to equivalent standards of information to substantiate his opposing view that texting should be allowed, his

view of the policy leads him to generating all kinds ‘of bizarre arguments and examples and is blinding him against accepting the obvious’ (Lafont 2020, p. 165). Why would we persist, in such a case, with deliberation? Further, why *should* we persist with deliberation at all given that the vexing nature of the above case is likely a fraction of what would be our experience deliberating *with fellow citizens* over policies of deeper moral significance?

Lafont’s own answer is that first, deliberation evidences a certain epistemic aim. That is, even when deliberation is about offering good, verifiable reasons to those who refuse to see them, in deliberating with others, we have to offer the ‘most compelling [arguments and] counterarguments’ (Lafont 2020, p. 166). This means that while reaching pure epistemic truth might be better achieved by deliberating with a third party —someone other than those directly affected by the subject of deliberation— the kind of *political* deliberation that concerns us should also be understood as an epistemic endeavour because it requires that, in taking ‘into account the actual cognitive stance of precisely those others’ subject to the policies in question, we convince *them* of our reason (Lafont 2020, pp. 167-8).

Moreover, public deliberation, Lafont argues, has a distinctly ‘*democratic aim*’ (Lafont 2020, p. 168). As she explains of the mother and son, each is stuck with the other. And so, over their preferred policy, each must try to *convince* the other. The mother— in trying to convince her son of the no texting policy —is also ‘trying to avoid exercising unilateral power over him by simply forcing him to blindly obey the policy... [she wants] him to endorse the policy as reasonable upon reflection so that he can identify it as his own and comply with it on its own accord’ (Lafont 2020, pp. 166-7).

This is the same for deliberation in democracies, Lafont argues, because citizens ‘have a fundamental interest in not being forced to blindly defer to political decisions made by others that they cannot reflectively endorse as at least reasonable’ (Lafont 2020, p. 177). As such, we miss the distinctly democratic value of deliberation when we emphasise only its truth-getting value because ‘public justification is not simply valid reasoning but argument *addressed to others*’ (Lafont 2020, p. 165).

Lafont is right that existing scholarship continues to miss the point that deliberation is engagement with *others*. And yet, the full significance of this is not captured by Lafont’s own explanations. To return, briefly, to the mother and son example, the deliberative aim illustrated there is that each is trying to convince the other of the reasonableness of their preferred policy such that whichever policy wins is the one *both* participants are able to identify with because one is able to convince the other about the sense *of their reasons*. The idea of the participants agreement to the policy for each of their own *distinctive* reasons and moral considerations that, in deliberating, each gives genuinely to the other remains outside this conceptualization. If the son turns out to be convinced by his mother’s arguments, he will accept the no texting policy because his mother has convinced him about the salience of *her reasons*. Certainly, he complies, as Lafont says, because he now agrees with and identifies his mother’s reasons *as his own*, but if there is meant to be any substance, moral or otherwise, to our understanding and treatment of the son’s *otherness*, it is lost in such considerations of deliberation. Yet, if we are serious that when we deliberate we are not simply talking to ourselves but to people who are not us in ways we should take to be politically and morally important, then not only are predominant notions of what is going on in deliberation theoretically implausible, they offer little substance of what it means, and *should* mean, to deliberate *with others*.

Lafont is right, the deliberation that concerns us should be critically distinguished from other forms of argumentation or talk-based communication. Political deliberation between citizens is not mere conversation, nor is it a scientific exposition (Lafont 2020, p. 165). It is distinct from these in asking and allowing participants to reveal themselves, from their own experiential and cognitive perspectives, for the benefit of the moral perception of others. This understanding of deliberation already gives us a more fundamental ethical insight into deliberations aims and is, further, critical to grounding deliberation's *general*, and fundamentally ethical— not simply democratic— value.

To go further, let us briefly consider a deliberation in which I am engaged. This means I am not engaged in a lecture or information session. In these, we might reasonably assume that the views of some should bear more weight because they may *know* more or have greater decision-making responsibility (Lafont 2020, pp. 167-9). I am, also, not engaged merely in conversation because what I say is intended to *matter*, not only to me and the people I am directly addressing, but all those covered by the topic of deliberation, whether they are in the room or not. Finally, in deliberating I am not in a debate where participants' knowledge and responsibilities might be relatively equal and what will matter most is whose arguments are the most convincing to *triumph* over a decision. There may be myriad other types of talk that political deliberation is not, but these are the distinctions to which I'd most like to be attentive.

If I am deliberating with *another*, then, at the core of my speech are not only those reasons that may be most convincing to others but, *also*, and more importantly, those reasons—in relation to the matter at hand— that wrap up into, and that aim to elaborate my most deeply

held conceptions about myself and the intentions I have for that self. Others in the group are doing the same. In other words, in deliberating, we are not only *aiming to convince*. We aim, further, to tell others those things that we think are not only politically relevant, but which say something of moral significance about *us* and the ways we wish to *be* in the world—that is, things that matter distinctly to *our own sense* of our freedom and moral agency.

Let us assume, also, that I am engaged in this deliberation in a group that includes *another* Nigerian Yorùbá woman with a PhD in some subject and a professorship at some university. That we are *deliberating* means that we are each expressing those understandings that relate, ultimately, to the interpretations of ourselves *that matter most*—that is, that matter *fundamentally*— over the prevailing subject, to each of us. In doing so, we each seek to relay our perceptions of those things about each of our worlds that we believe have been, and/or will be, required for the desired maintenance, fulfilment, and/or transformation of each of ourselves. I include another person who, superficially, resembles me to underscore the point that we should think it utterly absurd that, in the specific context of a deliberation, over any given topic, she and I will offer reasons or arguments, *the fundamental importance of which, to each of us*, should be taken—in many morally relevant ways—to be the same.

If I am deliberating, then I am representing *myself* in ways that nobody and nothing else can—on the basis of my own interpretations of my life and my experiences. This is true also when I am deliberating on a topic in which I am even professionally trained to thinking abstractly— one, for instance, that directly concerns justice. That I am deliberating means that I am not in a philosophy seminar trying *simply* to convince others of my intellect. Rather, in representing how the subject in question matters *to me*, I aim, *also*, expressing certain

moral aspects of myself and what I believe is contained in that understanding for the consideration of others.

As such, deliberation is not a *neutral* engagement. In deliberation, participants are biased *towards themselves* and their own interpretations and experiences of life and the worlds and information around them. That is, they are biased towards those things that matter most to their own understandings of themselves and their interests because deliberation holds us to be the ones most capable of conveying *our own perspective*. And what is conveyed by each *particular* perspective and interest holds moral value because it is the representation of each distinct self for the genuine understanding of *others*.

It is in this way that deliberation enables greater recognition among citizens of each genuine *other* and enables, further, recognition and understanding of the ways each depends, for *their own moral fulfilment* on the *consideration*, in the actions and decisions, of all others. In other words, deliberation enables clearer perception of the ways each of us, in political society, relies on the *moral agency* of others, and the considerations these afford our own interests, for the achievement of our own *distinctive* ends. This recognition and understanding is, ultimately, underpinned by Wiredu's identification of the common interest among 'all members of society'—that each of us has an interest in being, in the ways that matter most to us, *ourselves* (Wiredu 1997, p. 306). We have an interest, also, in the moral fulfilment this entails.

What is involved in Wiredu's understanding of the ethical and communicative duty citizens have towards one another, and for which deliberation is required, comes into sharper focus. The society that takes seriously the interests of each individual is the one, also, in which

citizens are capable of a mutual regard of those things that matter most—that is, distinctively, *substantively*, to each of them (Wiredu 1997; Wiredu 2008; Şóyemí 2023). In such a society, the freedom of each person, in a most fundamental sense, relies also on the development and understanding of a *communalist* ethics of freedom that recognises that for the fulfilment of those things that make each of us, distinctively, ourselves, we rely on and share, not only in political freedom but, also, in the moral agency of all others. The reciprocal ethics entailed here is, as Wiredu notes, a ‘global [that is, general] principle’ (Wiredu 2008, p. 334). Contained in this general principle is the further understanding of deliberation’s own distinct and *general* aim.

If the condition of difference— relating to our own ways of interpreting the world and our experiences, and of attaching to them our own cognitive meaning for our own purposes —is, in fact, common among us, then the distinctive communicative function of deliberation is to increase, in each participant, the understanding of what others think makes them *themselves*, and what things, *as* themselves, they hold to be of fundamental importance for the fulfilment of their own interests and freedoms (Wiredu 1996). This applies even when the reasons citizens offer in deliberation are not the most convincing because the ability to this perception— to this mutual *consideration* —is an ethical end in itself, and it is the *distinctive* and general advantage of deliberation between citizens, regardless of the political structure in question.

To briefly return to the hypothetical scenario above where I am deliberating with someone who appears very similar to myself, part of the import of recognising the ways deliberation structures understanding of what, as conveyed in their reasoning, is distinctive and most valuable to others is that, in doing so, deliberation also clarifies the understanding we each

have of our own selves. In deliberating with my apparent doppelganger, for instance, I am likely to come to greater understanding of those among this other person's motivations, interests, ambitions and so forth, that mean most *to her*, precisely by the sharpening of their distinctiveness to those things that mean most to me in light of *my own* interpretations of the world. By deliberation, then, I gain also a deeper perception of myself and a clearer understanding, therefore, of the ways my own reasons relate, on the given topic, to the distinct interests, desires, ambitions, and so on—in total, the sense of freedom— of others.

In this deliberative process, a certain dependency is revealed not simply in the fact that in the genuine understanding of others I better understand myself but, further, because I come also to view that the fulfilment of my distinctive self requires, in political society, genuine moral consideration *by others*. I require not only their recognition and perception but, further, the moral consideration and 'mutual accommodation,' of *my* reasons *among* their own (Wiredu 2001, p. 238). As such, deliberation does not simply increase participants comprehension that theirs is only a partial perspective, forcing them to 'understand something about the ways proposals and claims affect others differently situated' (Young, 1996, pp. 127-8). More deeply, deliberation makes possible the tangible perception that for the fulfilment of ourselves, of our distinctive and free interests, we depend on and require the moral agency of others.

The pluralism of fundamental concern to genuine deliberation, then, is a radical pluralism in which, for a more coherent communal understanding, the substantive interests of each person are made, as a matter of our ethical consideration, not simply in view of justifying political decisions, to count amongst us (Wiredu 2008, p. 334; 1999, pp. 34-5; 1997, p. 307; 2005). It

is not the pluralism of mainstream theory where our distinctions are to be reasonably overcome and ignored (Young 2000, p. 81).

But it is also not the deep group pluralism that has usually been foregrounded by a previous generation of scholarship that is sceptical of deliberation. Lynn Sanders, for example, has argued that— within socio-culturally and socio-economically diverse settings in the United States of America, for instance— deliberation proves to be ‘neither truly deliberative nor really democratic’ (Sanders 1997, p. 349). Sander argues that this is because in many deliberative settings, what is meant by rationality, good and persuasive argument, and a ‘common voice’ is really only those arguments that come from those belonging to socially dominant groups (Sanders 1997, pp. 349-352; Young, 1996). Cass Sunstein confirms that deliberation can have group polarizing effects in which dominant voices, and the limited number of ‘argument pools’ within a given group, leads the group to ‘make more extreme decisions than would the ... average individual in the group,’ as would-be dissenters do not wish to be seen as ‘difficult’ or outside the group (Sunstein 2002, pp. 175-8).

In the search for justification, then, even where scholars do not expect to find it, existing examinations still miss the distinctions that matter most, and that ought to focus our analytical attention in deliberative settings. This is not to say that our group distinctions do not matter. The point here is that *in deliberation* what matters *about them* is precisely what they mean *to us*. This is because, as Wiredu notes, if there are any universals that transcend mere biology, it is that we are beings capable of going ‘beyond instinct in the drive for equilibrium and self-preservation ... by means of reflective perception ... of the external world’ (Wiredu 1996, p. 22). This external world consists of broad distinctions, for instance, of culture, family, history, nationality, sex, socialization, religion, class, gender, ethnicity,

race, and so forth. However, the influence that any one or more of these (group) distinctions will have on any given *person* is made *determinate* and distinctive of our interests by that part of each of us that *is* universal— that being, each individual capacity to interpret and judge what we understand and experience of the world, and our ability to communicate *this interpretation to others* (Wiredu 1996).

It may very well be, therefore, that polarization between distinctly identified groups increases in deliberative settings, but this only matters if we are assuming that justificatory agreement is the deliberative aim. Removing this assumption—and I have so far argued that, independent any other positive arguments about deliberation, there are good theoretical and empirical reasons for proceeding this way— should lead us to paying closer attention to what participants aim, *in the attachment of their arguments* to their group distinctions, to say and convey about *themselves*. If only for the reason that it is illogical to assume, simply because persons are polarised *between* groups, that the *substantive* nature of agreement *within* groups will be any less complex or interesting, then our analysis of deliberation would benefit from a clearer, more thoughtful, understanding of the kinds of pluralism that warrant analytical attention.

To be clear, my argument is not that in deliberating, we are *only* giving reasons that aim to distinguish us from others, or that in deliberation we do not offer arguments with which others *could*, by *their own* reasoning, agree and which, therefore, bring us into identification *with* them. We can, and we do. My point, however, is that even in such instances, what will be of distinctively *deliberative* importance—because deliberation is morally relevant communicative engagement *with others*— is what those reasons, whatever the rationality of their appearance, tell us about what is of substantive importance *to those that offer them*.

To return to the objection surfaced in the previous section that the article's conception of deliberation as sufficient only to decisional agreement will be inadequate when deliberation concerns deeper questions of justice, for instance— the objection misses the deliberative point. Indeed, what I have argued is that when we deliberate, the reasons we give are usually those that speak in some distinct way to our own understanding of the world and to the cognitive correspondence we establish between that interpretation and the things we seek to do or not do for the benefit of our interests. This process stands even when we are deliberating over topics that more obviously concern our conceptions of justice. In other words, so far as we are *deliberating*, even if the matter at hand is: “what is the right, good, or just thing?” the *deliberative* importance of the reasons we give will be what they intend to say *about us* and not what is conveyed about justice, *per se*.

Even over questions of justice, then, it is theoretically implausible that deliberative agreement will be overlapping agreement—in so far as we understand the reasons that participants give to relate in some meaningful and *substantive* sense to themselves. Rather, agreement will still be decisional because though it will contain the points at which participants' reasons meet, and *in consideration of each respective reason*, it will not overlap the fullest and distinctive substance of each of these reasons.

Yet, it is by deliberation that citizens gain clarity on those among their reasons and arguments that do, to an at least nominally substantive degree, depend, *by their distinction*, on one another. Indeed, the outstanding difference in the individual substance of what our reasons convey is precisely what makes deliberative, decisional, agreement possible and morally worthwhile in the first place since, by the consideration of the decisional agreement of

deliberation, our sense of the fuller substance of each of our own reasons is sharpened and its fulfilment made *morally* possible. Indeed, without such distinctions it is not clear what could be meaningful—morally or otherwise— about the notion of coming to an agreement.

It may be, as scholars like H el ene Landemore have argued, that the process of deliberative reasoning between citizens is superior in arriving at the right answers in decision-making than when decisions are left purely to elites and political representatives (Landemore 2013). Through practical institutional configurations, such as random lottery selections and mini publics, such deliberation— Landemore further argues— also enables citizens to better hold elite and governmental power accountable (Landemore 2020). While other scholars remain sceptical about these claims (Gaus 1997; Bagg 2024), the point here is that even if deliberative procedure *were* better equipped than at least random chance to produce a legitimate outcome regardless of whether this outcome is incorrect by independent criteria (Estlund 1997, pp. 176-181), this still—as Lafont has argued— would not tell us what is *distinctive* about deliberation. It does not tell us what deliberation *between citizens* does that other mechanisms that exist for arriving at more epistemically true answers, or for holding officials accountable, cannot (Lafont 2020, p. 169, p. 183).

Lafont’s own answer, however, that deliberation has a distinctly democratic aim in allowing citizens, over time, to ensure that the laws and policies they must obey can be identified with *their own sense of justice* misses also a more fundamental, and *general*, point about deliberation (Lafont 2020, pp. 20-23, pp. 176-7). I agree with Lafont that, in democratic societies, deliberation will likely be the most coherent, though not the only, means by which citizens persistently assess and calibrate the attachment of public policy to the will and service of that political community. But the possibility that, in democratic political systems,

deliberation may enable the consistent tethering of public policy to the society's moral sense is only a real one if we understand deliberation to have a more *prior*, and ethically fundamental, aim in relating the citizenry's own moral considerations, first and foremost, *to one another*. It is this primary, ethical aim that is deliberation's distinctive good, and it is the one that applies *generally*.

This view of deliberation as distinctly important to increasing citizens understanding and ethical consideration of each other does not imply that participants suspend their judgement about whether what others wish to fulfil about themselves is good, or bad, or right, or wrong, and whether and to what degree our reasons should go on to be supported (or not) by policy. My argument, however, is that this is not the primary, *deliberative* good.

Ultimately, this ethical view of deliberation should force deeper consideration of the kind of societies we believe ourselves, by deliberation, to be building. The genuinely deliberative society— where deliberation is recognised to be in respect of our understanding and consideration of each other—is that in which citizens are brought closer to understanding the ways they depend on, and *require*, each distinctive other for the fulfilment of many of those things that matter most to them (Wiredu 2008; 1999). It is the society in which the understanding not only of political freedom but, also, of each moral agency, is as shared and as, by deliberation, persistently tested, negotiated, and renewed (Şóyemí, 2023). Such a society, in other words, is one in which, by deliberation, and by the fulfilment among citizens of their ethical and communicative duties *towards each other*, citizens develop and sustain a communal, ethical understanding of freedom for which each individual sense is understood to be radically paramount.

This ethical consideration of the very societies in which citizen deliberation is increasingly wielded is hardly surfaced by many justificatory theories of deliberation nor, indeed, by the deliberative practices and institutions they tend to recommend, and which have only increased in their political popularity.

Conclusion

My argument in this article has been that in the dominant scholarly focus on the justification of political decisions, much mainstream deliberative theory has missed the crucial, ethical, feature of deliberation. By developing Kwasi Wiredu's moral and political arguments, I argue that the distinctive good and general aim of deliberation is that it enables the moral consideration of each person's interests and understandings of themselves that citizens owe one another. I argue that in this enablement, deliberation also deepens our understanding that, in political society, we share with each other not only political freedom but, also, our moral agency for the fulfilment of each of our selves and our senses of freedom. By this primary aim, deliberation is morally necessary to the development, maintenance, and fundamental view, of a communally, ethically functional society.

I argue, further, that this ethical view of deliberation should force deeper consideration of many of the justificatory assumptions that motivate much dominant theory, and deeper consideration, also, of the nature of society sustained by many currently popular instantiations of citizen deliberative engagement. Certainly, if the aim of the latter is simply the justification of public policy, my argument has been that this goal is not only theoretically implausible and normatively incoherent to deliberation but, further, lacks empirical support. Indeed, under experimental settings, more deliberation appears less likely to lead to participants taking their decisions as justification to comply. More importantly, however, I

have argued that it is not clear that contemporary citizens assemblies and so on—as with the justificatory theories from which they have evolved—have a correct view of what is, and should be, entailed in the moral and ethical understanding, and consideration by each citizen of every other, in the notion of genuinely deliberative society.

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Appendix A

The experiment was conducted between January 2015 and May 2016, with support from three research assistants at the University of Lagos. We recruited 3,445 participants at 12 bus terminals along the BRT to ensure diverse socio-economic representation.¹⁵ Of these, 814 took part in the experiment.¹⁶ These 814 participants were administered pre-test surveys to elicit confidential demographic information. The sample comprised 661 males (81%) and 153 females (19%). It was dominated by Yorùbá (64.62%) followed by Igbo (17.02%) ethnicities, and over half the sample was classified as middle-class income individuals (54.62%).¹⁷ The sample was stratified by gender and geo-political zone of participants origin within the country, and participants were randomly assigned to one of three deliberative treatment groups: Full Participation (FP), Semi-Participation (SP), or Control (C). Participants in each treatment group – FP and SP – were randomly assigned to deliberation sub-groups comprising 9 to 11 individuals. In total, there were 19 FP treatment groups comprising 205 individuals, and 21 SP groups comprising 178 individuals. The control group contained 431 participants. To ensure that the experimental conditions were randomly distributed, and to establish the internal validity of the experiment, I performed balance tests on the demographic characteristics of the participants assigned to each of the three experimental

conditions using age, income, and ethnicity as gender was used as a stratifying variable.

These tests suggest no statistically significant differences between assignment to treatment and key demographic covariates. Participants were informed of the date, time, and location of their meetings via SMS text message. Deliberations began on the 23rd of January 2016, in the presence of LAMATA officials, with two subgroups deliberating at a time.¹⁸ FP groups deliberated first, followed by SP groups. Those in the control group did not participate in deliberation.

FP deliberations were free-form sessions with no external intervention, lasting approximately 60 to 90 minutes. Participants were asked to come up with, and discuss, the passenger rules for the BRT system. These included rules such as no littering on buses, and other codes of conduct. Apart from declaring their presence at the start of FP sessions, LAMATA officials did not intervene in FP deliberations. FP groups decided organically for themselves who, and on what their proceedings would focus. Participants were left completely free to propose, discuss, dissent, and agree on rules. The outcome of each FP deliberation was a list of rules to which every member of the group unanimously agreed. A rule was not included in the list if a single participant disagreed with it. There were slight variations in the list of rules that emerged from each FP deliberative group. On completion of all FP groups, however, a final list of the 10 rules that appeared across all FP sessions was compiled.¹⁹ Every rule on the final list was a rule agreed to by every FP participant. After FP treatment, participants were sent the final list of rules via SMS text message.

SP meetings were structured sessions lasting between 50 to 70 minutes and faced an external constraint. In SP groups, participants faced two LAMATA officials to their front, who presented the final set of 10 rules to the SP group participants. The LAMATA officials were

also responsible for intervening to explain the purpose behind any given rule when the group's discussions reached a disagreeable impasse or when participants were unsure about the benefits of a rule. Participants were not told that these rules had been developed by fellow bus users. They were instructed to discuss the rules, but not to amend them. At the end of all SP sessions participants were sent the list of 10 rules via text message (SMS).

The same set of 10 rules was read out to each of the 431 control group participants individually over the phone. Unlike SP participants, control respondents were not allowed to discuss the rules. On completion of control phone calls, control participants were sent SMS text messages containing the list of 10 rules. We did not include a control group to whom we administered a pre-experiment survey, but did not make aware of the rules, as the list experiment conducted after deliberations required some awareness of the rules to elicit meaningful responses.

List Experiment post-test

Two weeks after deliberations were completed, all participants across the three groups— FP, SP, and C— were sent a list survey to test the degree to which participants in each deliberative group setting had adhered to the rules. A list experiment was used for post-test in this case to mitigate the risk of false responses (Lax 2016; Blair and Imai 2012). The list experiment was administered to all experiment participants over the phone, each of whom was randomly assigned to receive either the control or treatment version of the list question (Lax 2016; Blair and Imai 2012). Participants were asked to give a numerical answer for how many among the listed activities they had engaged in while using the BRT in the month prior to the survey. The control version of the list question contains a set of three options that does not include any one of the agreed upon bus rules, while the treatment version of the list

question contains an additional sensitive item, which is one of the agreed upon bus rules. Those randomised to receive the control version of the list, therefore gave a numerical response between 0 and 3, while those randomised to receive the treatment list gave a numerical response between 0 and 4. Of the total 814 participants in the deliberation phase of the experiment, 779 participated in the list experiment. This attrition did not significantly affect balance in my analysis, as the list experiment participants remained balanced on observable characteristics post-attrition.²⁰

Participants were given two examples of how to answer to the lists correctly— they were asked to answer with *the total number* of options that applied to them and not the options themselves. This follows the typical research strategy for a list experiment, where participants are asked to report the number of statements that they agree with, without specifying which ones (Lax 2016, p. 514). The difference between the average response of those who receive the control list and those who receive the treatment list provides an estimate of the proportion within the population (deliberative) sample admitting to the sensitive item (Lax 2016, p. 514). The list was designed with negatively correlated items.²¹ Partially because of this, responses of either ‘0’, or the maximum number of list items, are unlikely. By conducting floor to ceiling tests, I verified that this aspect of the list design was successful.²²

The aim of the list experiment is to see whether those in FP deliberations better adhered to the rules they developed than those in SP or C groups, by determining whether there was a difference in the average numerical response to the lists from participants across the different deliberative treatment groups, and secondly whether this difference was statistically significant. First, I analyse the difference-in-means between the average responses to the treatment and control lists across deliberative treatment groups. Then I use an OLS regression

with standard errors clustered at the group level to study correlations between the likelihood of compliance with the rules and assignment to deliberative FP, SP, or C groups. The results of the OLS regression suggest that FP participants were *least* likely to comply with the rules.

Appendix B: Final Bus Passenger Rules as agreed by all Full Participation groups

1. No littering on board the bus
2. No jumping Queue
3. No large loads/market cargo on board
4. Do not request unofficial bus stops
5. Do not open the windows on air conditioned buses
6. Get up for disabled/aged/pregnant
7. No fighting inside the bus or at bus shelters
8. Don't sit on the floor/by the door of the bus
9. No preaching
10. Do not get on already full buses

Appendix C: List Experiment

List 1 Control: Over the last one month, how many of these things have you done sometimes when using the BRT: 0, 1, 2, or 3?

- A. I only get on buses that arrive to the shelter completely empty.
- B. I get on the bus when there are some empty seats remaining.
- C. I get on the bus when there is no more seating but there is standing available

List 1 Treatment: Over the last one month, how many of these things have you done sometimes when using the BRT: 0, 1, 2, 3, or 4?

- A. I only get on buses that arrive to the shelter completely empty.

- B. I get on the bus when there are empty seats remaining.
- C. I get on buses when seating and standing are full up.
- D. I get on the bus when there are no empty seats remaining but there is standing available

Appendix D

Pre-attrition demographic breakdown by treatment for gender, age, income status, and ethnicity

<i>Characteristic</i>	<i>Deliberation Groups</i>				<i>Total</i>
	<i>Full participatio n</i>	<i>Semi- participatio n</i>	<i>Contro l</i>		
<i>Gender</i>					
<i>Female</i>	N 39	33	81	153	
	(Percentage) 25.49	21.57	52.94	100	
<i>Male</i>	N 166	145	350	661	
	(Percentage) 25.11	21.94	52.95	100	
<i>Total</i>	N 205	178	431	814	
	(Percentage) 25.18	21.87	52.95	100	
<i>Age</i>					

<i>Young</i>	N	44	37	154	235
	(Percentag	18.72	15.74	65.53	100
	e)				
<i>Middle-aged</i>	N	117	97	228	442
	(Percentag	26.47	21.95	51.58	100
	e)				
<i>Old</i>	N	37	44	46	127
	(Percentag	29.13	34.65	36.22	100
	e)				
<i>Total</i>	N	198	178	428	804
	(Percentag	24.63	22.14	53.23	100
	e)				
<i>Income</i>					
<i>High income</i>	N	4	1	11	16
	(Percentag	25	6.25	68.75	100
	e)				
<i>Middle-income</i>	N	117	101	219	437
	(Percentag	26.77	23.11	50.11	100
	e)				
<i>Low-income</i>	N	77	73	197	347

	(Percentag	22.19	21.04	56.77	100
	e)				
<i>Total</i>	N	198	175	427	800
	(Percentag	24.75	21.88	53.37	100
	e)				
<i>Ethnicity</i>					
<i>Yoruba</i>	N	140	113	273	526
	(Percentag	26.62	21.48	51.9	100
	e)				
<i>Igbo</i>	N	37	28	74	139
	(Percentag	26.62	20.14	53.24	100
	e)				
<i>Urhobho</i>	N	6	1	11	18
	(Percentag	33.33	5.56	61.11	100
	e)				
<i>Hausa</i>	N	0	2	2	4
	(Percentag	0	50	50	100
	e)				
<i>Others</i>	N	22	34	71	127
	(Percentag	17.32	26.77	55.91	100
	e)				

<i>Total</i>	N	205	178	431	814
	(Percentage)	25.18	21.87	52.95	100
e)					

Post-attrition balance check using list experiment respondents only.

CHARACTERISTIC	TREATMENT STATUS				Total
		Full participation	Semi-participation	Control	
GENDER					
MALE	N	163	140	336	639
	(Percentage)	25.51	21.91	52.58	100
FEMALE	N	37	30	73	140
	(Percentage)	26.43	21.43	52.14	100
TOTAL	N	200	170	409	779
	(Percentage)	25.67	21.82	52.5	100
AGE					
YOUNG	N	42	36	146	224
	(Percentage)	18.75	16.07	65.18	100
MIDDLE-AGED	N	115	92	218	425
	(Percentage)	27.06	21.65	51.29	100

OLD	N	37	42	43	122
	(Percentage)	30.33	34.43	35.25	100
TOTAL					
TOTAL	N	194	170	407	771
	(Percentage)	25.16	22.05	52.79	100
INCOME					
HIGH-INCOME					
HIGH-INCOME	N	4	1	11	16
	(Percentage)	25	6.25	68.75	100
MIDDLE-INCOME					
MIDDLE-INCOME	N	114	96	208	418
	(Percentage)	27.27	22.97	49.76	100
LOW-INCOME					
LOW-INCOME	N	76	71	186	333
	(Percentage)	22.82	21.32	55.86	100
TOTAL					
TOTAL	N	194	168	405	767
	(Percentage)	25.29	21.9	52.8	100
ETHNICITY					
YORUBA					
YORUBA	N	137	108	260	505
	(Percentage)	27.13	21.39	51.49	100
IGBO					
IGBO	N	36	27	72	135
	(Percentage)	26.67	20	53.33	100

URHOBHO	N	6	1	9	16
	(Percentage)	37.5	6.25	56.25	100
HAUSA	N	1	1	5	7
	(Percentage)	14.29	14.29	71.43	100
OTHERS	N	20	33	63	116
	(Percentage)	17.24	28.45	54.31	100

Ceiling and floor checks: frequency of list survey responses

Control

Treatment

Response Value	<i>N</i>	%	<i>N</i>	%
0	-	-	-	-
1	44	11	30	7.8
2	258	65	171	44.5
3	93	23.5	151	39.3
4			32	8.3
Total	395		384	

**Note: This table displays the number and percentage of respondents for each value of Y, the number of items that the respondent supports in the list experiment, for both the control and treatment responses. Percentages may not add to 100% due to rounding.*

*** 'C' refers to the control version of the list survey questions and 'T' to the treatment versions.*

This indicates data for list survey 1 is quite balanced. Most control responses in list 1 are '2', whilst the bulk of treatment responses are '2' and '3'. Only 7.8% of respondents answered '1' and 8.3% answered '4' respectively. Responses appear to be evenly distributed to avoid large ceiling or floor effects.

Appendix E: Ethics Statement

The experiment component of this article was approved by Boston University's Internal Review Board (Protocol #3898X) under an exempt status, meaning it was deemed to be minimal risk and that the 'probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.'

In compliance with the conditions of the experiment's IRB clearance, all recruited participants were asked to sign consent forms explaining the experiment's remit and gaining permission to collect confidential demographic information. At recruitment, each participant was also informed that their participation secured them N280 (approximately \$1.50) worth of bus tickets; buying them 4 bus journeys. These were handed out to participants at the end of treatments but before post-tests.²³ Additionally, myself and all research assistants involved with the experiment completed training under the Collaborative Institutional Training Initiative (CITI) Programme.

¹ For examples, see André Bächtiger, et al, *The Oxford Handbook of Deliberative Democracy* (Oxford University Press, 2018); John Gastil and Peter Levine, and Deliberative Democracy Consortium, *The Deliberative Democracy Handbook : Strategies for Effective Civic Engagement in the Twenty-First Century*

(Jossey-Bass, 2005); H el ene Landermore, *Open Democracy : Reinventing Popular Rule for the Twenty-First Century* (Princeton University Press, 2020).

² For experiment details see Appendix A

⁴ The BRT is operated by the Lagos Metropolitan Area Transport Authority (LAMATA), and is Sub-Saharan Africa’s ‘first dedicated bus route’ (Peltier-Thiberge 2015). The BRT is the Lagos State Government’s flagship bus system serving the majority of Lagos’ estimated 21 million population (<http://worldpopulationreview.com/world-cities/lagos-population/>). At the time of the project, the BRT did not have explicit passenger rules. See also <https://brtdata.org/location/africa/nigeria/lagos>

¹⁴ For similar interpretations of Wiredu, see Matolino 2009, 2013, 2016; Okeja 2022.

¹⁵ See Appendix E for Ethics Statement

¹⁶ The 12 terminals chosen for the experiment were: Mile 12, Ketu, Ojota, Anthony, Fadeye, Obanikoro, TBS, Onipan, and Christian Missionary Society (CMS). Focusing on bus stops meant participants would not include wealthy Nigerians who do not tend to use public transportation. As such, while the experiment is not representative of the national population, it is representative of the bus-using population.

¹⁷ Balance checks with a full breakdown of the sample by treatment groups is provided in Appendix C.

¹⁸ There were 30 to 45-minute breaks at the end of each set of meetings to ensure different subgroups did not run into each other.

¹⁹ For list of final 10 rules, see Appendix B.

²⁰ Composition of participants that participated in the list experiment is provided in Appendix D.

²¹ For list experiment questions, see Appendix C.

²² See Appendix D.

²³ A change to LAMATA’s operating partners meant that by the time of the main study bus vouchers were no longer in use. Free cashless E-cards were given to participants instead.