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Discourse Quality and Political Decisions: An Empirical Analysis of Debates in the German Conference Committee

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ABSTRACT

This paper explores effects of deliberation on decisions in a context of representative politics. It tests claims of deliberative democratic theory that a high quality of discourse leads to more consensual decisions (formal outputs) and to policies that approximate normative ideals of distributive justice (substantive outputs). The mostly quantitative empirical analyses are based on recorded debates of the German Conference Committee (*Vermittlungsausschuss*). To this end, indicators which operationalize diverse dimensions of discursive politics are developed and transformed into a discourse quality index (DQI). The results imply that discourse quality is a strong determinant of the formal outputs but is quite ineffective to counteract voting power in respect to the substantive outputs.

ZUSAMMENFASSUNG

Dieses Papier untersucht Einflüsse von Deliberation auf Entscheidungen im Kontext repräsentativer Politik. Es testet Hypothesen der deliberativen Demokratietheorie, dass eine hohe Diskursqualität Konsense wahrscheinlicher macht (formale Dimension einer Entscheidung) und distributiv gerechtere Resultate fördert (substanzielle Dimension einer Entscheidung). Die mehrheitlich quantitativen Analysen stützen sich auf Wortprotokolle mehrerer Debatten des deutschen Vermittlungsausschusses. Dafür werden Indikatoren entwickelt, die verschiedene Dimensionen diskursiver Politik operationalisieren und zu einem Diskursqualitätsindex (DQI) kombiniert werden können. Die empirischen Resultate zeigen, dass die generelle Diskursqualität einen eigenständigen positiven Effekt auf die formale Dimension einer Entscheidung hat. Hingegen ist die Diskursqualität praktisch ohne Einfluss auf die substanzielle Dimension einer Entscheidung, die fast ausschließlich von den Mehrheitsverhältnissen abhängt.

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1. Introduction[1]

Theorists of deliberative or discursive democracy, while differing in many respects, are in general agreement at least on this: Political decision making should be "talk-centric" rather than "voting-centric", i.e., outcomes should be determined by reasons rather than numbers (Bohman/Rehg: 1997: xiii; Chambers 1999: 1). Discursive politics imply that political and societal actors, instead of merely aggregating their initial preferences and isolated interests, should listen to each other, reasonably justify their positions, show mutual respect, and be willing to re-evaluate and eventually revise their initial preferences in a reasonable deliberation about validity claims (Cohen 1989; Dryzek 1990; Gutmann/Thompson 1990; 1996; Mansbridge 1992; Habermas 1992).

Reasonable deliberation is seen as a necessary means to arrive at legitimate decisions in modern, pluralistic societies where a common *Weltanschauung* has waned (Manin 1987; Chambers 1995: 244; Benhabib 1996b). Besides legitimacy, other normatively desired effects of deliberation have been stated—the political and moral education of participants or the revelation of private information, for instance (Fearon 1998; Gambetta 1998). Such effects may be important in citizen forums, however not so much in the parliamentary context of existing democracies, a context for which principles of discursive politics are not only argued to be desirable, but also feasible (Habermas 1992: 210, 222 ff; Müller 1993: 157). Here other effects appear to be more crucial: the actual political decisions which follow a discussion.

True, many theorists of discursive politics deal with decisions in some way, not least Jürgen Habermas, who sees the result of a rational discourse in a similarly rational consensus (1992: 138-9). Yet this approach is still procedural in character: the question is not whether substantively "just", "optimal" or "rational" outputs are produced, but whether the decisions gain legitimacy from a broad range of societal groups. However, legitimacy is not the same as justice: legitimate decisions can be unjust or in some other way be wrong (Rawls 1996: 427). Other theoretical approaches imply that deliberation can lead to a more just or egalitarian society (Bohman 1996: 107-49; Gutmann/Thompson 1996: 273-306), or to Pareto-superior decisions (Fearon 1998). Yet these approaches can hardly offer a stringent explanation for such potential effects. On the other hand, empirical studies which examine effects of deliberation concentrate either on discourses

in citizen forums, participatory assessments, or in the (media-led) public sphere (Dryzek/Braithwaite 2000; Mendelberg/Oleske 2000; Gastil/Dillard 1999; Kim et al. 1999; Holzinger 2001; Daele 2001; Fietkau/Trénel 2002; Luskin/Fishkin 2002; Conover et al. 2002; Gerhards 1997; Gerhards et al. 1998). Debates of representative democratic bodies are, however, neglected in the literature.

Thus the research question posed here is the following: Does the quality of a discourse in representative politics have a direct, significant effect on the succeeding decision, and is this potential effect reconcilable with the normative ideals of deliberative politics? More precisely, the study examines the normative ideals that deliberative politics (1) generate a consensus among the participants, at least in approximation, and (2) lead to "better" policies, i.e., to decisions that approximate ideals of distributive justice. The empirical tests are based upon an investigation of the discourse quality of debates in the German Conference Committee (*Vermittlungsausschuss*), the forum to reconcile legislative conflicts between the two parliamentary chambers.

The next section discusses the differences discourse is argued to make in terms of political decisions. On this basis, the principal hypotheses are developed. The third section substantiates the choice of the institutional context for the analysis as well as the choice of the cases. The fourth section puts forward indicators which attempt to operationalize diverse dimensions of discursive politics. It also presents indicators for the formal and the substantive dimensions of decisions. In the fifth section, a discourse quality index (DQI) is developed, and its effects on the two dimensions of a decision are then statistically analyzed. The sixth section concludes this paper.

2. Theory and Hypotheses

In debates of representative politics, two dimensions of a decision can be identified, both of which are likely to be influenced by the discourse quality of the preceding debate: a formal and a substantive dimension. The formal dimension is concerned with the form of agreement reached after deliberation. Is the agreement carried by the forum as a whole based upon a compromise or consensus, or is it a bare majority that decides over a large minority? The substantive dimension is concerned with the content of a decision. Do decisions incorporate principles of the common good in general and of distributive justice specifically? Regarding the effects of discourse quality on both of these dimensions, the literature is not specific, and as far as certain effects are proposed, wide disagreement remains.

Discourse and Formal Outputs

Concerning the formal dimension of decisions, Habermas and other theorists close to his discourse ethics have a clear notion of where an ideal deliberation leads: to a genuine, rational consensus of all participants, due to the "non-coercive coercion of the better argument" (Habermas 1992: 138-9, 371). In contrast to compromise, a genuine consensus is not simply a negotiated agreement of the participants, but includes a transformation of preferences (Chambers 1995: 246). Even accepting the limits of real world discourse, especially in terms of time, a tendency towards consensus and thus to unanimous agreement can be expected. Yet it is widely considered to be unrealistic to assume that deliberation would massively transform the preferences, capacities, or character of participants in normatively attractive ways (Johnson 1998: 174). Chambers (1995: 249) argues to step back from the model of a single conversation. She holds that actors reevaluate their position between conversations rather than within them, and that they reevaluate their world-views fragmentarily rather than entirely. Thus, by using Sabatier's (1998: 104, 112) notions, preference change is not likely to extend to include fundamental normative and ontological beliefs ("deep core"), but will at the most affect the "policy core" of participants, i.e., basic political positions.

Such a moderate position is held by Cohen (1996: 100) and represented in the deliberative model of Gutmann and Thompson (1990; 1996). The latter argue that consensus, though desirable, may never be reached even, in an ideal deliberation. In their view, disagreement is normatively acceptable as long as it is conducted in an atmosphere of mutual respect. This would involve acknowledging the moral status of the opponents' positions by refraining from treating their arguments as purely non-moral, economic or confused, and requires that we "search for significant points of convergence between our own understandings and those of citizens whose position, taken in their more comprehensible forms, we must reject" (Gutmann/Thompson 1990: 82). Thus every participant of a discourse ought to accept that there are several reasonable viewpoints for many questions, that "it is unreasonable to suppose that one's own opinion is the only reasonable viewpoint" (Mason 1993: 145).

Thus, significant effects of mutual respect can be accomplished even if discursive communication does not lead to a formal agreement. According to van den Daele and Neidhardt (1996: 25-8), effects of mutual learning will alter the remaining dissent. By boiling down the conflict to its core, dissent appears to be more reasonable in that it allows to focus on the principal dimension of difference. This could also be seen as a "partial consensus", which can subsequently be transformed into a compromise (Daele/Neidhardt 1996: 27, 28; Daele 2001).

Other authors argue that in pluralistic societies, a narrow conception of consensus is not only implausible, but also normatively problematic. While Dryzek (2000: 170) states that "in a pluralistic world, consensus is unattainable, unnecessary, and undesirable", he makes a strong argument to incorporate mere agreements and compromises—in which participants agree on a course of action, but for different reasons—as desirable outputs of discursive democracy (Dryzek 1990: 16-7; 2000: 170). Accordingly, a realistic conception of discursive politics might put the weight on the capacity of discourse to primarily engender "good faith" among participants and enable them to reach a shared understanding of what is at stake in a particular political conflict even if they continue to disagree over how best to resolve it. Furthermore, deliberation might help to find compromises that at least rest on greater mutual understanding and respect (Knight/Johnson 1994: 285; Nelson 2000: 202). And finally, deliberation may also be a method to collect input from various people to discover better ways of accomplishing various ends (Benhabib 1996b).

In even sharper contrast to conceptions of discursive politics influenced by Habermas, some theorists argue that deliberation may lead to a radicalization of an initially moderate dissent. Shapiro (1999: 31) makes the point for this kind of reasoning: "People with opposed interests are not always aware of just how opposed those interests actually are. Deliberation can bring differences to the surface, widening the political divisions rather than narrowing them. […] This is what Marxists hoped would result from 'consciousness-raising'". Thus, according to this argument, we would expect a more polarized voting decision relative to a case without or with less deliberation.

Discourse and Substantive Outputs

Regarding the substantive dimension of deliberately reached decisions, the literature is—if it advances an opinion at all—surprisingly vague. The majority of the theoretical literature is nonepistemic in the sense that it ignores the value of outputs by standards that are independent from the deliberative procedure (see Estlund 1997). There is a strong current of deliberative democratic theory which simply assumes that a decision after deliberation is legitimate, since the process of deliberation is argued to be more legitimate than any other process of decision making. Exemplary for this current of "fair deliberative proceduralism" (Estlund 1997: 177-9) is Manin (1987: 359), who concludes quite bluntly: "Because it comes at the close of a deliberative process in which every one was able to take part, […] the result carries legitimacy". Another current, classified by Estlund (1997: 179-81) as "rational deliberative proceduralism", argues that discursive procedures lead to the recognition of good reasons (e.g., Benhabib 1996b; Fishkin 1991). This should lead

participants to accepting the output as legitimate. Thus, while the goodness of the reasons is judged by procedure-independent standards, the substantive output is not.

In short, for most theorists of discursive politics, the actual substantive quality of a decision seems to be a minor question. However, John Rawls shows convincingly that the deliberative model of democracy cannot generate the legitimacy of its policies through the legitimacy of its deliberative procedure alone: "Legitimacy allows an undetermined range of injustice that justice might not permit" (Rawls 1996: 428).[2] This seems to be especially true in a reality in which an ideal deliberation is virtually impossible and a genuine consensus can hardly be reached, not least because of time limits. In the long term, unjust decisions could corrupt the legitimacy of the procedure. In order to prevent this, "we always depend on our substantive judgements of justice" (Rawls 1996: 429)—in a deliberative democracy as much as in Rawls' (1996) conception of political liberalism.

Rawls's argument implies that in the short or medium term, deliberative forums are not necessarily inclined to produce substantially just decisions. Even some proponents of deliberative democratic theory demand that the discourse principle needs to be controlled by higher substantial principles (Cohen 1996). Cohen's argument is based on the assertion that "reasonable pluralism", conjoined with a "deliberative conception of justification", is "compatible with a substantive account of democracy, whose substance—captured in principles of deliberative inclusion, the common good, and participation—includes values of equality and liberty" (Cohen 1996: 113).

Gutmann und Thompson (1996: 229) also attempt to incorporate substantive principles into their conception of deliberative democracy. They make an argument for a "deliberative perspective on opportunity" (Gutmann/Thompson 1996: 208-18). This involves two principles which can simplistically be seen as a reduced version of Rawls' (1971: 75-80) difference principle. Yet for Gutmann and Thompson an ideal deliberation by definition involves a deliberative perspective on opportunity—the link between the two elements is not a question of causality. Although they promote a model concerned with real world politics, they do not take into account the possibility that in less-than-ideal deliberations, participants could talk extensively about distributive justice, but could still decide otherwise. At least Gutmann and Thompson make clear that their conception of deliberative politics involves the normative imperative to further the substantial objective of distributive justice.

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2   The notion of "justice" hereby relates to Rawls' (1996: 11-15) "idea of a political conception of justice", and thus to his conception of "justice as fairness" (Rawls 1985).

Gambetta (1998) attempts to explain that deliberation can have a positive effect on decisions, also in the real world: Even by assuming that many arguments within a debate which are based upon principles of the common good (instead of principles of self-interest) are hypocritical, the presence of such arguments can lead to an increased readiness to make concessions to the other side. This could in turn enable decisions which increase the common good. Elster (1997: 12) notes that it is virtually impossible in public debates to make self-serving arguments or to justify one's claims on self-interested grounds. Over time, a mechanism of dissonance reduction might induce such actors to actually adopt "reasonable" positions to which they earlier only referred to rhetorically. This amounts to "the civilizing force of hypocrisy" (see also Fearon 1998).

Such views are opposed by Young (1996). She argues on the ground of Lyotard's concept of "difference" that there are persistent differences between social groups which make deliberative democracy's premise of a common ground between all participants illusory. Thus although a discourse may promote arguments based upon principles of the common good, the outputs will be skewed to the advantage of the privileged, since the deliberative procedure favors their speech culture (Young 1996: 126; see also Sanders 1997).

Evidence from several areas of the social sciences suggests that conceptions of justice situated in the ambit of egalitarianism are most likely to be relevant for decisions growing out of discursive processes. While the above elaboration already portends to such a conclusion, it will be further substantiated in the remainder of this sub-section. The relevance of egalitarian principles in deliberative politics can be derived from theoretical studies on social justice. This can be seen, e.g., in the work of the influential social psychologist Morton Deutsch. At a time when conceptions of discursive politics hardly existed, he associated his freshly established principle of equality primarily with notions which have become pivotal for such conceptions.[3] According to Deutsch (1975: 146), the principle of equality not only "supports the basis for mutual respect", it is also "particularly strong in solidarity-oriented groups" (Deutsch 1985: 42).

On the other hand, the principle of equity is often argued to be fulfilled by market forces (see Schmidt 1991: 3).[4] This view is challenged by the argument that market forces are by definition indifferent to any principles of justice, since markets are primarily arenas of trade, not of distribution (Schmidt 1991: 3-6). Yet experimental laboratory research in

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3 The principle of equality opposes invidious distinctions among people but does not assume that all distinctions are invidious (Deutsch 1975: 146).

4 The principle of equity postulates that goods be distributed according to contribution (Deutsch 1985: 38).

social psychology suggests that most people believe distributions ought to be made in accord with some variant of the equity principle (for an overview, see Miller 1999: 61-92).

By combining these propositions, we can assume that the principle of equity is—though closely related to the average distributive effects of a market economy—usually not perfectly met by market forces. Since the principle of equity is generally desired in liberal democracies, it is likely that a liberally coined political process would function as a corrective of the market forces toward a normatively desired direction. Thus the principle of equity is, in a sense, a standard value in the real world of liberal politics. From this almost neutral ground, an ideal principle of justice of discursive politics can be distinguished: the principle of equality.

Hypotheses

The above theoretical elaboration leads to our principal hypotheses, which call for a systematic empirical investigation. Further hypotheses which might intervene with the principal hypotheses will be formulated after having evaluated the context of the analyses (section 4).

(H1) The higher the general discourse quality of a debate, the more probable a consensual decision or at least a compromise becomes.

(H1.1) Of all discourse qualities, constructive politics, mutual respect and the level of rationality are decisive for the formal dimension of a decision: the higher these qualities, the more probable a consensual decision or at least a compromise becomes.

(H2) The higher the general discourse quality of a debate, the more probable a substantively egalitarian decision becomes.

(H2.1) Of all discourse qualities, the content of justification is decisive for the substantive dimension of a decision: the more justifications are framed in egalitarian conceptions of justice, the more probable a substantively egalitarian decision becomes. This probability is increased if the egalitarian justifications are accompanied by a high level of rationality and sufficient respect by the opposite side.

3. Research Design and Case Selection

To evaluate these hypotheses, a comparative analysis of case studies is employed. The principal units of analysis are debates in the parliamentary context. They are coded in

terms of their discourse quality (explanatory variable) and aspects of the subsequent decision (dependent variables). Since the data for the main explanatory variable are collected through a relatively intense content analysis of minutes, only relatively few cases can be included in the analysis. Thus, a research design has to be developed which can, in spite of the constraint of a small number of cases, focus effectively on the research questions. This constraint leads to a "comparable cases strategy", defined by Lijphart (1975: 165) as "the method of testing hypothesized empirical relationships among variables on the basis of the same logic that guides the statistical method, but in which the cases are selected in such a way as to maximize the variance of the independent variables and to minimize the variance of the control variables".

Yet there is a trade-off between the goal to maximize the variance of the independent variables and the goal to minimize the variance of the control variables. Since institutional variables are likely to heavily effect both the discourse quality and the outputs, but are not required to tackle the research questions, the analysis involves a comparison of several debates within a single institutional context. For the analysis to make sense we have to chose a context in which discourse quality is generally high, yet varies significantly. This can be accomplished with the guidance of the framework of actor-centered institutionalism (Mayntz/Scharpf 1995): Since the institutional context is an important but remote cause of action, the proximate causes of action remain on the level of the actors (Scharpf 1997: 42). Thus in a "discourse-friendly" context of action, we expect both a relatively high average of discourse quality and a sufficient degree of variation between different debates. These expectations are also backed by Elster (1998: 14), who makes the point that "[i]n practice, one cannot create the conditions for arguing without at the same time opening up a possibility for bargaining".

These premises led to the selection of the German conference committee (*Vermittlungsausschuss*) as institutional context for the analysis. It is a parliamentary body to reconcile conflicts between the two parliamentary chambers (*Bundestag* and *Bundesrat*) and is equally borne by the two legislative organizations. The conference committee is thought to create incentives for rational discourse because of the following reasons:

- It is a deliberative body by its own definition (Dästner 1995); besides, there is scientific evidence that the conference committee has a high capacity for deliberation (Lhotta 2000).

- Its participants are numerically limited and are usually senior politicians who are experienced in finding bipartisan political solutions; thus the principle of symmetrical communication can be relatively well approached.

- Public pressure is relatively low, since its debates are confidential; thus the participants can act as trustees (Thompson 1988). Thus, although they are still representatives of their constituencies, they are more likely to change their opinion in the light of alternative arguments.

- In contrast to similar organizations in other countries, the German conference committee is thoroughly institutionalized (Tsebelis/Money 1997: 176-208); it thus has an important weight both within the parliamentary arena and—Germany being a parliamentary democracy—in the political system as a whole.

The debates to be analyzed are selected in two steps. First, a time period is chosen in which different partisan majorities ruled the two parliamentary chambers, since only then issues are treated which transcend a federal-unitary dimension of conflict. In the time in which minutes are available and of a sufficient quality, this was the case between October 1969 and September 1982. Second, the debates should have a certain length (minimum of ten pages in the minutes), be completely available in the minutes (no sub-committees), and must reveal an evident (re-) distributive dimension.

After this selection process, a mere 20 debates qualify for the subsequent analyses. Within these debates, 302 speech acts qualify as being relevant in the sense that they contain argumentation concerning the issue under debate. The minutes contain indirect yet sufficiently detailed speech (source: PVA).

4. Operationalization

Discourse Quality

To measure the quality of deliberation for given speech acts and debates, a system of indicators is developed. In an attempt to optimize the goals of validity and reliability, the indicators operationalize broadly shared key concepts of the theoretical literature on deliberative democracy and discourse ethics. They are focused on the parliamentary arena. Thus some key concepts relating to basic conditions of public discourse are omitted— e.g., the concept of participation. The following four indicators are the basis for a discourse quality index (DQI).[5]

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5 The range of all indicators is defined between 0 and 6 to ensure an equal weight in the DQI and to facilitate interpretation. The core of the system of indicators was developed in collaboration with André Bächtiger and Jürg Steiner and is also applied in an overarching research project (see Steiner et al. 2001; Steiner et al. forthcoming). In this paper, the original system of indicators is modified to focus particularly on a conference committee context and on (re-) distributive politics.

Level of Justification. To understand the rationale behind this concept, we characterize speeches in linguistic terms. A speech is *argumentation*, i.e., a process in which "someone tries to convince someone of something by citing evidence and drawing, or suggesting, inferences from this evidence and from other beliefs or assumptions (hypotheses)" (Sebeok 1986: 50-1). Within this definition, *inference* means a "semiotic process in which from something given (the premises), something else (the conclusion) is derived on the basis of certain relations between premises and conclusion" (Sebeok 1986: 51). Thus at the center of the concept of justification is the inference in which the conclusion of content is derived from the premises (i.e., primarily reasons). The relations (links) between premises and conclusion may contain argument connectives such as "since", "for", "so", "because" (Angell: 1964: 4-15). Yet argument connectives can also be expressed implicitly. "Economies of speech" may lead speakers to leave out even other elements of an argumentation, since they may be so obvious that it is unnecessary to state them (Angell 1964: 368-9). Reasonable deliberation is fostered if speakers offer a conclusion of content which is embedded in a complete inference as defined above (Cohen 1989: 22; Chambers 1999). This is what we call a qualified justification, since only then rational critique by other speakers is possible.[6] There are four levels of justification:

0 = no justification: conclusion(s) without any inference.

2 = inferior justification: conclusion(s) embedded in (an) incomplete inference(s) (no relations).

4 = qualified justification: one conclusion embedded in a complete inference; additional conclusions embedded in incomplete inferences may be present.

6 = sophisticated justification: more than one conclusion, each embedded in a complete inference; or one conclusion embedded in more than one complete inference.

Content of Justification. Most theorists of deliberative democracy assume more or less explicitly, that the argumentation within a statement should be cast in terms of a conception of the common good. Required are either pluralistic (Rawls 1996: xxxvii-xxxviii), egalitarian (Cohen 1996: 113) or morally neutral (Daele 2001: 20) justifications. These principles are joined in a trichotome, ordinal indicator. Hereby the conception of weak

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6 *Rational critique* as defined by Angell (1964: 23): "provided that the conclusion is meaningful and self-consistent, rational critique of an argument is directed towards (a) the acceptability of the reasons and/or (b) the connections between the reasons and the conclusion", thus not toward the conclusion itself. Thereby, the notion of "argument" is comparable to Sebeok's (1986) notion of "inference", and the notion of "connections" to the notion of "relations".

egalitarianism is used, which—in contrast to strong egalitarianism—considers equality as an instrumental value, i.e., as a means to improving the situation of the worst off (Shapiro 1997: 128-9). It corresponds best to Rawls' (1971: 83) difference principle and consequently also includes the welfare economic maxi-min criterion (see, e.g., Arrow 1973). It is contrasted to the following two families of conceptions: utilitarianism and efficiency, and equity, proportionality and merit. Neutral justifications make no explicit reference to the common good.

> 0 = singular or plural non-egalitarian justification.
>
> 3 = singular egalitarian justification or neutral justification.
>
> 6 = justification in terms of more than one conception of the common good, necessarily including egalitarianism.

Respect. This is an indicator for Gutmann and Thompson's (1990: 85) concept of mutual respect. In important, i.e., conflicting, debates, there are always substantial counterarguments to one's own conclusion of content. Thus it can be expected of a discursive actors to include in their own argumentation at least one such counterargument without dismissing it immediately. Yet since time and speech capacity are limited, participants may reasonably concentrate to deal with mediating proposals, as soon as there are some on the agenda. Participants who value other justifications can still object to it—their critique simply has to be respectful.

> 0 = counterargument(s) and/or mediating proposal(s) ignored or degraded.
>
> 3 = counterargument(s) *or* mediating proposal(s) explicitly valued.
>
> 6 = counterargument(s) *and* mediating proposal(s) explicitly valued.

Constructive Politics. The final indicator is based upon the principal goal of Habermasian discourse ethics to reach a genuine consensus. Translated into real world politics, this means that discursive participants should at least attempt to reach a general agreement.

> 0 = positional politics: the initial position is justified in contrast to potential mediating proposals.
>
> 3 = neutral politics: the initial position is justified without contrast to potential mediating proposals.
>
> 6 = mediating politics: a mediating proposal is justified.

Inter-coder reliability was tested for the raw codes of very similar indicators (Steenbergen et al. 2003). The reliability scores among two collaborators of the overarching research project were excellent: the overall ratio of coding agreement (RCA) was .915, i.e., the

coders agreed 91.5% of the time. The lowest RCA of .732 occurred in the coding for the level of justification, which is still a respectable score.

Formal and Substantive Decisions

The two dependent variables—the formal dimension and the substantive dimension of the decisions of the German conference committee—are operationalized as follows.

Formal Dimension. Most theorists agree that while a genuine consensus is unrealistic and not even boundlessly desirable in a pluralistic world, basic agreements—e.g., in some form of a comprise—are feasible and fostered by a discursive mode of deliberation. This view is contested by Shapiro (1999), who argues that deliberation fosters disagreement. As a consequence, a dummy variable is created that draws the line between decisions of agreement and of dissent. The formal decisions are measured by way of the voting results at the end of each debate. The two categories are defined by observing whether a decision is reached (almost) unanimously or by a marginal majority. Thereby, the partisan balance in each committee session is taken into account and a deviation of three votes from the ideal types is tolerated. Empirically, all cases fit neatly in one of the two categories.

0 = decision by a narrow majority.

1 = unanimous agreement.

Substantive Dimension. The mostly claimed, partly denied capacity of deliberative politics to generate distributive justice is operationalized in terms of whether the decision conforms to the standards of weak egalitarianism. The indicator measures the *relative* (re-) distributive consequences of a policy action of the conference committee. This is required since we want to isolate the influence of the conference committee on a given policy action alone. Moreover, a relative approach makes the task of classifying parts of policies and policy objectives in terms of their egalitarian or non-egalitarian effect more feasible, since we only have to judge whether a given invocation objective promotes equality more or less in comparison to the initial bill.

By postulating that every policy action, and thus every invocation objective, leads to distributive consequences (Dunn 1981: 281), and by postulating that all invocation objectives of a case have a uniform direction on the egalitarian scale, the initial substantive effect of all invocation objectives of a case can be classified in a simple, binary initial indicator. The initial indicator is then compared to the final decision in a given conference committee debate: are the invocation objectives generally accepted or rejected; are the invocation objectives and the initial bill intermingled in a genuine substantive com-

promise? Since only two decisions were substantially neutral, they are collapsed into the 0-category to obtain again a dummy variable to facilitate quantitative analyses.

0 = relatively non-egalitarian or neutral decision.

1 = relatively egalitarian decision.

The coding for both dependent variables was reviewed by a collaborator of the over-arching research project and justified for each case (Spörndli forthcoming).

Control Variables

In spite of the focused research design, various factors besides the principal independent variables are likely to have an effect on decisions, but cannot be held constant. Here is a brief overview of such potential intervening variables and their hypothesized effects on the formal (f) and the substantive (s) dimensions of a decision.

Partisan Majorities. Unbalanced power structures within debates represent the 'votes' which are likely to alter or even inhibit the effect of the "voices". (f) A majority has less incentives to participate in a discourse and to try to reach an agreement with the minority.[7] (s) And it is of course likely—and normatively desirable according to liberal democratic theory—that the substantive position of the majority becomes the final decision.[8]

Polarization. (f) It is evident that a decision is likely to be taken unanimously if the original positions are already close to each other. Polarization at the start of a debate is also an indicator for possible commitments of actors or their parties to the public sphere: if such commitment were made, an agreement is less probable.[9] (s) Of the two substantive positions, the position which is less polarizing is more likely to be accepted in the final vote.[10]

Debate Length. (f) The length of a debate is expected to have an ambiguous effect on the formal decision. On the one hand, it is an indicator for the importance of the issue. A high significance could mean that actors are not ready to deviate from their original position, yet it can also mean that they are more likely to find an agreement since they

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7   POWER BALANCE: 1 = government and opposition parties have equal voting power; 0 = government or opposition party is in the majority.

8   EGALITARIAN MAJORITY: 1 = egalitarian position is held by a majority; 0 = positions represented with balanced voting power; -1: inegalitarian position is held by a majority.

9   POLARIZATION: deviation from the original positions within the first 20 percent of a debate's speech acts (see empirical specification in section 5).

10 EGALITARIAN POLARIZATION: analogous to POLARIZATION, focused on the substantive positions. 1 = egalitarian position more extreme; 0 = balanced polarization; -1 = inegalitarian position more extreme.

find it important to pass the bill even if they have to give up certain demands. On the other hand, a longer debate simply offers more opportunities to find an agreement.[11]

Interaction. (f) If the participants use their speech time not only to defend their positions, but to ask questions and answer the questions of the other side, an agreement becomes more likely.[12]

Pluralism. (f) According to discourse theory, a pluralistic input fosters a reasonable consensus, since it is thought to generate better arguments. On the other hand, too much plurality could prevent the actors from focusing on a dimension of the conflict for which a compromise is possible.[13] (s) It is evident that the more a certain position is defended in a debate, the more likely it will be incorporated in the final decision.[14]

Meta-Communication. (f) This mode of communication about the process of the debate is expected to focus a conflict on dimensions for which compromises are thought to be feasible (Daele 2001). Thus, an agreement is expected to be more probable if meta-communication is employed.[15]

Activity of Committee Chair. (f) The chair person of the conference committee usually acts as a mediator. Thus, the more substantial his activity, the more probable an agreement will be.[16]

Experience of Participants. (f) Life and political experience of the participants is expected to have a generally positive effect on the probability for an agreement. Especially the time of membership in the conference committee is likely to socialize participants in a way that they learn to agree more easily.[17]

Availability of a Mediating Proposal. (f) Expectedly it is more likely to conclude a debate unanimously if the participants are able to vote for a mediating proposal besides the two original positions.[18]

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11 DEBATE LENGTH: number of lines per debate in the minutes (relevant speech acts only).

12 INTERACTION: fraction of questions or answers among all relevant speech acts, multiplied by 10.

13 SPEAKER PLURALISM: number of speakers as a fraction of all relevant speech acts.

14 EGALITARIAN POSITION: fraction of speech acts defending the more egalitarian position, multiplied by 10.

15 META-COMMUNICATION: fraction of meta-communicative speech acts among all relevant speech acts.

16 CHAIR ACTIVISM: fraction of relevant speech acts by the committee president.

17 EXPERIENCE (VA): years of membership in conference committee. EXPERIENCE (POL): years of political experience on state or federal level. EXPERIENCE (AGE): age. The indicators are means of all relevant speech acts.

18 MEDIATING PROPOSAL: 1 = mediating proposal available; 0 = mediating proposal not available.

5. Empirical Analysis

Constructing the Discourse Quality Index

The four indicators of discourse quality operationalize different theoretical dimensions of discursive politics. Thus, they are not expected to correlate almost perfectly to form a scale, yet to be linked positively to form an additive index. In order to construct the index, it is crucial that the indicators vary significantly. This is clearly given within our sample of 302 relevant speeches, as table 1 shows.

Table 1:
Frequency Tables of the Discourse Quality Indicators

LEVEL	value	n	%		CONTENT	value	n	%
	0	12	4.0			0	77	25.5
	2	91	30.1			3	204	67.5
	4	134	44.4			6	21	7.0
	6	65	21.5			total	302	100.0
	total	302	100.0					

RESPECT	value	n	%		CONSTRUCTIVE	value	n	%
	0	82	27.2			0	113	37.4
	3	191	63.2			3	95	31.5
	6	29	9.6			6	94	31.1
	total	302	100.0			total	302	100.0

Notes: LEVEL = level of justification; CONTENT = content of justification;
RESPECT = respect; CONSTRUCTIVE = constructive politics.

A correlation matrix reveals that the four indicators correlate relatively weakly, but always positively. Thus, while unidimensionality for scale building is not given, it is still likely that the dimensions which are represented by the indicators can be meaningfully combined in a single, additive index. This can be checked by a principal components analysis. In order to capture the ordinal scale of the indicators, a categorical variant (CatPCA) is accomplished.[19]

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19 Since the statistical foundation for CatPCA may be somewhat doubtful (Michailidis/Leeuw 1998), an ordinary PCA with dummy variables was alternatively conducted. The results are virtually the same.

Table 2:
Categorical Principal Components Analysis of the Discourse Quality Indicators

	Component 1	Component 2	Component 3	Component 4
LEVEL	.684	-.351	-.355	-.532
CONTENT	.365	.813	-.447	.078
RESPECT	.736	-.304	.009	.605
CONSTRUCTIVE	.526	.317	.761	-.209
Eigenvalue	1.419	.976	.906	.699
% of variance	35.48	24.41	22.64	17.47

Notes: CatPCA with optimal scaling on ordinal level of measurement. N = 302.
Table entries are component loadings.

The categorical principal components analysis in table 2 shows two crucial results: Firstly, the first component represents significantly more variance than the subsequent components. In fact, it is the only component with an Eigenvalue above 1.0 and thus the only component which represents more variance than the original variables. This means that it makes sense to construct a *single* index—instead of several indices which would have been required if other components had been almost as meaningful. Secondly, all elements load clearly positively on the first component. This means that it makes sense to construct an *additive* index.

The index could be added by weighting the elements by their loadings on the first component. Yet since these loadings are relatively high and balanced for all elements, and since a weighted index would make interpretations difficult in later analytical steps, we simply add the values of the original indicators.[20] While the principal components analysis makes clear that a four-item DQI (DQI4) is feasible, theoretical considerations suggest to apply a reduced version for the analyses concerning the formal decisions: here the content of the justification is not expected to effect the dependent variables (see H1.1). Thus a three-item DQI (DQI3) is also constructed. Table 3 shows the descriptive statistics for the two indices both on the micro level (the relevant speeches) and the aggregate level (the debates). The aggregate values correspond to the arithmetic mean within each debate.

This sub-section indicates that a single, additive index of discourse quality can be constructed. Whether or not the DQI can unfold explanatory power for the two dimensions of a decision, is discussed in the remainder of this section.

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20 The statistical models of the following analyses were generally better for weighted indices, yet the substantive results are very similar.

Table 3:
Descriptive Statistics of the Four-Item and the Three-Item
DQI on the Levels of Speech Acts and Debates

Index		min.	max.	median	mean	s.d.
DQI4	*N = 302*	2.00	24.00	11.00	11.40	4.44
	N = 20	8.44	14.95	11.59	11.22	1.86
DQI3	*N = 302*	0.00	18.00	9.00	8.95	3.95
	N = 20	5.75	13.00	8.70	8.88	1.85

Notes: N = 302 corresponds to the micro level (speech acts);
N = 20 corresponds to the macro level (debates).

The Effects on the Formal Dimension of Decisions

To evaluate the effects of a debate's discourse quality on the formal dimension of the decision, we mainly employ binary logistic regression models. Yet, although logistic regression is sometimes said to be particularly suitable for "midsized Ns" (Kiser 2001: 1487), the underlying most-likelihood estimation may produce unstable results in small samples. Thus, to ensure the robustness of the results, they were triangulated by analogous linear probability models, and where appropriate by exact tests. Due to limits of space, the results of the alternative methods are usually only reported where they differ substantially from the initial results. In general, the small sample size mitigates against finding significant results (Achen 1982: 82-3), thus the following tests are in a sense conservative: it is more likely that a model does not indicate the postulated effects, although they are present in reality, than *vice versa*. The sample contains 11 unanimous agreements and 9 bare majority decisions.

That there is a basic, positive relationship between the general discourse quality and the formal decision—as hypothesized in H1—can already be seen in a simple cross-table. Only two of the 20 cases have a low discourse quality and nonetheless lead to an unanimous decision; only a single case leads to a decision by simple majority, although it was characterized by a relatively high discourse quality. Fisher's exact significance between the dichotomized three-item DQI and the formal decisions is a respectable .003.[21] This positive bivariate relationship is confirmed in the most basic logit model, including only

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21 Since the principal hypotheses are directional, one-tailed significance tests are applied in all analyses. The significance values are not interpreted orthodoxly, since the statistical models cannot be generalized to a statistical universe. Yet the significance values can be used as a guidance to whether models are robust and not merely determined by a few outliers.

DQI3 and a constant (model 1 in table 4). The four-item DQI performs almost as well, but is precluded from the following analysis since its additional element (CONTENT) displays a moderately negative effect on the formal decisions.

Yet the basic relationship may be meaningless, if it were an artifact of overlying intervening variables. Statistically it would be desirable to include all potential independent variables in a single model, yet the small sample size and the lack of a formal theoretical model limit the maximum number of independent variables to two or three (Achen 2001). Therefore, only one intervening variable is added at a time to the basic model in a first step. In a second step, two of these intervening variables can be combined with the discourse quality to form as much a saturated model as possible.

Table 4 shows that the effect of the DQI on the formal decision remains stable, no matter which potential intervening variable is added to the basic model. Thus, the quality of a discourse is not neutralized by more powerful independent variables. On the contrary, the effect of the DQI is generally clearly higher in the trivariate models than it is in the basic model. Most intervening variables unfold an effect as hypothesized above. One of the exceptions is polarization (model 3): the coefficient suggests that the more polarized the positions are in the beginning of a debate, the more probable an unanimous agreement becomes. Yet the indicator is clearly biased in the present sample, since there are only configurations in which either both positions are equally extreme or where only one side was moderate. Thus POLARIZATION must rather be seen as an indicator of polarization *symmetry*. Then the positive coefficient (which becomes insignificant if the DQI is excluded) makes sense in the light of discourse ethics: Discourses are more effective if the argumentative positions are symmetrical—even if they are relatively polarized (Müller 1993: 66). Another surprise is the negative coefficient of the activism of the committee president (model 8). By having a closer look at the debates, an inverse causality becomes apparent: committee presidents usually only became heavily active if debates already got to an impasse. Thus presidents seem to have anticipated a failing agreement—but they were too late to break the impasse (Susskind/Cruikshank 1987).

The third unexpected result is the coefficient of the life experience inherent in the debates (model 9). While the general political experience and the time of membership in the conference committee also show moderate negative effects (not reported), the age of the participants effects the probability for an agreement significantly negatively. Thus organizational socialization does not seem to be present. Rather, a general tendency of obstinacy might take effect towards the end of people's life span (Baltes et al. 1999). Or, analogous to the manifestation of postmaterial values, a cohort effect may be present (Inglehart/Abramson 1994: 339)—especially when considering that the older participants

in the sample were socialized during the National Socialist regime and the Second World War, while the younger participants grew up in the unfolding *Wirtschaftswunder* (post-World-War-II Germany and the "economic miracle").

Table 4:
Logistic Regressions of the Formal Decisions on the Three-Item-DQI and Intervening Variables

	Models										
	1	2	3	4	5	6	7	8	9	10	11
DQI3	1.105 (.014)	1.601 (.017)	1.776 (.015)	1.389 (.014)	1.632 (.012)	1.273 (.017)	1.105 (.015)	1.118 (.011)	1.602 (.037)	1.712 (.051)	1.680 (.041)
POWER BALANCE		4.678 (.022)									3.407 (.099)
POLARIZATION			2.692 (.087)								
DEBATE LENGTH				1.389 (.014)							
INTERACTION					1.181 (.045)						
SPEAKER PLURALISM						1.273 (.165)					
META-COMMUNICATION							1.384 (.391)				
CHAIR ACTIVISM								-8.038 (.247)			
EXPERIENCE(AGE)									-1.495 (.019)		-.947 (.105)
MEDIATING PROPOSAL										7.030 (.459)	
Constant	-9.411 (.031)	-16.498 (.032)	-17.151 (.038)	-10.132 (.038)	-15.055 (.025)	-13.408 (.049)	-9.592 (.032)	-9.375 (.027)	61.338 (.053)	-22.314 (.746)	30.696 (.389)
LR	18.433 (.003)	10.076 (.000)	16.071 (.003)	16.777 (.005)	14.469 (.001)	17.337 (.006)	18.354 (.010)	17.989 (.008)	9.773 (.000)	11.072 (.001)	7.906 (.000)
d.f.	1	2	2	2	2	2	2	2	2	2	3
E	4	4	3	4	4	4	3	3	1	2	1

Notes: N = 20; N = 18 in M10. Table entries are coefficient estimates ($\hat{\beta}$), significance levels in brackets (p; 1-tailed except for constant). LR: Likelihood-ratio test statistic (-2*log-likelihood), comparison to the null-model (constant only); df: degrees of freedom for the LR-test. E: Number of prediction errors (cut value = .50).

The strongest trivariate models are models 2 and 9, as the likelihood-ratio tests in table 4 indicate. Partisan balance and life experience are also clearly the most significant of all intervening variables. It is thus self-evident to combine them in a single model (model 11 in table 4). Compared to models 2 and 9, the effect of the DQI in model 11 is not only stable, but in fact increases moderately. On the other hand, the effects of both

intervening variables diminish clearly. This is strong evidence that the positive effects of discourse quality on the probability to reach a unanimous decision is not at all an artifact of more powerful variables, but on the contrary becomes even stronger if the most powerful intervening variables are controlled for. The model fit is excellent (Nagelkerke Pseudo-R^2 = .812). And the model performs very well in predicting the outputs: With a cut value of .50, there is only a single clearly erroneous prediction (case 6); virtually all other predicted values are very close to the observed values (e < .170), except for case 8, which is predicted close to the cut value (e = .451).

By exponentiating both sides of the link function, we can interpret the marginal effects of the independent variables on the odds of reaching an unanimous agreement. According to model 11, the partisan balance is in fact a strong determinant of agreement: If a debate is held in a context of balanced partisan voting-power, the odds of reaching a compromise or consensus is 30 times higher than in a context of a clear partisan majority, other things being equal. Yet this effect is far from being deterministic—it can be counteracted by a variation of discourse quality, which displays a marginal effect of 5.36. Concretely, this means that after a debate in which, e.g., arguments are on the average justified on a qualitative level, the odds of reaching an unanimous agreement is almost 11 times higher than in a debate with an inferior level of justification (increase of two units on the DQI).

In the light of the above analysis, certain trade-offs and interactions between voices and votes—between the discourse quality and the partisan voting power—become evident. This can be visualized by plotting the effects of the DQI on the probability of an agreement separately for the two contexts of partisan balance. Figure 1 shows that in a context of clear partisan majorities, discourse quality has to be clearly above average in order to make an agreement likely: if the DQI is in its mean (DQI3 = 8.9), then the probability to reach an agreement is less than 14%, while in a balanced context, this probability is 87%. In the majoritarian context, a DQI value above 10 is needed to make an agreement more likely than a decision by a simple majority. Yet figure 1 also shows that the probability to reach a consensus or compromise can be equalized in both power contexts if discourse quality is varied by about two points. Again this is the difference between a mean inferior and qualified level of justification.
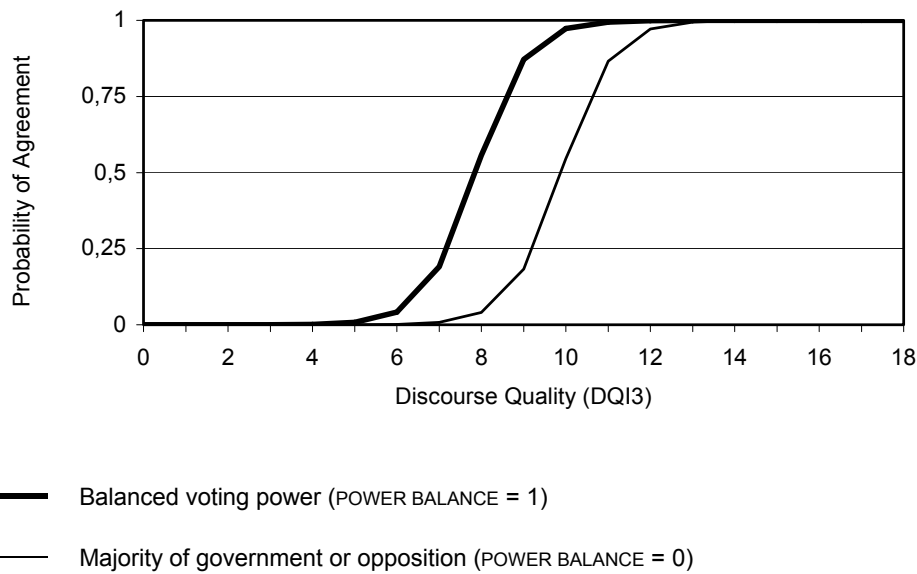
Figure 1:
Predicted probabilities of agreement with varying discourse quality in different contexts of power. Calculation according to Liao (1994: 12, equation [3.5]), based on model 11.
EXPERIENCE (AGE) *is set to its mean.*

Of the items of the DQI, all three have an independent effect on the formal decisions. The strongest effect emanates from the level of rationality. This finding not only confirms hypothesis H1.1, but also rebuts a potential trivial effect of the DQI: had the effect of its item of constructive politics played a dominant role in explaining the formal outcomes, this could have been irrelevant, since it is quite clear that a constructive—consensus oriented—decision is usually preceded by constructive behavior. While even a dominance of mutual respect could have been interpreted as a trivial effect, the observed dominant relationship between the level of rationality and the formal decision is certainly not trivial and can hardly be interpreted as an artifact of the anticipated decision by the actors. The level of rationality is not an exclusive element of discursive politics, but stands for communicative rationality in general. While its independent effect shows that general communicative rationality can make a difference, its even better performance within the DQI shows that discursive rationality is even more decisive.

The Effects on the Substantive Dimension of Decisions

To evaluate the effects of a debate's discourse quality on the substantive dimension of the decision, we proceed analogously to the analysis of the formal dimension. The sample contains 12 egalitarian and 8 non-egalitarian decisions. A cross-table shows that there is virtually no relationship between the dichotomized four-item DQI and the substantive decisions. Thus the general effect of hypothesis H2 has to be rejected at this early stage of the analysis already. This is not surprising, since we hypothesized in H2.1 that mainly the DQ indicator of the content of justification effects the probability to reach a weakly egalitarian decision. Consequently, this is the only DQI-element which has a moderate bivariate effect on the substantial decisions. Yet the original indicator for the content of justification is not sufficiently focused on the hypothesized effect of H2.1, since it not only values the use of weakly egalitarian, but also of pluralistic justifications. An indicator which solely measures the fraction of weakly egalitarian justifications in the speech acts of a debate (EGALITARIAN CONTENT) unfolds a relatively strong bivariate effect on the substantial decisions.[22] This can be seen in model 20 of table 5.

Of the intervening variables, the balance of the voting power is very powerful (model 21): clearly, the initial position which is backed by the majority of the participants is likely to outplay the minority position. Power balance is such a strong influence on the substantive decisions that it is included in all subsequent models. Since the effects of alternative variables might be confined to debates held in a context of equal voting power, all models were also calculated for these cases alone. These results are, as well as the analogous linear probability models, only reported if they differ substantially from the initial results.

It is important to note that the DQ indicator (EGALITARIAN CONTENT) is a general measure of the fraction of justifications referring to egalitarian conceptions of justice—not taking account of whether or not these justifications actually defend the relatively egalitarian position. An indicator which exclusively measures the use of egalitarian justifications if they defend the egalitarian position displays a similarly positive, yet less significant effect in analogous models. Remarkably, even an indicator which exclusively measures the use of egalitarian justifications if they defend the *in*egalitarian position effects the substantive decision weakly positively. It can thus be concluded that talking in terms of an egalitarian conception of justice generally increases the probability of an egalitarian output, only slightly depending on the position which is defended with such justifications.

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22 The fraction was multiplied by 6 to ensure compatibility with the other DQ indicators.

Table 5:

Logistic Regressions of the Substantive Decisions on Discourse Qualities and Intervening Variables

	M o d e l s						
	20	21	22	23	24	25	26
EGALITARIAN CONTENT	1.013 (.050)	2.598 (.037)	3.061 (.042)	3.215 (.028)	2.907 (.044)		5.718 (.108)
EGALITARIAN MAJORITY		4.268 (.028)	4.330 (.049)	5.300 (.021)	4.647 (.041)	4.483 (.036)	14.050 (.388)
EGALITARIAN POSITION			.612 (.160)				
EGALITARIAN POLARIZATION				-2.948 (.112)			
EGALITARIAN LEVEL					.825 (.190)		
EGALITARIAN CONTENT *EGALITARIAN NET LEVEL						1.857 (.025)	
INEGALITARIAN RESPECT							-5.051 (.125)
Constant	-1.222 (.255)	-4.331 (.043)	-8.656 (.121)	-5.409 (.076)	-8.257 (.133)	-2.999 (.098)	.107 (.977)
LR	23.286 (.057)	13.495 (.001)	12.420 (.002)	10.895 (.001)	12.690 (.003)	9.033 (.000)	5.647 (.000)
d.f.	1	2	3	3	3	2	3
E	5	3	2	2	3	2	1

Notes: N = 20. Table entries are coefficient estimates (β^), significance levels in brackets (p; 1-tailed except for constant). LR: Likelihood-ratio test statistic (-2*log-likelihood), comparison to the null-model (constant only); df: degrees of freedom for the LR test. E: Number of prediction errors (cut value= .50).

Nevertheless, the fraction of speeches held in favor of the egalitarian position displays a moderately positive effect additionally to the principal independent variables (model 22). As likewise expected, the substantive polarization is an important intervening variable: if the holders of the more egalitarian position stick to their maximum demand, while the other side makes some concessions at the start of the debate, it is less likely that the final decision incorporates the egalitarian position (model 23).

According to hypothesis H2.1, additional discourse qualities besides the fraction of egalitarian justifications are expected to influence the substantive outputs. The level of rationality with which these justifications are defended displays a moderately positive effect (model 24). An even clearer and highly significant effect can be seen if the fraction of egalitarian justifications is combined with the difference of the level of rationality

between the holders of each position in an interaction term (model 25).[23] This result implies that a decision is particularly likely to be close to the egalitarian position if the debate is not only generally framed in egalitarian justifications, but if the justifications in favor of the egalitarian position are brought forward on a—relative to the inegalitarian position—high level of rationality. Contrary to H2.1, the coefficient of an indicator measuring the respect of the inegalitarian position holders towards counterarguments and mediating proposals is negative (model 26). Moreover, the coefficient destabilizes the other effects. The result could signify that explicit avowals of respect are used rather strategically: A closer look at the debates indeed reveals that most speakers used avowals of respect simply to introduce a defense of why they intended not to deviate from their position.

The most important result of the analytical step above is that the substantive DQ indicator is generally robust and retains its positive effect no matter which intervening variables are added. In order to interpret its effects, we now again want to chose a "most saturated" model. Because of the "Rule of Three" (Achen 2001), the models of table 5 should not be extended. While the "saturated" models 25 and 26 are highly significant as a whole, their coefficients are either shaky or hard to interpret. Of the other models, model 23 performs best. The model fit is respectable (Nagelkerke Pseudo-R^2 =.745). The model also performs quite well in predicting the substantive outputs: With a cut value of .50, only two cases are incorrectly predicted: case 17 is clearly overestimated, while case 19 is somewhat underestimated.

The interpretation of the marginal effects in model 23 reveals an almost deterministic effect of the balance of voting power: by moving from a context of equalized voting power to a majority of the egalitarian position, the odds of reaching an egalitarian decision increases by a factor of 200, *ceteris paribus*. This effect is hard to be counteracted by other variables, although their effects are substantial. If the egalitarian side does not deviate from its maximum position, while the other side does, the odds of reaching an egalitarian result diminishes by a factor of 20 compared to a scenario with balanced initial polarization. The marginal effect of the DQ indicator is 25. This means that a debate in which half of all justifications are framed in an egalitarian conception of justice is concluded by an egalitarian decision at odds that are 25 times higher than for an analogous debate with only one-third of egalitarian justifications.

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23 Because of multicollinearity, the independent effects of the interactive variables could not be included in model 25.
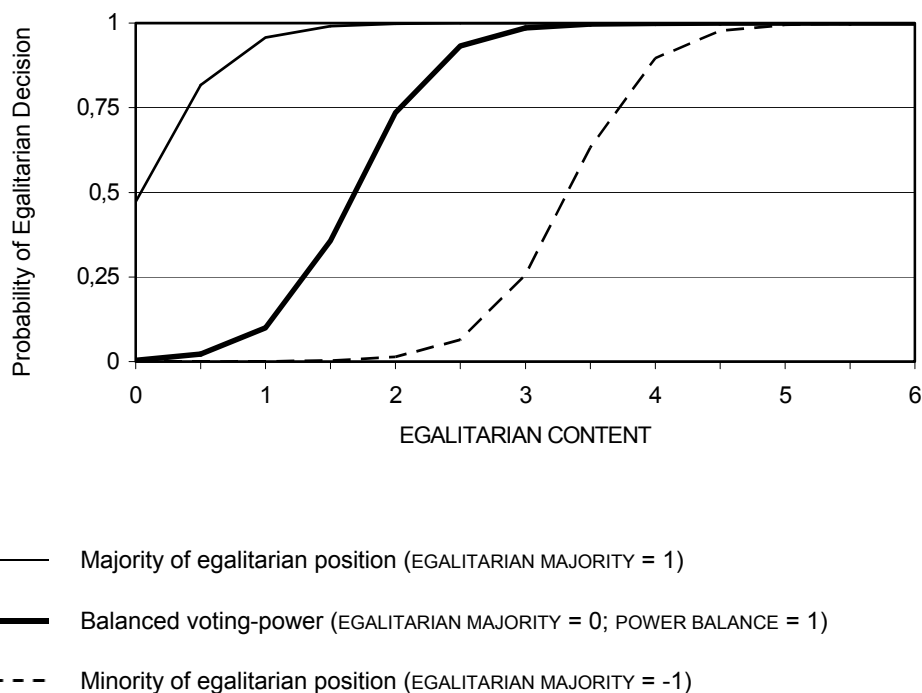
Figure 2:
Predicted probabilities of egalitarian decision with varying discourse quality in different contexts of power. Calculation according to Liao (1994: 12, equation [3.5]), based on model 23. EGALITARIAN POLARIZATION *is set to its neutral value.*

To visualize the limited impact of the discourse quality in the shadow of the voting power balance, its effects on the probability of an egalitarian decision are plotted separately for each context of power. Figure 2 shows that within an egalitarian majority context, an egalitarian decision is virtually always more probable than an inegalitarian decision. The possibilities to counteract votes by voices are somewhat better in a context of an egalitarian minority, even when considering that the empirical range of EGALITARIAN CONTENT is limited to a maximum of 4.5: the probability for an egalitarian output raises above 50% as soon as EGALITARIAN CONTENT is higher than 3.3. Yet the full range of probabilities within a realistic range of discourse quality can only be reached in a context of balanced voting power. Here, an average discourse quality (EGALITARIAN CONTENT = 1.71) leads to virtually balanced probabilities for both potential substantial decisions—the direction of departure from the discursive mean is then decisive in determining which substantial position will succeed. In contrast, in an egalitarian context an average discourse quality already leads to a probability of 99% of reaching an egalitarian decision, while in an

inegalitarian context, this probability is virtually nil. Thus, a dramatic departure from the discursive mean would be needed to change the odds in non-balanced contexts—in the context of an inegalitarian majority, e.g., the fraction of egalitarian justifications would have to be doubled to merely reach the point of equal probabilities.

6. Conclusion

This paper tried to reveal some prospects and limits of discursive politics within institutions of liberal, representative democracy. In such real world organizations, discursive or deliberative politics have to cope with mechanisms of power politics—there is a competition of voices versus votes in determining the political decisions.

For the purpose of measuring the discourse quality of speech acts and debates, diverse concepts of discursive politics were operationalized with four indicators of discourse quality. It could be shown that these indicators do indeed measure different dimensions of the conception of discursive politics, yet can be combined to form a single, additive discourse quality index (DQI). Further analytical steps showed that the impact of the general discourse quality on the subsequent political decisions is ambiguous. On the one hand, the DQI has a strong and independent impact on the probability to reach a unanimous agreement. While unbalanced partisan voting power prevents discourse to unfold its effects on the formal dimension of a decision fully, voices generally can still counteract votes. On the other hand, the general discourse quality is without any effect whatsoever on the probability of reaching a relatively egalitarian decision. For this substantive dimension of a decision, the power context is virtually deterministic. In its shadow, only a rather marginal element of discourse quality can unfold some effects.

The small sample on the macro-level may be a drawback for statistical analyses, but allows for an additional qualitative comparison of the cases. While the statistical models nevertheless perform remarkably well, the few anomalous cases can be explained by taking their singular properties or context into account. For reasons of limited space, these qualitative analyses could not be performed here (but see Spörndli forthcoming; Steiner et al. forthcoming). Since institutional and organizational settings are supposedly powerful determinants of both discourse quality and political outputs, the findings of these analyses should only be generalized with some restriction. Yet the robustness of the models provides confidence that similar effects of discourse quality on political decisions can be found in alternative settings, if particularities of the respective contexts are carefully considered.

Although discourse quality seems to be capable of making some difference in political institutions of the real world, its full impact is restricted to contexts where power politics are minimized. In such contexts, preferences concerning the political issue under debate should be equally represented. However, in a representative democracy, membership and thus participation in its organizations is by definition determined by mechanisms of proportionality or majority—equal positional representation is a matter of coincidence. Thus, if discursive politics were to be taken seriously and implemented in representative democratic systems, discursive contexts would have to be created by purpose. In the light of this study, the assertion of theorists of liberal constitutionalism that existing parliamentary democracies can generally be interpreted as being aimed at discursive principles (Sunstein 1991; Müller 1993), may be unrealistic except under rare circumstances.

The results of this paper also yield a vantage point for a discursively informed liberal democratic theory. The substantive political output is virtually always determined by a pure aggregation of preferences, as is normatively demanded by liberal democrats. Yet such a decision may gain further legitimacy if the minority can be discursively convinced that the majority position is not only backed by more votes, but also by good arguments. It is a normative question to what extent voices rather than votes should be decisive for political outputs. Empirical evidence presented here implies that there are instances in which voices may indeed counteract votes.

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