

The Consensus Project and Three Levels of Deliberation

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ABSTRACT: The basic argument is that the consensus debate has not been very meaningful until now because consensus has not been closely studied as a concept, and deliberation has not been studied precisely in terms of the propensity to reach common agreement. In particular, deliberation—as well as issues for deliberation—has not been categorized into different levels with a view to exposing the varying challenges of reaching common agreement and the kinds of deliberative approaches entailed in each category. In this research, I attempt to provide this categorization in order to clarify the debate.

RÉSUMÉ : L'argument de base de cet article est que le débat consensuel n'a pas été une notion très significative jusqu'à présent parce que le consensus n'a pas été étudié de manière approfondie en tant que concept et que la délibération n'a pas été étudiée précisément en termes de sa propension à parvenir à un accord commun. En particulier, la délibération et les problèmes qui en découlent n'ont pas été classées en plusieurs niveaux afin d'exposer les différents défis qui se posent lorsque l'on tente de parvenir à un accord et les types d'approches délibératives impliquées dans chaque catégorie. La présente recherche propose une telle catégorisation dans le but de clarifier davantage le débat.

Keywords: consensus, deliberation, facts, values, interests, reasons

Introduction

Kwasi Wiredu proposed a democracy by consensus inspired by the consensual practices of some traditional African societies. This proposal has been met with a high volume of debate involving passionate supporters and vociferous

Dialogue 58 (2019), 299–322.

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doi:10.1017/S0012217318000082

critics. Importantly, the debate has come to a standstill with a disagreement between supporters who argue that consensus is an ideal that could inspire modern political deliberation, and opponents who express scepticism about the practical viability of consensus in a pluralist society. My argument is that the debate about the place of consensus in a national political scheme has been gridlocked until now because of insufficient understanding of the nature of consensus and the types of issues regarding which consensus could be a plausible rather than a merely idealized aim. To do this, I critically develop a model initially suggested by Hélène Landemore and Scott Page.¹ I outline three levels of deliberation and two corresponding types of issues to demonstrate what type of issues and level of deliberation makes consensus quite plausible. To do this, I have divided the article into four sections. The first section (the next section) is a presentation of Wiredu's plea for a modern consensual democracy inspired by traditional African consensual practices. The second section is an attempt to clarify the debate about the role of consensus in a modern democracy by delineating three levels of deliberation and two broad types of issues usually deliberated upon. According to this section, deliberation level one is important for all deliberation but sufficient only for type one issues, and this is where consensus is plausible. The matter of consensus, however, gets less plausible at deliberation levels two and three (which deal with type two issues). In the third section, I draw comparisons between my three levels of deliberation and Landemore and Page's degrees of deliberation, between my types of issues and Jane Mansbridge's study of the sizes of groups and the homogeneity versus heterogeneity of interests on the viability of consensus. The fourth section mentions some implications of the three levels of deliberation and two issue types for the debate regarding the plausibility or practical viability of consensus in a modern deliberative setting.

Wiredu's Plea for a Democracy by Consensus

Twentieth century political theory witnessed some calls for an increased role for consensus regarding group decision making for institutional and political benefits. The most explicit of these calls has been Wiredu's plea for a consensual democracy on the inspiration of traditional societies. For instance, Wiredu argues that, in the experience of many African countries, the majoritarian system of democracy has been characterized by competitive power struggles that are too adversarial, aggressive, and divisive to the point of being harmful.² Indeed, Wiredu sees majoritarian democracy as the quintessence of uncooperativeness.³

Wiredu draws his inspiration from the consensus practices of his tribe, the Akan of Ghana. According to Kofi Busia, the Ashanti (the most powerful

¹ Landemore and Page, "Deliberation and Disagreement."

² Wiredu, *Cultural Universals and Particulars*, 197.

³ Wiredu, "The State and Civil Society in Africa," 1060.

political sub-group of the Akan tribe of West Africa) was a great kingdom in which decisions (including electoral decisions at all levels) were achieved through consensus.⁴ Wiredu acknowledges that we cannot hark completely back to traditional times, but there are certain principles we should note about the practice of consensus in those times, such as his claim that the Ashanti *deliberately* shunned majoritarian decision making for consensus. He writes,

I would like to emphasize that pursuit of consensus [in pre-colonial Ashanti society] was a deliberate effort to go beyond decision by majority opinion. It is easier to secure majority agreement than to achieve consensus. And the fact was not lost to the Ashantis. But they spurned that line of least resistance. To them majority opinion is not a good enough basis for decision making, for it deprives the minority of the right to have their will reflected in the given decision. Or to put it in terms of the concept of representation, it deprives the minority of the right of representation in the decision in question.⁵

Explaining what he means by ‘representation,’ Wiredu writes,

Two concepts of representation are involved in these considerations. There is the representation of a given constituency in council, and there is the representation of the will of the representative in the making of a given decision. Let us call the first formal and the second substantive representation ... On the Ashanti view, substantive representation is a matter of a fundamental right. Each human being has the right to be represented not only in council but also in counsel in any matter relevant to his or her interests or those of their groups. This is why consensus is so important.⁶

Then he emphasizes the Akan concern with substantive representation:

Consensus is not just an optional bonus. As can be inferred from my earlier remarks, it is essential for securing substantive, or what might also be called decisional, representation for representatives and through them for citizens at large. This is nothing short of a matter of fundamental human right.⁷

It is worthwhile to briefly outline some arguments that Wiredu offers for making consensus an aim. Regarding the mechanisms of consensus, Wiredu clarifies that he does not prescribe a monolithic framework for reaching group decisions. He acknowledges that consensus does not entail total agreement: he in fact argues that it presupposes diversity. Since issues may not always polarize

⁴ Busia, *Africa in Search of Democracy*, 28.

⁵ Wiredu, *Cultural Universals and Particulars*, 186.

⁶ *Ibid.*

⁷ *Ibid.*, 189.

along lines of strict contradictoriness, dialogue could function to produce compromises by means of smoothing edges, leading to a willing suspension of disagreement, and thus making possible agreed actions without necessarily agreed notions.⁸ This means unanimity about what is to be done, not what ought to be done⁹ and not unanimity in intellectual and ethical belief.¹⁰ As such, participants in a deliberation can reach agreement on what is to be done without forsaking their opinions “about what is true or false.”¹¹ Wiredu remarks that, in deliberation, reasonable individuals with divergent beliefs regarding the matter at hand, needing to act together, can mutually prune down their reservations in order to avoid immobilization.¹² He concedes that this suspension of disagreement is, of course, usually done by the residual minority in favour of the view of the majority which prevails not over, but upon, this minority to accept the proposal in question, not just to live with it, which is the basic plight of minorities under majoritarian democracy or procedures.¹³ Wiredu emphasizes though that this all depends on the will to achieve consensus.¹⁴

The workability of consensus as proposed by Wiredu has been greeted with deep scepticism¹⁵ and partial, if critical, support.¹⁶ For a detailed analysis of the potential abuses of consensus, see my article on this.¹⁷ Regarding Wiredu’s version of the economy of moral disagreement (agreement on action without agreement on values), I have also demonstrated elsewhere that there are issues on which participants cannot simply bypass value differences to decide on actions, since any action decided in such particular cases contains a value, belief, or interest.¹⁸ If substantive representation as proposed by Wiredu means that every member’s interest must be represented in the final *decision*, it suggests unanimity, which Kibujjo Kalumba (among others) rejects as too high a moral requirement for deliberation.¹⁹ Bernard Matolino asks us to

⁸ *Ibid.*, 183.

⁹ Wiredu, “The State and Civil Society in Africa,” 1057.

¹⁰ *Ibid.*, 1058.

¹¹ *Ibid.*, 1057.

¹² *Ibid.*

¹³ Wiredu, *Cultural Universals and Particulars*, 190.

¹⁴ *Ibid.*, 183.

¹⁵ See Eze’s “Democracy or Consensus?”; Jacques’ “Alterity in the Discourse of African Philosophy”; Matolino’s “The Nature of Opposition in Kwasi Wiredu’s Democracy by Consensus.”

¹⁶ See Matolino’s “A Response to Eze’s Critique of Wiredu’s Consensual Democracy.”

¹⁷ Ani, “On Traditional African Consensual Rationality.”

¹⁸ Ani, “On Agreed Actions without Agreed Notions.”

¹⁹ Kalumba, “Consensus and Federalism in Contemporary African Political Philosophy,” 104-108.

revise the unanimity tone (as projected by Wiredu) to that of mutual adjustment (or compromise).²⁰

However, outside scholarship, consensus is quite popular and has achieved the status of standard in certain social activities. A Western survey of hospital ethics committees showed that many members generally prefer consensus as a decisional closure²¹ and other surveys show that a ‘consensus ethic’ has become these committees’ conclusory standard.²² In fact, as Jonathan Moreno writes, “Medicine is a consensus-driven system.”²³ As Cary Coglianese observed, there is increasing legislation in the United States urging agencies to build consensus before making group decisions, peaking in the passage in 1990 of the *Negotiated Rule-making Act* authorizing agencies to establish formal negotiation processes and requiring that decision-making committees consist of “persons who ... are willing to negotiate in good faith to reach consensus”; once formed, such committees are legally obliged to reach a consensus.²⁴

This turn in public policy, as well as the consensus-driven organizational trends, has attracted severe scepticism about the practicality and reality of a consensus decision rule.²⁵ This scepticism mirrors the kinds of scepticism seen earlier that have greeted scholarly proposals for consensus. So we see scepticism among scholars of political theory and optimism on the part of small groups and technical committees regarding the practical viability of consensus. What would account for this difference in perspective? I intend to show that it is because these two categories (small and technical groups on the one hand and many scholars of political theory on the other) are concerned with quite different levels of deliberation. The first level of deliberation reflects the ordinary day-to-day issues usually discussed in traditional societies and modern-day expert committees for which consensus is desirable as a decisional closure, and the higher-level deliberation deals with issues reflecting varying ideological, religious, and political differences that have emerged with cosmopolitanism and defy easy agreement in modern-day group deliberation.

To do this, I proceed to clarify the various levels of deliberation (which also involves types of issues for deliberation), and make some remarks about the significance of these levels for consensus debates.

²⁰ Matolino, “A Response to Eze’s Critique of Wiredu’s Consensual Democracy,” 40.

²¹ Kliegman et al., “In our Best Interests.”

²² See Cranford and Doudera’s *Institutional Ethics Committees*; Lynn’s “Roles and Functions of Institutional Ethics Committees,” Robertson’s “Ethics Committees in Hospitals,” and Fost and Cranford’s “Hospital Ethics Committees.”

²³ Moreno, “Ethics by Committee,” 415.

²⁴ Coglianese, “Is Consensus an Appropriate Basis for Regulatory Policy?” 1-4.

²⁵ See Moreno’s “Ethics by Committee,” Coglianese’s “Is Consensus an Appropriate Basis for Regulatory Policy?”

Three Levels of Deliberation

The challenge of consensus increases with levels of justification demanded in deliberation. I do not exactly mean the ‘levels’ of justification used in the Discourse Quality Index.²⁶ By ‘levels’ of justification, I mean that deliberating on certain issues requires providing reasons, while in certain other issues providing not simply reasons but the value-systems that make those ‘reasons’ reasonable. Let me illustrate these by outlining three levels of deliberation,²⁷ and two issue types.

Deliberation Level Zero

First, when participants exchange conclusions about a certain subject without giving reasons for their respective conclusions, we can call this ‘non-deliberative information sharing’²⁸ or ‘deliberation level zero.’ If participants, in addition to sharing conclusions about a subject, share their views about the accuracy of one another’s conclusions, but these views consist of references to participants’ reputations (record of past accuracies or correctness of a person’s conclusions or predictions) in reaching conclusions in similar subjects, we do not yet have real deliberation, since this is appeal to personal reputations. This is *ad hominem* (praising or attacking persons instead of addressing issues). True, the fact that someone has an excellent history of conclusions in a subject area increases the likelihood that she could be correct in the current deliberation. But it is not proof that her current conclusion would be correct. Indeed, all the logical fallacies (grand standing, straw man and so on) should fall into this category, since they are attempts to justify conclusions or claims by pointing to sociological factors beyond deliberation. We still need to regard this as deliberation level zero: it may *appear* slightly better than non-deliberative information sharing in the informal sense of telling us something about the participants themselves, but it is really not better, and should not attract any marks in any eventuality of a deliberation quality testing.

Deliberation Level One

If participants share, not just their respective conclusions on a subject matter but also *reasons*, *premises*, or *evidence* for their conclusions, then we can call this ‘deliberation level one.’ This is the first stage of *real* deliberation, since it involves *justifying* one’s conclusions. This is *argument*, and where pure argument plays a role. But this level of deliberation does not satisfy all topics of deliberation: it is necessary in some sense for all deliberation but it is sufficient only for some issues. If, for instance, we are discussing a wedding, and we all

²⁶ Steenbergen et al. “Measuring Political Deliberation,” 28.

²⁷ This is inspired by Landmore and Page’s ‘degrees’ of deliberation, which I will compare to my ‘levels’ of deliberation.

²⁸ A term also used by Landmore and Page, “Deliberation and Disagreement,” 239.

desire that the ceremony be held outdoors to benefit from the beauty of the weather, let us assume that I suggest we hold this wedding in the month of December. If I do not give any reason for my suggestion, this is deliberation level zero. If I ask my fellow deliberative participants to simply trust my judgement as a wedding planner, it is deliberation level zero (the appeal-to-authority fallacy). If I say that my reason for my suggestion is that December (in Africa) is right in the middle of the dry season, and there is much less likelihood that rain would spoil the fun of an outdoor ceremony, then I have just exercised deliberation level one. This level of deliberation seems sufficient for mere logistics and natural science areas ranging from mathematics to physics. In short, it is often sufficient for debating facts about the world. Here some things are obviously true and others false. The truth here does not depend on negotiation between parties; it is found more or less through reference to empirical facts and logic. Consensus here is not difficult nor does it need any rare negotiation skills: it is frequently guaranteed almost automatically through locating facts and logic.

Let me note that the reason I provided (if we want outdoor ceremonies that are free from weather incidents, it would be best in the middle of the dry season) could easily attract consensus group decision. It is easy to arrive at consensus on *purely* empirical issues, in natural science, mathematics, and simple logistics, and, in most cases, the deliberation does not last long enough for us to need to vote. (By 'pure' I mean being free from competing values, beliefs, and interests.) This is because, in the absence of the confusion provided by the presence of varying values (metaphysical/religious beliefs, political interests, and philosophies of life), some issues admit of more clearly accurate and controversy-free solutions than other kinds of issues. For examples, a mathematical truth such as '2+2=4,' an empirical fact such as 'it's four miles between houses A and B,' do not need to be bargained, adjusted, or compromised.

The issue of purity needs a little elucidation. The ease with which issues attract consensus depends on the extent to which they are free from competing values, beliefs, and interests. If, in our wedding planning example, a participant in the deliberation believes (culturally or superstitiously) that being soaked by rain (including in an outdoor ceremony) is a good thing, then consensus becomes more difficult. Otherwise, nothing prevents a consensus.

A good number of issues are relatively 'pure' in this sense. For example: let us assume we were organizing a conference, and we deliberated on choosing between different halls on a university campus as the venue. If none of us deliberating has a vested interest in one of the halls (as a reason for advocating its selection), or has a superstitious belief against or in favour of any of the halls, and we are left with deliberating to choose a hall only based on empirical factors such as hall size, comfort, cost, and location, then choosing a hall for the conference is a relatively 'pure' type one issue.

For a third example, we may debate about a logistic proposal such as 'we need better security to forestall more burglary of the department building.' It may,

for instance, be objected that we need to improve our community relations and that security improvements will not help. But no participant will reject this objection if it is *clear* (which is empirical) that our community relations leave something to be desired, and it is also clear that this is linked with frequent burglary. Moreover, such an objection is in fact a suggestion that is more likely to supplement than oppose the initial proposal about increasing security. The two ideas (increasing security and improving community relations) are not opposite, contrasting, contradicting, or exclusive positions: they could feature as supplementary parts of a consensus agreement.

Let us also consider a fourth example of a proposal that we need to improve our teaching methods to improve learning. There may also be an objection to this proposal, such as that teaching is fine but the children are malnourished and are therefore not learning well. But this objection could also attract consensus agreement if it is supported by facts or evidence about the nutrition of the children. Many logistical issues end up this way. Where, however, two logistical proposals are directly opposing, one could emerge as more attractive or useful.

My general point has been that arguments based on evidence whose nature is generally accepted are highly consensus-capable arguments. This does not mean that they are entirely trivial issues, because they would then not need to be deliberated upon in the first place. It is just that empirical or mathematical issues are typically action-pointing or solution-begging issues that permit easier navigation through options in search of remedies. And it is easier for us to rank-order the epistemic merits of alternatives in discussing the empirical dimension of life.

Here, an objection could be that epistemological issues are not so simple. It may be argued that, beyond trivial issues, purely logistical and empirical issues may end up being hard to decide and reasons for and against them may be complex. Moreover, our grounds for holding them are going to be more complex than whether there is empirical evidence for them. They will depend on whether we *trust* the evidence cited, which may turn on our willingness to trust various credentialing institutions: much scientific and social scientific evidence, while empirical, is sufficiently downstream of observable facts like 'there are three chairs in my office' that one must rely on the testimony of others for much of its grounding, and then the epistemological issues get thorny. I appreciate this objection, but debates in which the credibility of evidence and the trustworthiness of credentialing institutions are *themselves* debated are not likely in much of everyday ordinary group meetings for which this article is relevant. My general point here is that many of the issues that *regularly* attracted consensus in traditional societies, small modern committees, and even academic departments are not the complex epistemological issues today, and they dealt (and still deal) mostly with implementation of already agreed upon moral, legal, or academic principles. As such, there is something consensus proponents are missing when they recommend the same decisional

closure for modern-day (especially pluralist) politics. Elders in traditional societies assembled to discuss matters affecting the daily running of their societies, and these did not involve sublime philosophical or advanced epistemological discussion. Similarly, consensus has been a success for medical or ethics committees precisely because they do not assemble to debate *deep* consensus questions: in most cases, underlying principles are already widely accepted, and we assemble to more or less implement them. For instance, Moreno writes, "... striving for deep consensus is quite exceptional. Rather, what is routine (in medical or ethics committees) is the effort to reach consensus at the level of cases *simpliciter* ... Rarely are underlying values questioned, except perhaps by a philosopher or theologian who happens to be a committee member."²⁹ These consensus-tended committees do not usually meet to *invent* new epistemological or moral principles. Issues where the quality of evidence and the credibility of evidentiating institutions are debated belong more or less to academic (indeed, philosophical) conferences, and here we do not seriously talk about reaching consensus closures.

My point so far has been that arguments based on facts or evidence whose natures are generally accepted usually tend to be highly consensus-capable arguments. What it means is that we have different categories or levels of *issues*, just as we have levels of deliberation. We can term these more or less mathematical, scientific, logistical, and purely empirical/factual issues as 'type one issues' or 'first-level issues.' Type one issues, therefore, are areas where consensus is made relatively easier by the visibility of truth-value. When one wonders why most issues in traditional societies ended in consensus, or why many expert committee or university departmental meetings are resolved more or less unanimously, it is probably because they involve a majority of first-level village, office, or departmental issues, or (in the case of committees) fact-finding missions where cases are simply investigated and established so we simply apply the existing laws to them.

Deliberation level one is therefore appropriate for discussing first-level issues. Even computers can be programmed to reach accurate decisions on type one issues. As an instance, the argument-based dialogue formulated by Yuqing Tang and Simon Parsons is a deliberation technique formulated in the area of computer science (artificial intelligence, to be precise). This computerized argumentation technique takes the physical world as the domain of issues it can handle.³⁰ This argumentation technique is empirically based, and when the authors say that it can be used to arrive at consensus on a course of action through argumentation,³¹ it is clear that it focuses on more or less natural science, mathematical, or logistical issues. But is this level of deliberation sufficient for

²⁹ Moreno, "Ethics by Committee," 420.

³⁰ Tang and Parsons, "Argument-Based Dialogues for Deliberation," 552.

³¹ *Ibid.*

value-laden social and political issues, such as deliberating about immigration, gay marriage, choice of political leaders for the next democratic regime, the existence of God, or what our response should be about radical Islam? Obviously not, and this leads me to the next level of deliberation.

Deliberation Level Two

When we offer reasons for our conclusions on a subject matter, and, in addition, (have to) offer to other interactants the value system—(set[s] of) beliefs, desires, interests—behind (or motivating) our reasons, then we are in deliberation level two. Obviously, not all subject matter will find level one to be sufficient. In some topics of deliberation, ‘reasons’ are inadequate and would even seem weak. This is because, apparently, all reasons are not the same *in kind*. For example, certain ‘reasons’ do not derive their logic from facts or mathematics. They are therefore not factually, mathematically, or logically obvious. They instead derive their logic from certain normative positions that have been taken by cultures through internal consensus-turned-tradition, or religions through doctrine, and so on. To assess these kinds of reasons, we must go beyond them to the shared values, doctrines, or traditions to make any sense of them.

Due to their inability to be tracked logically or empirically, such reasons are not usually formally recognized as stand-alone reasons. Such reasons must be accompanied by the value systems that make them reasonable *at all*. When, for instance, I reject the idea that sex education should be taught in schools, and I say that ‘sex is a sin’ as a reason to support my position, it seems I would need to offer more to my fellow interactants, since it is not at all clear how this kind of reason, when considered on a stand-alone basis, can help deliberation on such a subject. These kinds of subject matter, where we would need to offer value systems as well as reasons, also happen to be the same as those where the concept of physical evidence does not always make sense. The reason, ‘sex is a sin’ is ultimately unverifiable: there is no physical evidence that sex is a sin. I would therefore need to present, make assessable, or at least be sure that participants are aware of the value system (in this case, a religion) supporting such a claim.

I would term these as second-level (or type two) issues. It is not enough to present our reasons for our positions regarding these issues. The reason (sex is a sin) may not be a *reason* for everyone because not everyone agrees that sex is a sin. A rejection of the proposal to teach sex education would need to be accompanied by a corresponding presentation of a belief or value system that sustains such a position. Participants can then understand the founding rationale behind the reason (which, in this case, is a supporting value system), and hopefully respond to the reason by responding to its supporting value system.

It does not matter at this point in my analysis whether such interactions about value systems are likely to lead to successful resolution. I shall be making a few recommendations about this later. But regarding second-level issues,

only the offering of beliefs, values, or interests as founding rationale, in addition to conclusions and reasons, could lead to further productive deliberation. Otherwise, no deliberation can even take place. To understand my reference to sin, participants would need to understand the belief or value system that I hold dear, and on the basis of which I express the opinion. If values, beliefs (political, religious, metaphysical), and desires/interests are offered in addition to conclusions and reasons/premises, then participants offer one another a chance to dialogue (respectfully, one hopes) about these beliefs, values, and/or interests, and see how beliefs and desires/interests could be reconciled or at least adjusted to be closer to or more compatible with one another.

We would still not bet with consensus at this level, since people's interests or beliefs are often held jealously,³² and at any rate should not be expected to shift or change sporadically. I have given an example of a deliberation in this category, where participants were, because of their divergent values, beliefs, and desires, unable to reconcile the issue at hand.³³ In this example, I argue that one can expect this demand (in certain deliberation topics) for a simultaneous reconciliation of reasons, beliefs, values, desires, and interests to be sometimes impossible to meet. Here we see the over-simplification implied in Wiredu's prescription of 'agreed action without agreed notions': not every issue can be negotiated in deliberation without touching on the value systems of participants.

It would therefore amount to visiting topics demanding deliberation level two with deliberation level one if we ignored the values attached to certain issues. We have already seen in Tang and Parsons that course-of-action deliberation is more amenable to mathematical reasoning and less prone to controversy. This is precisely what course-of-action consensus theorists find attractive. But it would be mistaken to think that we can successfully avoid discussing issues that demand higher levels of deliberation. Speaking of this, there is an even higher level of deliberation that is supposed to result from a *productive* engagement with deliberation level two. To this I now turn.

Deliberation Level Three

If participants, in offering the beliefs, interests, desires, and values behind their respective reasons (which in turn were given for their conclusions, demands, or claims), manage to productively discuss these conflicting values or beliefs, and either *reconcile* or *adjust* them towards one another, then deliberation level three has taken place. So, with respect to deliberation, the difference between levels two and three is that the former witnesses the offering of varying values/beliefs/interests behind reasons, while the latter witnesses

³² By 'jealously' holding on to a belief, I here do not mean the desire to appear to be consistent in holding a belief. I refer to the desire to cherish a belief more from faith or political/cultural/religious allegiance than from reason.

³³ Ani, "On Agreed Actions without Agreed Notions," 314-316.

the productive discussion of these varying values/beliefs/interests. If, for instance, a Christian or pro-lifer accepts that abortion is permissible in cases of rape, she has adjusted her belief that humans (in her conception) should not be killed to the position that they can be killed under certain circumstances. The adjustment precisely involves a little element of contradicting her value of (what she sees as) life. And, given that many pro-lifers are religious people who believe in God and the existence of the human soul, one sees how quite difficult this adjustment could be.

Logistic and Normative Values

The distinction between deliberation levels one and two is clear, but distinguishing between issue types one and two can sometimes be quite tricky. Certain seemingly logistic issues are also value-laden, although in this case not values that are highly irreconcilable. Let me borrow an example of mine from elsewhere.³⁴ If, for instance, I value working from 4 am to 10 am, and we are to deliberate on fixing a morning meeting as a group, I might want to recommend a time after 10 am. This may be because I prefer to spend this period (4 am to 10 am) studying to actualize a particular ambition that I *desire*, or praying to satisfy a certain religious *belief* that I hold, or that I simply hold some strict self-discipline as a precious *value*. If I can help it, I will ordinarily not want to be interrupted or distracted during this period. The suggestions of others would likely gravitate toward their own preferred schedules and, therefore, values. Some might prefer 7 am, and if we decide to fix it at 9 am, then the result is a compromise between varied values (with me losing one hour from my valued morning routine, and others probably giving up chunks of their values as well) towards a centrist position. This is, as such, not a mere logistic decision on ‘what is to be done’ (as Wiredu terms it) but a constructive mediation of different values, preferences, or interests. However, these kinds of values/preferences/interests are not as dogmatic, as jealous, or as tenaciously positional as religious, metaphysical, and certain political values. They are what I would call ‘protocol’ or ‘logistic’ values.

What this means is that all values are not the same, and the differences can factor into the feasibility of consensus. In particular, deliberation level three (discussing values productively) is apparently more feasible when discussing logistic values. In the example above, reconciling our differently valued daily routines to agree to a meeting time is not as challenging as reconciling our different views about abortion. People’s views about decriminalizing abortion are usually based on their metaphysical notions about the universe, their beliefs about the place of man in it, and their beliefs about the nature of man (and none of these beliefs are verifiable). A person who believes in the existence of the human soul is quite unlikely to approve the decriminalization of abortion for

³⁴ Ani, “On Agreed Actions without Agreed Notions,” 313-314.

the simple reason that it terminates not just life but an entire divine plan on earth. To convince such a person is to begin with her religious beliefs (which in most cases are products of people's entire upbringings), and the question is whether this could (or should) really be part of a deliberation on abortion.

To get such a person to adjust her position to achieve consensus regarding decriminalization of abortion (such as that we should compromise to agree to decriminalize abortion for at least cases of rape) would nonetheless require that she abandons her religious belief that people are spiritual beings, and therefore that murder is a termination of a person's entire divine mission on earth. This requires abandoning a fundamental belief for its very opposite. Chiara Lepora divides compromises into three broad categories and identifies compromising over one's core principles of concern to accept their very opposite as the most difficult (and most self-compromising) kind of compromise.³⁵ This kind of compromise is what she calls 'conjunction compromise.' To reach a compromise that entails that one abandons her core beliefs for an opposite set of core beliefs is in fact to engage in wrongdoing from the person's own perspective.³⁶ Such a compromise increases rather than decreases one's responsibility for permitting, omitting, or causing the wrong (to her eyes) to take place.³⁷ The fact that it is a compromise aimed to achieve something neither of the parties would have achieved with opposing beliefs does not reduce the responsibility or culpability in permitting or causing the wrongdoing, and does not reduce the feeling of sadness and guilt felt by the compromiser.³⁸ In the eyes of the compromiser, she has permitted something wrong (in her view) to be done even if to achieve something good,³⁹ leading us to the proverbial saying about (the questionable morality of) the ends justifying the means.

In contrast to compromising over logistic values or the distribution of material goods (which we do not interpret as self-compromise or compromising ourselves), compromising over one's fundamental principles is actually *self-compromise* or the compromiser herself *being compromised*.⁴⁰ Such a believer is likely to remind us that it is murder nonetheless. She is likely to add that God knows best why he allowed the rape, and that the conceived child is nonetheless a human being with an equal claim to life as any other person.

How do we distinguish logistic from normative values? To begin, examples of normative values include religious beliefs, metaphysical notions of the universe, views about the nature of man, personally held fundamental moral principles, and normative political ideologies (far-right, centre-right, far-left, centre-left,

³⁵ Lepora, "On Compromise and Being Compromised," 10-11.

³⁶ *Ibid.*, 12-15.

³⁷ *Ibid.*, 15-16.

³⁸ *Ibid.*, 19-21.

³⁹ *Ibid.*, 20.

⁴⁰ *Ibid.*, 19. See also Jones and O'Flynn, "Can a Compromise be Fair?" 118.

and so on). By contrast, a large proportion of our *interests* could be categorized as logistic values, example, financial, materialistic, and certain political interests. In particular, political interests that I classify as logistic values are of the *strategic* rather than the normative sort. This explains why many negotiations in business and politics achieve consensus. But certain other ranges of interests, such as ideological and religious interests are not logistic in the sense that they arise from ideological or religious beliefs that are normative and whose patronage is not always entirely rational. Similarly, certain political interests are not merely strategic: they are normative or emerge from certain ideological, ethnic, or religious beliefs. They are thus not easily amenable to adjustment. Two examples: the interest of a religious sect such as ISIS to establish a Caliphate is related to a religious perspective and may not be open to change through deliberation, but it is easy to convince this sect to choose one city over another as the capital of its Caliphate by showing that the city in question provides a superior strategic geographic, economic, military, and political advantage. It might be too challenging to convince far-right politicians to abandon their ideology (normative value), but they may be more willing to change their minds about a certain political strategy (logistic value) if they are convinced it serves neither their ideology nor the public good.

The desire to dominate is also one of those interests difficult to adjust. However, it is easier to adjust this desire's modes of expression. It might be difficult to convince a person to abandon the idea of preferring the dominance of her nation, race, or ethnic group, but it is easier to convince her to do this through less despicable means such as trade competitiveness and comparatively superior quality in education rather than through military subjugation, monopolizing national political leadership, or colonialism at the international level. The desire to dominate is a normative value (we are unable to access and criticize it directly), whilst the ways of dominating consists a set of logistic values (we could criticize and compare them by criticizing their empirical effects).

A general distinction emerges, and it is that it is easier to settle disputes about logistic values by appealing to evidence (usually about what is empirically preferable), something quite elusive to settling disputes about normative values. Deliberation regarding logistic values, then, is more amenable to agreement (or consensus) because these values arise more or less from what we *want* to do with items in the empirical world. They are values about what actions to take to make reality out of some normative belief, involving which actions to prioritize over which other actions, or values about how best or what kinds of actions to take in order to achieve some interest. They are frequently values that are more closely related (or pointing) to action and evidence, and these (action and evidence) are among those things that we could rank-order in terms of desirability, relevance, utility, and so on. We can therefore reconcile them by calculating their empirical consequences.

These qualifications are harder to apply to normative values since they are quite often metaphysical (or at least much more theoretical) notions of the

universe, and some of them are articles of faith. Being metaphysical notions and/or articles of faith, they are unsusceptible to evidential challenge and sorting in deliberation. They are only revisable by presenting a countervailing metaphysical notion, article of faith, or item of allegiance, and hence the difficulty of deliberating about them. In general, then, intellectual, logistic, and aesthetic values can undergo deliberative transformation, but a little up the difficulty ladder would be some ideology-driven political values, with religious values and ethnic allegiance at the zenith, largely due to the fact that our relationship with these aspects of life are not always entirely rational.

Lastly, type one issue agreements are really just implementations of the most simple and universally agreed (shall we say, ‘objective’) *values*. When we easily agree to host an outdoor wedding in the middle of the dry season, it is because the desire to avoid bad weather is a universal value (or desire): no one wishes to be drenched by rain during an outdoor wedding. Even if the converse holds (if it is indeed a cultural norm to desire to be soaked by rain in an outdoor wedding), then a consensus to the opposite direction (to host the wedding in the middle of the rainy season) would be just as easily reached. So the values involved in type one issues are really the most biological ones, so rudimentary that we do not normally refer to them as values. This means that type one issues usually become the prominent issues for deliberation when it (deliberation) is taking place under the umbrella of a universal or unifying value/interest (or values/interests). When there is no dispute over a value or values in question, or when we are united by a common interest, we then simply focus on deliberating over logistic issues in the service of common values, interests, or goals.

To sum up, then, my levels of deliberation could be summarized as level one (primarily, argumentation and the offering of reasons for claims), level two (the presentation of values/interests because reasons are insufficient or incomprehensible), and level three (the productive negotiating around those values/interests). I have outlined two kinds of issues upon which we deliberate: type one (logical, mathematical, empirical, logistic) and type two (issues intertwined with logistic, normative and metaphysical values, and interests). Deliberation level one deals with type one issues, whilst levels two and three deal with type two issues.

Theoretical Comparisons

My levels of deliberation is inspired by Landemore and Page’s ‘degrees of deliberation,’ which in turn is an attempt to reconcile ideas of deliberation ranging from economics to deliberative theory. Landemore and Page argue that consensus remains an attractive goal or stopping rule in problem-solving contexts. This is because problem solving admits of solutions that are ‘better’ than others.⁴¹ They give a typical example of problem solving: a dark bridge (that is,

⁴¹ Landemore and Page, “Deliberation and Disagreement,” 235.

a bridge without security lights at night) connects a neighbourhood to the city's downtown, and muggings occur so frequently on this bridge that people fear walking home after dark, lowering the quality of life for this community. A meeting is scheduled to determine how to prevent muggings on this bridge, and how to do so at minimal cost. The city planner's office prepares three proposals for this meeting, namely,

(A) have the neighbors walk each other home and organize watches, (B) station a police car near the bridge after dark, and (C) install public lighting on the bridge. One could see deliberation in this context as aggregating preferences, for example, is (A) preferred to (C) and so on. But one can also see deliberation as problem solving... in that framing deliberation can produce new solutions.⁴²

It is best to quote Landemore and Page's account of how problem-solving deliberation works. They write,

Suppose, for example, that proposal (C) has the lowest cost but, unlike the other two, it won't reduce muggings to zero. The existence of the more costly police car option might lead someone to propose complementing the lighting with an emergency phone. Let's call this proposal (D). (D) might be the best solution. Deliberation, in pure problem-solving contexts, can not only get ideas on the table, refine, and improve them it can also create new, better solutions by recombining features of proposals.⁴³

Landemore and Page remark that solution (D) will easily attract consensus because it is quite obviously the best among others. They argue that we are able as human beings to detect better solutions due to an inner oracle, which they define as "a machine, person, or internal intuition that can reveal the correct ranking of any proposed solutions."⁴⁴ They liken the oracle to Jürgen Habermas's reference to our ability as human beings to detect the 'unforced force of the better argument' or the superiority of the right answer.

However, what Landemore and Page describe as our inner oracle is what I have described as our ability to detect correctness among alternatives (or superiority among solutions) in dealing with logistic, empirical, or mathematical issues. In my view, an inner oracle only makes sense in these areas of life, and is considerably weakened when we discuss value-laden issues. So, when Landemore and Page write that the inner oracle could deal with "the normative side of at least some political disagreements,"⁴⁵ one could see just how difficult it is for our inner oracles in the domain of value. And I think that they went too

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid., 234.

⁴⁵ Ibid., 236.

far to defend the oracle in discussing value-laden issues when they write, “We believe, however, that the values of competing solutions even in contexts of a more social or political nature can be relatively self-evident, at least with the benefit of hindsight, given enough time, and in relative if not absolute terms.”⁴⁶ It is a stretch to argue that an issue is ‘self-evident’ ‘in relative terms,’ since these two phrases do not sit well together, and the difficulty of reaching clearly correct solutions in many value-laden issues remains.

One could then notice that I substituted my deliberation level one for Landemore and Page’s problem-solving deliberation. And I have suggested that issues making this level of deliberation so amenable to consensus constitute what I have called ‘type one issues,’ since I needed to contrast them quite comprehensibly with value-laden (or type two) issues.

Landemore and Page suggest that, when an oracle could not be identified in deliberating an issue (in other words, if the issues are not my ‘type one issues’), and consensus cannot thereby be guaranteed, then deliberators would need to move to what they call the “predictive task,” which is to evaluate policies mainly by trying to determine their outcomes.⁴⁷ Determining outcomes depends on the accuracy of individual predictions and diversity of collective predictions. Landemore and Page provide the example of predicting presidential elections: different people may decide to predict who the next president will be based on different criteria, such as the rate of unemployment, the price of oil, or the experience and charisma of the candidates.⁴⁸ They argue that diverse predictions are more likely to produce a more accurate collective prediction when aggregated.⁴⁹ And, they ask, if diversity were good, why would we want to eliminate it?⁵⁰ Here we can see the advantage of aggregating diversity over consensus or unitary reasoning.⁵¹ So, we see from Landemore and Page, two kinds of deliberation: problem solving and prediction.

They then divide deliberation into three degrees. Degree zero corresponds to my level zero in the sense that no reasons are given by participants for their proposals. Degree one is achieved when participants refer to each other’s reputations, status, or past predictive successes in order to determine the accuracy of individual predictions.⁵² I had rated this as level zero. Deliberation of degree two is achieved when participants aggregate diverse models of prediction (such as predictions of the next president based on unemployment, oil price, and so on) to find a presumably accurate mean. And degree three is achieved

⁴⁶ Ibid.

⁴⁷ Ibid, 237-238.

⁴⁸ Ibid., 238.

⁴⁹ Ibid.

⁵⁰ Ibid., 239.

⁵¹ Ibid., 241-242.

⁵² Ibid.

when people deliberate on the models they used for their respective predictions. In the example of predicting the next president, I could explain to my fellow participants why I based my prediction on the price of oil, and another participant could explain why she based hers on unemployment, and so on. This is to enable participants to assess the accuracy of their fellows' models.⁵³

My first (and major) objection to Landemore and Page's categorization of degrees of deliberation is that it is restricted to prediction aimed at problem solving. Clearly, not all deliberation is prediction. And, for my purposes here, there is a need for a categorization of deliberation in specific regard to its ability to achieve consensus.

Second is that, were we to include problem solving as a level of deliberation, it would span all the levels of deliberation. All deliberation aims to solve a problem, whether the issue is empirical or value-laden. This is probably why Landemore and Page could not situate problem solving as a specific level of deliberation. Since problem solving can logically claim any level of deliberation, it makes the distinction between problem solving and prediction unsuitable for my purpose. Rather than talk about problem solving and prediction, I choose to compare deliberation over empirical, logistic, and mathematical issues to deliberation over moral, religious, political, and economic values and beliefs. This affords me the ability to distinguish between the kind of deliberation that attracts consensus (for which consensus advocates advocate consensus) and deliberation that defies consensus (for which consensus pessimists denounce consensus). I thus emerge with deliberation level one (primarily, argumentation), level two (the presentation of values), and level three (the productive negotiating around those values). As such, the only resemblance between my levels of deliberation and the degrees of deliberation proposed by Landemore and Page is deliberation level zero, which we both describe as making claims or propositions without giving any reasons for them.

In her book, *Beyond Adversary Democracy*, Mansbridge makes a distinction between *unitary* and *adversary* democracy. She discovered that what she termed 'unitary democracy' is practiced more by participatory democracies (what I term the 'small' groups: town hall meetings, organizational meetings) while adversary democracy is favoured at the nation state and parliaments (what I call the 'large' groups, or high platforms for deliberation).⁵⁴ This may be because small groups or associations usually have more common than conflicting interests, and large polities such as countries contain more conflicting than common interests. Mansbridge writes, "When interests conflict, a democratic polity needs adversary institutions. When interests do not conflict, unitary institutions are more appropriate."⁵⁵ Due to the preponderance of common

⁵³ *Ibid.*, 240.

⁵⁴ Mansbridge, *Beyond Adversary Democracy*, 6.

⁵⁵ *Ibid.*, 4.

over conflicting interests, consensus is popular with participatory and hunter-gatherer groups,⁵⁶ and the exact opposite is the case for large polities: less consensus, and the use of referendums and voting to settle most national disagreements. In rare cases, unitary democracy may pop up in parliaments when common interests overwhelmingly unite members, and any group (which includes small groups) would sometimes need to recourse to adversary democracy when they have irreconcilable differences.⁵⁷

Mansbridge's work is an important contribution to the consensus debate, and my work supports hers using a different set of premises. This is because, in addition to Mansbridge, I have argued that the relative simplicity of type one issues for deliberation makes consensus easier compared to type two issues. My work and Mansbridge's appear to have a far-reaching implication, which is the likelihood that consensus is more popular (or prevalent) at the *micro* level (small face-to-face groups) and less popular at the *macro* level (larger polities where there are value differences and interests therefore conflict). This is because small groups are often formed with quite specific action-pointing objectives, and group deliberations simply address the objectives without straying into very value-laden issues. Further research may focus on finding out what proportion of issue types confront groups at different levels, and the effects (or ramifications) of the dominance of respective issue types for achieving consensus in group deliberations.

My work may also be complementary to Mansbridge's: it may be that the dominance of common interest actually *simplifies* most of the issues deliberated upon by small groups. This is because *interest* is a *value* (I value what I am interested in, and am interested in what I value), and this singular value may dominate the attention of the group, edging out other more conflicting values or at least driving them to the background. Since Mansbridge argues that consensus gets more difficult when interests are more in conflict than they are common, and I argue that consensus gets more difficult when differences get more value-laden, our positions are similar since interest is a value. But we arrived at these positions through different routes: Mansbridge by empirically studying deliberative groups, and I by theoretically categorizing issues into types and deliberation into levels. One major difference between our positions is that values are broader than simply meaning interests.

In the end, Mansbridge thinks that both unitary and adversary democracies are complementary for a society to function well, and her findings suggest that this complementarity is a law of nature. She writes,

I believe that every polity contains both common and conflicting interests and that every polity therefore needs both unitary and adversary institutions to make

⁵⁶ *Ibid.*, 10-13.

⁵⁷ *Ibid.*, xi.

democratic decisions. Unitary democracies that ignore or suppress conflicting interests can do as much damage both to themselves and to their members as can adversary democracies that ignore or fail to develop their members' common interests.⁵⁸

What it means is that both unitary and adversary models of democracy fulfil quite different needs, and it seems to me that this perspective may be factored into debates about the plausibility of consensus in modern pluralist deliberation. The crucial distinction, however, between my levels of deliberation and Mansbridge's study is that it is not only about the size of groups and the homogeneity or heterogeneity of interests; it is also about the kinds of issues being deliberated upon.

Significance of the Deliberation Levels and Issue Types

I have argued that, in order to work out whether consensus is an appropriate goal for deliberative bodies tasked with making decisions, we need to pay more attention to the kinds of issues routinely encountered by the deliberative bodies, and therefore the nature of the deliberation being undertaken. It appears to me that doing so will help to distinguish the cases often cited by pro-consensus views from those that occasion the scepticism of the sceptics.

I have already remarked about the attractiveness and suitability of consensus decisions in university departmental meetings: most issues dealt with are simple logistic issues, straightforward academic matters, and, at any rate, not too controversial and value-laden. It appears that this is why consensus is an attractive decisional procedure for small and technical committees charged with specifically technical and non-value-laden tasks. The same applies to political decision making in traditional societies: these societies were relatively homogeneous in political, religious, and economic ideas and therefore lacked the deep normative differences we see today. Participants are (or were) fellow villagers who mostly shared the same religious, political, and moral beliefs or norms. Indeed, participants even enjoyed the same nutritional diets!

This seems to me to be the reason a number of political theorists are sceptical about consensus: political discussions in contemporary plural societies can involve deep value differences encompassing the political, the economic, and sometimes the religious.⁵⁹ Indeed, quite a number of contemporary political (and sometimes economic) issues have underlying moral and religious assumptions! This difference in the type of issues dealt with by various kinds and/or sizes of groups (small technical groups versus large political debates) is significant when analyzing the reason that some favour consensus and others do not. Those who favour the idea of instituting consensus for larger political

⁵⁸ *Ibid.*, x-xi.

⁵⁹ See, for instance, Bernard Matolino's scepticism regarding the workability of consensus when discussing issues such as gay marriage in "The Nature of Opposition in Kwasi Wiredu's Democracy by Consensus," 147.

engagements often fail to realize that the issues handled by traditional societies and by small technical groups are not likely the same in kind as those handled in high-level political debates in contemporary plural societies. It is also the reason they have not been able to devise a working model of consensus decision making for modern parliaments and other such platforms for deliberating about political, social, and even religious issues: one does not solve a problem if one is not yet clearly aware of it.

Knowing about the levels of deliberation and issue types also helps us to see why the consensus debate has taken the direction it has. When initial optimism about the viability of consensus in politics and democracy was chastened with scepticism about reaching consensus agreements in modern plural societies, consensus theorists generally responded by focusing on (and arguing in favour of) consensus on non-normative or type one issues. We can see this in Wiredu's proposal for agreed actions without agreed notions. It can be seen in Larmore's "universal norm of rational dialogue,"⁶⁰ Amy Gutmann and Dennis Thompson's proposal of the idea of the "economy of moral disagreement,"⁶¹ and Cass Sunstein's "incompletely theorized agreements,"⁶² Thus deliberation could be "... a search for an organizational solution acceptable to individuals adhering to different world views,"⁶³ in which "... we might agree on what to do without achieving agreement on why to do it."⁶⁴ But it is obvious from this paper that this turn in consensus scholarship (arguing that we could simply focus on agreeing on actions without agreeing on values) does not satisfy the proposal to enthrone consensus as a working idea in contemporary democratic debates, since it presupposes the existence of only type one issues.

In particular, the delineation of issues into two categories might offer insights about why consensus is attractive in departmental meetings, technical committees, town hall meetings, and village meetings. Making consensus a parliamentary standard (as Wiredu broadly suggests) would require an empirical investigation into the volume of type two issues falling under the scope and jurisdiction of parliament, so we see what a parliament is really up against when operating with consensus as a general stopping rule.

Conclusion

In this essay, I have attempted to clarify the debate regarding the viability of consensus for modern deliberation by outlining three levels of deliberation and

⁶⁰ Larmore, *Patterns of Moral Complexity*, 53.

⁶¹ Gutmann and Thompson, "Moral Conflict and Political Consensus," 81.

⁶² Sunstein, "Deliberation, Democracy, Disagreement," 111.

⁶³ Wesolowska, "Social Processes of Antagonism and Synergy in Deliberating Groups," 665.

⁶⁴ Neblo, "Family Disputes in Defining and Measuring Deliberation," 539.

two types of issues about which we deliberate. I argued that type one issues present deliberation level one with the opportunity of achieving consensus because they are usually logistical, scientific, and mathematical issues. Type two issues that are logistic values (most of which are usually material interests or action-pointing values) present deliberation level two with the opportunity to achieve agreement, resulting in deliberation level three. And type two issues that are normative values present deliberation level two with the challenge of reaching agreements or consensus over conflicting metaphysical notions or articles of faith. The general concern in the scholarship is whether deliberating over normative values could achieve deliberation level three (agreement or consensus on normative values). In general, I have offered these distinctions as a system of estimating more or less where consensus is more a plausible rather than a merely idealized aim in deliberation.

The most significant dimension of the general debate about consensus is that Wiredu's idea of consensus as an inspiring aim or stopping rule for deliberation contrasts sharply with that of Michael Fuerstein, who argued that consensus is essentially a *byproduct* of deliberation, and that the value of consensus derives precisely from not consciously aiming at it.⁶⁵ I dare to suggest that much of the scepticism regarding the workability of a consensus rule emerges from the fear that arises when something that has largely happened as a byproduct is being proposed as a goal or stopping rule. Making consensus a stopping rule for deliberation rather than simply a byproduct would require that one confronts and deals with all those challenges that are created by converting a byproduct into a goal. It is along the lines of such a project that this paper offers a categorial system intended to show areas where consensus is a plausible rather than simply an idealized aim.

Acknowledgements: I am grateful to the anonymous reviewers of my contribution to the maiden *Oxford Handbook of Deliberative Democracy*, who recommended I remove the section discussing levels of deliberation, a recommendation that led me to the realization that it is actually a project of its own. I also thank the anonymous reviewers at *Dialogue* for their contributions.

⁶⁵ Fuerstein, "Democratic Consensus as an Essential Byproduct," 282-301.

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