Survey Article:
The Coming of Age of Deliberative Democracy

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Proposed as a reformist and sometimes even as a radical political ideal, deliberative democracy begins with the critique of the standard practices of liberal democracy. Although the idea can be traced to Dewey and Arendt and then further back to Rousseau and even Aristotle, in its recent incarnation the term stems from Joseph Bessette, who explicitly coined it to oppose the elitist or “aristocratic” interpretation of the American Constitution.1 These legitimate heirs to the tradition of “radical” democracy have always tempered their vision of popular and inclusive participation with an emphasis on public discussion, reasoning and judgment. It is now also tempered by concerns for feasibility. In developments over the last decade, proponents of deliberative democracy have moved further away from participatory conceptions of citizenship and the common good and towards the very institutions they originally rejected as impossible locations for public reasoning. This new, practical emphasis on feasibility is perhaps the most striking feature of the recent boom in theories of deliberative democracy that I will survey here. Far from being merely a “realistic” accommodation to existing arrangements, I show that this concern with feasibility leads to a richer normative theory and to a fuller conception of the problems and prospects for deliberation and democracy in the contemporary world.

In the early formulations of the deliberative ideal in the 1980s, deliberation was always opposed to aggregation and to the strategic behavior encouraged by voting and bargaining.2 Moreover, the superiority of deliberative democracy over competitive pluralism was established precisely by developing the distinctive rationality of “the forum” rather than “the market.” Rather than simple compromise or bargaining equilibrium, the goal of deliberation was consensus, the agreement of all those affected by a decision. While some worried about committing deliberative democracy to such a dichotomous characterization of democratic politics that so strongly split real and ideal conditions of legitimacy,
the attraction of deliberative democracy for many was precisely its promise to go beyond the limits of liberalism and to recapture the stronger democratic ideal that government should embody the “will of the people” formed through the public reasoning of citizens. Deliberative democracy, broadly defined, is thus any one of a family of views according to which the public deliberation of free and equal citizens is the core of legitimate political decision making and self-government.

In this survey, I review three different ways in which the ideals of deliberative democracy have changed in light of practical concerns for feasibility, that is, by making increasingly central the problem of how this ideal would be approximated in societies characterized by deep disagreements, social problems of enormous complexity and the blunt instruments of available institutions. First, theories of deliberative democracy have come to emphasize the process of deliberation itself, rather than its ideal and counterfactual conditions and procedures. This has led to an increasing emphasis on the epistemic as well as moral aspects of public justification. Second, deliberative democrats have become increasingly interested in the problems of institutionalization, of making institutions such as voting and majority rule, representation, courts and constitutional law more deliberative rather than rejecting them for more direct democracy. Third, deliberative democrats are concerned with examining and comparing different settings and procedures of deliberation, pointing out empirical problems and obstacles that cannot always be anticipated by conceptual argument alone. By raising these problems of justification, institutionalization and empirical obstacles, deliberative democracy has not abandoned its initial promise, but has “come of age” as a complete theory of democracy rather than simply an ideal of legitimacy. It remains, however, an important theoretical task to determine better and worse ways for deliberative democracy to assess the feasibility of its account of legitimacy and institutions. The current emphasis on practical and empirical constraints could lead to arbitrary results: sometimes to premature surrender to existing forms of democracy and at other times to an overly critical attitude towards the necessary components of any viable democracy. It could also founder on an overly determinate conception of social facts or univocal interpretation of democratic norms, both of which would ignore the ways in which deliberative institutions could increase the problem solving capacities of democracy even in unfavorable circumstances.

I. POLITICAL JUSTIFICATION AND THE ANTINOMIES OF PUBLIC REASON

Deliberative democracy is a complex ideal with a variety of forms, but whatever form it takes it must refer to the ideal of public reason, to the requirement that

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legitimate decisions be ones that “everyone could accept” or at least “not reasonably reject.” Above all, any conception of deliberative democracy “is organized around an ideal of political justification” requiring free public reasoning of equal citizens. First, such justifications require that citizens go beyond the self-interests typical in preference aggregation and orient themselves to the common good. Second, such a public orientation must be shown to improve political decision making over aggregation, by making it possible to work out common ends and a fair system of social cooperation without presupposing an already existing social consensus. The alternative to a substantive consensus is typically procedural, since a procedural conception of justification can support both the moral and epistemic improvement of democratic deliberation while allowing for pluralism about conceptions of the good life. Thus, for Rawls the idea of “free public reason” contains both “guidelines of inquiry” (including the appropriate use of judgment, inference and evidence) and “virtues of reasonableness and fair-mindedness” (including civility and other virtues that come from accepting the “burdens of judgment”). Given this connection of moral and epistemic considerations in his ideal of public reason, Rawls now recognizes that a “well ordered constitutional democracy—a term I used at the outset—is understood also as a deliberative democracy.”

Rawls’s favored solution to the problems of conflict and stability is to restrict the nature and scope of public reasons to those offered by citizens in light of a “political conception” of justice. By contrast, the standard solution to these problems in deliberative democracy involves ideal procedures of one form or another. As Joshua Cohen puts it, “outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals.” Similarly, Habermas expresses the same procedural ideal for laws: the legitimacy of laws depends on the democratic character of the legislative process that makes possible a consensus of all citizens. As both a standard of legitimacy and a model for institutions, an ideal procedure is useful in making the normative features of consensus explicit: reasoning in a procedure that embodies norms of freedom, equality and publicity would produce (under further ideal conditions of full information, absence of time constraints and so on) an outcome that everyone in principle could accept. By virtue of these ideal procedural conditions, the decision reached is fair and one that all could accept. The problem is that this account does not show why the reasons for any such decision are good reasons. The dissatisfaction with ideal proceduralism has raised the question of political justification in deliberative democracy once again, now focused on the problem of how public deliberation can be both moral and epistemic, that is how it can be

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4Cohen 1996.
5Habermas 1996b, pp. 463–90.
6Rawls 1993, pp. 212–53.
9Habermas 1996a, p. 110.
both a fair and a reliable procedure. This criticism has come primarily from philosophers such as David Estlund and Gerald Gaus, who raise questions about the epistemic value of deliberation, about whether the reasons that pass the tests of publicity are also good (convincing or correct) ones.

Ideal proceduralists could try to ignore these problems of justification, but only by arguing that the proper ideal deliberative procedure is “constitutive” of the correctness or the legitimacy of a decision so long as certain conditions are met. If, as Estlund points out, one identifies correctness with what citizens would agree to under ideal conditions, then it is difficult to underwrite the epistemic side of the deliberative ideal: that is, it would be difficult to show why deliberation improves the quality of the decision in the sense that it is more likely to be true, just, or well-justified. Estlund suggests that if the epistemic claims for deliberation are to be vindicated, procedure-independent standards are necessary (whatever they might be). If this is the case, then the epistemic justification of an outcome seems to be independent of such ideal conditions that are elaborated in democratic deliberation. Instead of fairness of the ideal conditions, the issue becomes the reliability of a procedure (given some independent standard). This sort of standard is presupposed by Condorcet’s theorem as it has been used to defend deliberative democracy.\(^\text{10}\) The problem is that this standard of objectivity is not necessarily operative in deliberation itself. Deliberative democracy seems caught on the horns of a dilemma: if it establishes its moral credentials of legitimacy via an ideal procedure, it cannot underwrite its epistemic claims; if it establishes its epistemic claims, they can only be underwritten by standards that are not only procedure-independent, but also independent of deliberation. Such epistemic norms seem more appropriate for theoretical reason. Thus, the dilemma is escaped only if deliberation adequately combines both the epistemic and moral norms of practical reason.

Since the problems around which the various sides of the debate enjoin are complex and intersecting, it is not always easy to line up the sides on every issue. Even if proceduralism is modified to reflect both sets of norms, the standards by which to judge the quality of a procedure remain an open question. If a procedure is measured solely in terms of the quality of the outcome, then deliberation has only instrumental value relative to specific moral or epistemic ends, such as fairness or reliability. Furthermore, should we try to accommodate different aspects or dimensions of deliberation, we may not be able to capture them all in a single set of principles. Indeed, deliberative democracy may require many different principles that are in tension with each other and thus only supply a very general account of political justification. Committing deliberative democracy to specific principles may, however, lead to a rather deductive method of argumentation. Many issues would be settled by looking at the principles themselves rather than at the citizens’ reasoning. As Carlos Nino notes, another

\(^{10}\text{Cohen 1986. Estlund 1993b.}\)
paradox then looms. Deliberative democracy could become a very robust method for deciding very little. Or, it could also easily become a very weak procedure for deciding too much.

Despite the early enthusiasm for proceduralism in deliberative democracy as propounded by Rawls and Habermas, some proponents of deliberative democracy now seek to distance themselves from the view that fair procedures “constitute” the correctness of the decision. Others think that we may simply have to live with its paradoxes. As in any “pure” proceduralism, such an account of fairness permits no standard of assessment or revisability of an outcome that is correct by definition if produced by a fair, ideal deliberative procedure. However, there is another side of the potential antinomy, which Guttman and Thompson identify as the “deadlock between proceduralists and constitutionalism” concerning whether democratic procedures have priority over outcomes or just outcomes priority over democratic procedure. Deliberative democracy, they argue, ought to reject this dichotomy by arguing for a “dynamic interaction” between procedure and outcome: “neither the principles that define the process of deliberation nor the principles that constitute its content have priority in deliberative democracy.” Majority rule is one such contested terrain between proceduralists and constitutionalists. Guttman and Thompson argue that it is justified both in terms of content and process: as a procedure it is justified only because of the substantive values of political equality and moral respect that are internal to its democratic process; these substantive values in turn act as external constraints on the content of possible outcomes of majority decisions. Most of all, proceduralism and constitutionalism fail to resolve the moral disagreements typical of everyday, “middle” democracy. The advantage then of deliberative justification is that it is neither purely procedural nor constitutional, but a mixture of both in a set of principles that elaborate the necessary conditions of deliberation and its substantive outcomes. The dilemmas of proceduralism are only resolvable by appealing to many different principles in the justification of deliberative democracy, with principles of reciprocity, publicity and accountability elaborating the necessary conditions for deliberation and with liberal principles of equality, liberty and fair opportunity elaborating its substantive commitments and constraints.

One difficulty is that this conception says little about the epistemic role of deliberation, except to the extent that many issues that appear to be moral disagreements actually turn out to be empirical issues. Thus, Guttman and Thompson have resolved one of the antinomies of deliberative justification revolving around potentially contradictory dimensions of fairness, but only by making the epistemic qualities of deliberation byproducts of the moral principles

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1 Christiano 1996; 1997.
3 With some exceptions (D’Agostino 1996).
4 Guttman and Thompson 1996, p. 27.
of reciprocity, publicity and accountability. By making the problem of moral conflict central, they point out the dynamic relationships of procedure and content in moral deliberation. At the same time, however, they provide no other basis for deciding what is correct from the moral point of view other than that each party should recognize and respect the other moral disagreement. Their theory of deliberative democracy tells us too much or too little: too much when it deduces the right answer from its substantive principles (such as fair opportunity), too little when it leaves all but the most basic moral disagreements unresolved.

In his important article “Beyond Fairness and Deliberation,” David Estlund offers a useful classification of responses to such justificatory antinomies. Estlund argues that pure proceduralism (or “Fair Proceduralism”) is “insensitive to reasons,” especially to what makes them good or bad, compelling or not.\textsuperscript{15} While Guttman and Thompson add the interaction of procedure and content, it remains nonetheless a species of what Estlund calls “Fair Deliberative Proceduralism.” In this view, the inputs of others with whom we disagree are weighed by each according to the principles of reciprocity, publicity and accountability. Accommodation is achieved by exercising an “economy” of moral disagreement: maximizing agreement and minimizing areas of disagreement.\textsuperscript{16} Even with the goal of fairness as defined by substantive principles, there is no reason to assume that such a process of accommodation of existing views and enlarging our perspectives necessarily gets us any closer to an impartial answer or that one among the well-considered and stable views in collective deliberation is fair or correct. Unless we can say why a particular view is fairer than others among the available alternatives, then it is “perfectly fair to take the outcome randomly from the set of alternatives that at least some voters support after deliberation.”\textsuperscript{17} In order to answer this objection, Guttman and Thompson must argue that the principles themselves constrain the set of available possible reasons and outcomes. Thus, they offer substantive opinions about many political issues, such as “fair workfare” in place of current welfare reform. While this plan does seem to me to be fairer than other proposals on a particularly compelling interpretation of moral respect and political equality, its legitimacy is not traceable to a democratic process of deliberation that has made it correct.

This argument suggests that any account of deliberation must be more than “a reason recognizing procedure.” It must also recognize which are the better reasons. This stronger requirement rules out simply listing reasoning or argumentation as a condition for deliberation and motivates the family of views that Estlund calls “epistemic proceduralism.”\textsuperscript{18} Nino’s “epistemic constructivism” similarly argues that “democracy is the most reliable

\textsuperscript{15}Estlund 1997, p. 197.
\textsuperscript{16}Estlund 1997, p. 185.
\textsuperscript{17}Estlund 1997, p. 178.
\textsuperscript{18}Estlund 1997, pp. 180–91.
procedure for obtaining access to moral principles.” Without some reference to epistemic worth, a procedure like a “post-deliberative coin flip” seems to be on par with majority rule, even though one is “sensitive to better reasons” and the other not. However, as Estlund admits, a procedure can be “too epistemic” such as Mill’s theory of weighted voting, Rousseau’s idea of the general will, or an “epistocracy” based on claimed moral expertise.19 Thus, the problem is to figure out what sort of epistemic considerations are appropriate given the moral values of equality and respect that Fair Proceduralism seeks to honor. Epistemic proceduralism does not require that the standards are independent of “any possible or conceivable procedure, but only that they are independent (logically) from the actual procedure that gave rise to the outcome in question.”20 In this sense of epistemic value, many forms of ideal proceduralism count as epistemic views, since “the ideal procedure is logically independent of the actual procedure.” Estlund prefers to consider why majority rule is a reliable procedure. While he successfully shows that fairness without correctness is blind, correctness alone seems empty so long as the epistemic value of the procedure is not tied to some ideal of fairness and to actual deliberation.21 The concept of a “deliberative majority” fits the bill.22

In shifting the problem from the fairness of outcomes or procedures to the inconclusiveness of public justification, Gerald Gaus develops a variant of the epistemic view, according to which fair procedures of adjudication are justified in terms of the limits of public justification. However, Gaus argues for the limits of public justification quite differently than Rawls; his account is epistemic and concerns problems of justification for theoretical rather than practical reason, for justification in the context of beliefs rather than justification of action. Appealing to the wide range of empirical studies that show just how untrustworthy human inference actually is, Gaus infers from human infirmity that conclusive justifications convincing to everyone are extremely difficult to achieve. The standard is set so high because the moral and political issue at stake is what we can justifiably demand from others. Indeed, a belief could pass such a test of public justification, but it still could be the case that “others have no reason to hold it and so it cannot be justified through the public use of reason.”23 Such a standard could be met within the constraints of liberal views of coercion only if such reasons are convincing to each according to their own cognitive resources and their belief system. According to Gaus, such acceptance does not give each person veto power. Rather, a decision only has to be “openly justifiable” to a person given their belief system; it might be the case that the person is not aware that their belief system possesses the resources to justify such a belief and the

19Estlund 1993a; 1993b.
23Gaus 1996, p. 121.
person engaged in public justification in this case seeks to point this out. This “weak externalist” constraint permits justification based on correcting errors from the perspective of that person’s own belief system.24 Despite emphasizing how difficult it is to convince others, this conception is “too epistemic” in demanding too much of public reasons. While rejecting consensus for open justification to everyone according to their system of beliefs, Gaus nonetheless accepts a kind of practical convergence on liberalism in matters of political justification. Since correcting others’ false beliefs about their own belief systems is not a very robust mechanism, this convergence is not the outcome of any deliberation. In fact, the very inconclusiveness of public justification leads to “adjudication” and thus to umpiring mechanisms in place of deliberation in cases of conflict. But such adjudication ultimately presupposes precisely the very agreement about practical norms of fairness that Gaus tries to do without. Gaus admits as much when he argues that liberal politics is not about the nature of the political agenda as such: “if the real world were characterized by such sweeping and intractable disputes, liberal politics would not . . . be possible.”25 But, as Guttman and Thompson show in many of their examples, such disputes about the nature of fundamental moral principles are not uncommon and are indeed the stuff of “middle politics” in deliberative democracy.26 Rather than regarding adjudicating institutions and interpretation of principles as normatively settled and then seeing politics as a matter of resolving the disagreements that emerge within such settled mechanisms, it is better to see deliberation as an ongoing cooperative enterprise that does not require that citizens be always fully convinced by the public reasons offered by others in deliberation.27 The very inconclusiveness of public justification suggests the opposite conclusion: that citizens should deliberate about norms even when they disagree, since umpiring mechanisms themselves can only be provisionally justified. Citizens cooperate even in cases of deep conflict when the procedure is fair and thus have a reasonable expectation of convincing others of the cogency of their reasons. In the end, epistemic proceduralism seems to require only that citizens share the assumption that there is some way to judge better or worse reasons and not that a specified theory of public justification provide specific criteria to settle disputes about such norms.

II. THE PRINCIPLES OF DELIBERATIVE DEMOCRACY: DILEMMAS OF INCLUSION AND CONSTRAINT

Given the inconclusiveness of epistemic appeals in the face of disagreements, the “many-principles” version of deliberation provides a more directly political

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25Gaus 1996, p. 239.
alternative to epistemic proceduralism. Rather than determinately settling questions of justification in terms of a single principle of legitimacy or a lexical ordering of several principles, Guttman and Thomspon on the one hand and Nino on the other propose a number of substantive norms for deliberation that remain in permanent tension, generating ongoing disputes and deliberative disagreements about their weight and order in reflective equilibrium. This approach restates (rather than escapes) the dilemmas of proceduralism. These orderings tend to be predominately either epistemic (as in the case of Nino) or moral (as in the case of Guttman and Thomspon), rather than both at the same time.

Guttman and Thompson offer a complex set of procedural and substantive principles and then impressively apply them to a variety of cases vexing contemporary American politics, from abortion to welfare and health care reform to affirmative action. Persistent moral disagreement, they argue, is hardly an argument against deliberative democracy, but its *raison d'être*: deliberation is indeed superior to other methods and principles in resolving conflicts. “By making democracy more deliberative, citizens stand a better chance of resolving some of their moral disagreements and with those that will inevitably persist, on terms that all can accept.” Like Rawls, they see fundamental moral disagreements as endemic to modern society; but unlike Rawls or Ackerman, they do not then proscribe a “method of avoidance” or a “conversational constraint” as a liberal precommitment. The “core of the process of deliberation” is, on their view, the justification of policies and decisions through a process of arriving at “mutually acceptable reasons” for those who will be bound by them. The achievement of such fair agreements when agents disagree requires three principles: reciprocity, publicity and accountability. “Each addresses an aspect of the reason-giving process: the kind of reason that should be given, the forum in which they should be given and agents to whom they should be given.”

Thus, these principles regulate the process of deliberation. Indeed, “the primary role of reciprocity is to regulate public reason, the terms in which citizens seek to justify to one another their claims to all other goods.” If what they seek is neither a modus vivendi nor a shared moral doctrine, then deliberation can only end in “agreement on substantive moral principles.” The guiding substantive principles are also mutually limiting, as when publicity “constrains the more expansive claims of liberty and opportunity” and “encourages a more conciliatory response to the legitimate claims of competing values.”

In accepting these constraints of reciprocity, publicity and accountability as well as the inevitability of moral disagreement as a fact of social life, citizens in effect accept the limits of “reasonable pluralism” on deliberation. Reciprocity only puts positively as mutual respect the prohibition that reasonable citizens not

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impose their doctrines on others. For example, the constraint to reciprocity undermines claims of religious fundamentalists in Tennessee not to have their children read various books: “The parents’ reasoning appeals to values that can and should be rejected by citizens of a pluralist society committed to protecting the basic liberties and opportunities of all citizens.”

In excluding religious reasons as “non-reciprocal” or “unreasonable,” the substantive principle of reciprocity begins to look very much like the liberal precommitment to constitutional essentials. Should citizens (especially religious ones) rationally accept such *ex ante* constraints?

Joshua Cohen puts the constraint of reasonableness on acceptable reasons more positively: “if one accepts the democratic process, agreeing that adults are, more or less without exception, to have access to it, then one cannot accept as a reason within that same process that some are worth less than others or that the interests of one group are to count for less than others.”

If we think then that such an “inclusive view” of reasons is demanded by the background constraint of democracy itself, it seems that we must “supplement the limits of a fair procedure generically.” That is, some substantive standards of fairness remain in tension with the requirements of democracy that all participants be given equal standing and have *their* particular reasons taken seriously. On the more “inclusive” and “wide view of public reason” that Rawls defends in recent writings, there is room for religious reasons in “wide public reason” and “wide political culture” without restriction as to how they are expressed. These reasons can also be brought forth publicly as “conjectures” by others as how they understand others’ deepest ethical convictions. If the interpretation of basic political norms is a fair topic for deliberation, then the constraint of “the reasonable” seems to be a way of smuggling in some *ex ante* limitations on the process of public deliberation.

It seems more plausible to locate this sort of constraint in the background conception of democracy: as the self-rule of free and equal citizens, each with equal access to political influence and a shared interest in the common good. Ideal proceduralism handles these cases where the norms of public reason are contested better than a list of substantive principles of liberty and equality. It can specify norms of deliberation itself rather than only those norms that citizens must be committed to prior to deliberation.

Besides the need to settle disputes about the nature of the moral and epistemic norms of deliberation itself, there is another reason to give an important place to “inclusive” or “wide” public reason. Epistemic and moral proceduralism is seen as too demanding by some critics, putting it in tension with its own demands for inclusion and equal standing in the process of deliberation itself. Thus, Iris Young and Lynn Sanders see deliberative models as overly cognitivist or rationalistic and

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32 Rawls 1996, pp. xlii-xlvi; see also Solum 1993.
33 Knight and Johnson 1997, p. 285.
thus insufficiently egalitarian: it favors the educated and the dispassionate and
excludes the many ways that many people communicate reasons outside of
argumentation and formal debate, such as testimony, rhetoric, symbolic
disruptions, storytelling and cultural- and gender-specific styles of
communication.34 Theories of deliberative democracy must also consider the
quality of listening or the uptake given to others as well. If we reject strict
impartiality as necessary for communicating appropriate but not widely accepted
reasons in wide uses of public reason, these arguments about deliberative biases
need not be opposed to the epistemic view. Reason giving should not be construed
narrowly as formal argumentation.35 Democratic procedures cannot ignore
reasons, social perspectives and styles of communication without threatening
cooperation in deliberation itself. If equal standing contributes to the value of a
procedure and the willingness to accept its outcome, then deliberators should not be
quick to exclude a reason as nonpublic. Deliberative procedures should be
normatively demanding and widely inclusive and sometimes on that basis form
“partially joint intentions” among a diverse citizenry.36

While also offering a series of principles embodied in an ideal procedure, Cohen
motivates his principles of deliberative democracy in terms of providing wider
guarantees of basic liberties.37 The principle of “deliberative inclusion” guarantees
wide expressive liberties such as freedom of religion. Given the background
“differences in conscientiously held convictions,” the outcomes of deliberation
must nonetheless be supported by reasons that convince everyone under the
conditions of reasonable pluralism. While granting wide liberty on inputs, the right
to free expression does not guarantee that the reasons expressed will shape
reasonable outcomes. Even in this form, James Johnson criticizes reasonableness as
an ex ante constraint similar to aggregative requirements that agents have
consistent preferences.38 Cohen’s second principle contrasts fair aggregation with
deliberative democracy’s search for the common good. The “principle of the
common good” means that a policy must at the very least advance the interests of
all. Finally, “the principle of participation” provides for “the equal opportunity for
political influence.” The purpose of a distribution of political power is to keep more
powerful agents from shifting from a deliberative to a bargaining mode. This same
consideration might also lead towards rethinking such a fair opportunity model of
political equality toward a capability conception that considers the “fair value of
such opportunities and liberties.” The advantage here is that such a conception of
equality considers the fair value of participation of each citizen, rather than only
protecting the integrity of the process as a whole. That is, agents have equal
standing only if they possess equal capacities for effective social freedom; only

36Richardson 1997.
38Johnson 1998.
under such conditions of equality would they have the reasonable expectation to
influence outcomes and thus be motivated to continue to cooperate in deliberation
even when they fail to convince others. Cohen makes a good case for the view that
deliberative democracy affords wide and non-instrumental protections of basic
liberties. He does not show precisely why such a proceduralism is sensitive to better
reasons, leaving it up to deliberators to acknowledge the particular reasons of
others given an adequate background distribution of the power and resources
needed for political influence.

Nino offers a version of the many-principles approach that is more directly
epistemic than either Guttman and Thompson’s or Cohen’s principles of
deliberative fairness, concerned as it is with “the objective legitimacy” of the
procedures of a deliberative regime. The tensions are not only put in terms of
principles but also in terms of institutions and practices: law, rights and
democracy remain in “permanent,” but fruitful tension. But in each case the
normative principles are shown to be conditions for a reliable epistemic
procedure of discussion. This is because Nino thinks that the appeal of
deliberative democracy is the way in which it sees democratic procedures of
majority rule as “regimented surrogates of moral discussion” that promote the
interests of all impartially. Such a process is intersubjective and dialogical, so
that deliberation takes place in free and open discourse. What is important to
Nino is the way in which the institutionalized surrogates (many of which are
motivated by pragmatic considerations such as time constraints) for direct
democracy preserve the features of impartiality of moral discussion. The
epistemic gains of discussion are many: in it we can best ascertain others’
interests (better than in adjudication), eliminate exclusionary normative
propositions, discover mistakes of facts and reasoning, undermine certain
biases and emotional appeals and reorient the process of bargaining to make it
more like an argumentative procedure and majority rule.

In this way, contrary to Gaus’s justificatory approach, Nino argues that the
epistemic value of democratic deliberation and discussion and its “collective
tendency to impartiality” gives us reason to observe its results even when we
disagree with the outcome. This tendency holds only so long as the basic
conditions of discussion are guaranteed; skepticism voiced by Przeworski and
Stokes about deliberation as “ideological” or “pathological” in the absence of
such conditions as equal standing is certainly well-warranted. In cases where
such political norms are not institutionalized or their interpretation is in doubt,
deliberators are constrained by the influence of implicit and thus weak norms of
communication and discussion. Indeed, Habermas argues that even if actual
debate deviates from the ideal procedure of deliberative politics, the
presuppositions of rational discourse can still “indirectly steer” the course of

39Bohman 1997a.
40Nino 1996, p. 117.
actual debates. Without the operation of such implicit norms of communication, it would be hard to analyze the best way for explicit norms best to promote effective and equal deliberation or to see how wide public reason could have any constraining effect at all in cases of deep moral and normative conflict in which the regimentation of public reason is at issue.

Nino’s epistemic justification of democracy gives us a reason to try to achieve forms of direct democracy wherever possible, since it is in these forms of face-to-face discussion that such epistemic constraints are most effective. It is because the procedures are adopted as an epistemically reliable surrogate for moral discussion that “the results are presumed to be good because they are produced by that procedure.” While epistemically motivated, Nino’s model of moral discussion demands too much deference to the “tendency to impartiality” produced by regimented discussion. The problem goes deeper still. While certainly morally demanding, the ideal of moral discussion may not be appropriate for deliberative politics. Rather, as Habermas and Elster (among others) point out, political deliberation and discussion include many dimensions and aspects, including instrumental goals and ethical and cultural self-understandings. Aside from issues where rights are at stake, political decision making in general need not meet all the demands of moral discussion in every case. Even with these difficulties, Nino develops a plausible form of ideal proceduralism, since this kind of epistemic endorsement of results depends entirely on the conditions of actual dialogue and deliberation. Rather than providing a list of basic principles, elucidating these normative and empirical conditions strikes me as the real task of a theory of deliberative democracy that links fairness to cognitive correctness. It also fits well with the account of cognitive reliability developed in pragmatism, according to which the capacity of science to discover the truth is directly related to its public character. Such a view makes central the problems of institutionalization. Just as deliberation is always organized through a specific historical constitution, deliberative decision making must come to terms with existing practices of democracy, such as voting and representation. This is not a matter of accommodating deliberation to existing practices, but of seeing feasibility in normative terms; more than just practically necessary devices or second-best approximations, they must be the best way of achieving widespread deliberation in a large and diverse citizenry.

III. THE CONSTITUTION OF DELIBERATIVE DEMOCRACY: THE RETURN TO CONSTITUTIONALISM, VOTING AND REPRESENTATION

Rather than simply limiting themselves to an ideal of public reason, most accounts of justification in deliberative democracy recognize the role of

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42 Habermas 1996b, p. 484.
background understandings and social conditions in deliberative practices. I have already noted why a general conception of justification and public reason (whether they are reasons that all could accept or ones that none could reasonably reject) needs to be supplemented by the background understandings and constraints of democracy. But this is not all that operates in the background: deliberative democracy has to be instituted by a constitution of some sort, come to terms with its ongoing practices of interpretation and implementation and face up to existing mechanisms of decision making and deliberation by representatives and judges. But rather than simply asserting that the ideal procedure must somehow be approximated, deliberative democrats concerned with realizing their ideals now typically develop a “two track” (Habermas) or “two step” (Nino) argument, where ideal and practical dimensions of deliberation are given concrete shape. Even if the deliberative ideal favors decentralization and finding locations for direct democracy in large and complex societies, it is not (at least in its feasible forms) inimical to all forms of voting or representation. Epistemic proceduralism already suggests keeping ideal and real deliberative procedures distinct for purposes of judging epistemic value; now an increasingly common constructivist approach to social facts suggests doing so for purposes of feasibility.

Guttman and Thompson develop a “constitution of deliberative democracy” in order to overcome the limits of proceduralism and to underwrite those principles that “extend beyond the conditions of deliberation to its content.” Rather than use principles such as rights as trumps, “the search for justifiable answers takes place through arguments constrained by constitutional principles, which are in turn themselves developed through deliberation.” While this bootstrapping method is part of any account of deliberative constitutionalism, there is a danger of a vicious circularity. The problem cannot be overcome with a “one step” argument for feasibility from reflective equilibrium between rights and deliberation. The argument depends on seeing the constitution of deliberative democracy only in terms of ideals and principles. It is also a social practice or convention, a specific means for structuring the process of making socially binding decisions in the form of laws. Thus, the constitution of deliberative democracy requires that all three aspects (democracy, rights and the historical constitution) “play a role in the practical reasoning that leads to the justification of actions and decisions.” The complex view of constitutionalism leads Nino to a detailed consideration of constitutional and institutional arrangements in terms of their contribution to the reliability of such practical reasoning. For example, judicial review, as it is normally conceived, is epistemically inferior to public deliberation (with less of its broadening and self-correcting tendencies); parliamentary systems are more epistemically reliable

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than winner-take-all elections. But most importantly, deliberative judges, legislators and citizens participate in, offer justifications and ultimately act “in the context of a practice they do not control” and anticipate that others will also act to make their own contributions.46

Even in such a collective practice, deliberative democracy needs to make idealizing assumptions. What is at stake in justifying decisions in an historical and collective practice is not only the actual constitution, but the ideal constitution that participants seek to achieve by their contributions. The historical and the ideal constitution are thus dynamically related. Thus, Nino conceives of the constitution of deliberative democracy as giving practical reasoning in deliberation a “two-stage structure.” The first stage evaluates existing practice on the basis of principles, such as “the ideal constitution of rights.” While the first stage allows us to justify the practice, the second stage “deploys the practice itself to make the necessary decision” with the historical context of the ongoing constitution. This social equilibrium of beliefs and justification calls on deliberators both to satisfy ideal requirements and also to preserve and perfect the overall practice.47 The self-corrective character of deliberative democracy requires both abstract and historical constraints and thus two types of norms: respect for the historical constitution and recognition of basic rights. While both are subject to the radical indeterminacy of interpretation and application in particular situations, the epistemic role of such ideals is built into democracy as an ongoing collective, constitutional and legal practice of decision making. Whether or not we accept Nino’s particular account of deliberative constitutionalism, it offers a general way that fair and epistemic proceduralism modeled on moral discussion could be realized and put into practice.

Rather than only providing a two-stage argument, Habermas also offers a two-track approach to bringing deliberative politics into relation to the practices of the constitutional state. Rather than regarding deliberation and its limits in terms of a single overall collective process, Habermas wants to distinguish two dimensions within the social practice itself. The legitimacy of the state certainly depends on a constitutional framework of rights which supply the necessary and sufficient conditions for freedom and equality. But more than that, Habermas wants to locate the epistemic ideals of deliberation within the public sphere rather than in the formal institutions of the state. The problem is that the state is structured around the pressure to make a timely decision and to perform particular functions in complex societies; at least some of its structure must reflect these kinds of imperatives, including decisions made within representative bodies. Given the social facts of modern, large-scale and complex societies, the only feasible form of deliberation occurs in the interaction between formally

organized institutional decision-making mechanisms and informal and “anonymous” debates and discussion in the public sphere. This interaction realizes the norm of publicity not by making popular sovereignty possible but by the capacity of the public sphere to influence the agenda and pool of reasons on which formal debate in the legislature draws. It is this interaction via institutional channels or “sluices” of communication that makes deliberative politics possible, given the “unavoidable” constraints of complexity and the need for “the only society-wide medium,” the law.

Nino and Habermas provide two basic features of a constructivist interpretation of deliberative democracy: a dynamic understanding of the relation of ideals and practices and the central place given to feasibility when judging formal institutions. Few deliberative democrats now think of deliberation independently from voting or bargaining. The question is only how to make them more consistent with deliberation rather than undermining it. Here the problem is not only the role of practical deliberation in actual collective enterprises, but also the role of social facts. While both present constraints on any realistic deliberative democracy, social facts and endemic conflict have also played a particularly troublesome role in determining the nature, limits and scope of deliberation. An epistemic and constructivist approach to deliberative democracy must argue for the appropriateness of its norms, not just their justifiability. It is plausible that present social conditions of pluralism, complexity and social inequality are extremely unfavorable to deliberation if not to democracy generally. I want to suggest that such facts are less univocal, more dialectical and hence two-sided than they first appear; that is, the same conditions that seem to undermine deliberation in some respects also promote it in others.

IV. THE FEASIBILITY OF DELIBERATIVE DEMOCRACY: SOCIAL FACTS AND OTHER PRACTICAL CONSTRAINTS

As a feasible version of participatory democracy, theories of deliberative democracy have increasingly gone beyond questions of justification to problems of institutional design. In considering institutional design, many of the features of democracy as it has been developed (voting, judicial review, constitutionalism, representation, expertise) are no longer rejected or identified as “merely aggregative,” but reinterpreted so as to promote the deliberative ideal. Sometimes such institutions and procedures are embraced purely for pragmatic reasons, sometimes they are said to be appropriate to given social circumstances, and sometimes they are accepted in principle according to the standards of deliberative justification. In every case, however, some argument must be given for the use of these procedures that is based on contingent social facts. Pragmatic justifications or accommodations to social facts, however realistic they make the

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48Habermas 1996a, ch. 8.
theory of deliberative democracy, have this danger. Once again deliberative democracy faces a dilemma. Too much realism can draw the limit of feasibility too narrowly; too little realism denies that feasibility is required of any adequate theory of deliberative democracy. Politics should be, if anything, the art of the feasible, without either identifying feasibility with what is currently attainable politically or denying the better for the best.

Nino’s arguments about institutional design are constructed from the point of view of constitution makers who must justify their decisions publicly, but recognize the problems of historical contingency. This point of view allows Nino to defend an ideal constitution with regard to issues such as compulsory voting, the role of parties, or the preference of parliamentary over presidential systems of government and against proportion. Such principled arguments show the feasibility of deliberative democracy without sacrificing its principled commitments. They give reasons for voting and representation that are not merely pragmatic: both institutions may enhance the epistemic qualities of democracy and provide opportunities for deliberation and participation within ongoing collective enterprises. It also gives rise to calls for the exercise of institutional imagination to figure out ways in which decentralized processes of decision making are possible within constitutional political structures. Similarly, Iris Young argues that representation enhances deliberation, especially with regard to the presence of diverse perspectives in debates. While Nino argues that the variety of opinions is best served in parties and parliamentary structures, Young argues that representation that considers group identity is especially well-suited to settling questions of group conflict fairly with respect to the variety of social perspectives. It is hard to imagine any modern democracy without some sort of representative institutions; but this necessity, as Young and Nino argue, is normative as well as pragmatic.

In the recent literature on deliberative democracy, the pragmatic line of argument is more standard, especially about voting. Voting and representation are practically necessary in the face of scarcity, that is, “given the constraints of time and resources.” They are “second best” normatively, since both mechanisms introduce the possibility of serious distortions of deliberation. Many historical examples show the ways in which those who are members of more powerful groups can manipulate representatives by threats and incentive or control electoral outcomes by superior financial resources. Voting must somehow be introduced into deliberation but avoid or mitigate the problems deliberative democrats have been so good at pointing out. The simplest and dominant model seems to be to have as much deliberation as possible in the public sphere and then have citizens vote, whether it be in elections of

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50 Young 1997.
representatives and office holders or in referenda on issues. The problem with such a simple sequential model is that deliberation does not clearly influence the outcome of voting processes. Simone Chambers offers the recent debates about constitutional reform in Canada as a powerful example: despite the tendency towards ratification and compromise obtained in local forums organized for public discussions of the referendum, the ultimate vote did not reflect such results.\textsuperscript{53} Progress over time towards mutual understanding and mutual respect on language issues has been achieved, primarily through the deliberative obligation to justify the controversial French-only laws, which many saw as not adequately respecting the rights and concerns of English speakers. In the case of secession, however, the simple yes-or-no vote creates “a stark choice that works against and undermines mutual understanding.”\textsuperscript{54} Since voting is often dichotomous in this way, the question is then how public opinion “can have efficacy” other than through votes. For all her emphasis on political culture, Chambers still sees actual deliberation and voting as a second best means of “approximating” a set of ideal, regulative discursive conditions. While endorsing the realism of Habermas’s two-track approach to setting up interconnected networks of communication, this approach in some respects returns to the indirect politics of cultural transformation by discussion. Seyla Benhabib also argues that “the chief institutional correlate of deliberative democracy is a multiple, anonymous and heterogeneous network of many publics and public conversations.”\textsuperscript{55} In contrast to current practice, a fuller realization of deliberative democracy awaits the many experiments that will produce a “proliferation of institutional designs.”

In his anti-utopian moments, Habermas himself has tendencies toward seeing current practice as no more than pragmatically necessary and second best solutions, a claim that is motivated by his account of the limits on deliberation set by basic facts of modern societies. These arguments work only if social facts are indeed “unavoidable,” and unavoidable in such a way that the ideal procedures of deliberation supply no guidance in questions of institutional design. The appeal to social facts has a stronger and a weaker version in establishing the feasibility of deliberative democracy. On the weaker version, democracy cannot be the only organizing principle of modern society, so that every social decision must be made in a deliberative procedure that includes all those affected. But this seems an ineffective form of self-rule in any society at all and perhaps even for individuals. Habermas is worried about “overburdening” democratic processes and this is a legitimate worry even in small groups.\textsuperscript{56} On the stronger version of this argument, certain social facts rule out the possibility of democracy as such due to problems of social complexity. Like arguments that deliberative

\begin{thebibliography}{9}
\item Chambers 1995, pp. 250–5.
\item Chambers 1996, p. 235.
\item Benhabib 1996b, p. 87.
\item Habermas 1996, pp. 323–5.
\end{thebibliography}
Democracy is impossible due to persistent disagreements, this popular criticism seems to me to confuse deliberative democracy with rule by face-to-face assemblies and hence to misstate the practical relation between facts and norms. A feasible deliberative democracy need not depend on making every decision the product of deliberation by every citizen.

Habermas does not always cast the realization of deliberative politics in terms of solutions to the pragmatic problem of the scarcity of time or other resources, or as the approximation of ideals with moral and cognitive losses. Given certain social facts, Habermas argues that modern societies cannot be deliberatively organized as a whole and thus politically constituted. In contrast with Cohen's ideal proceduralist version of democratic legitimacy, Habermas understands “the procedure from which procedurally correct decisions draw their legitimacy as the core of a separate, constitutionally organized political system, but not as a model of social institutions as a whole (and even not all government institutions).” The weaker interpretation of the fact of complexity asks properly for a more complex theory of justice by which to judge a variety of institutional contexts. But Habermas goes on to justify this normative demand as a limit on deliberative democracy much in the way that Weber or Michels might in terms of “unavoidable social complexity.” This more limited legal and constitutional political system cannot organize society as a whole “for the simple reason that democratic procedure must be embedded in a context it cannot itself regulate.” Once again this claim is ambiguous between a weaker and a stronger version. The stronger version says it cannot regulate its context at all and thus makes social facts inalterable. Cohen and Rogers’ model of “associative democracy” realizes greater deliberative democracy precisely by changing the context in which deliberative democracy is embedded, without denying the fact of complexity in the weaker sense that some contexts should be left to non-democratic organization. Thus, while it is not feasible nor desirable for all social contexts to be subject to democratic and deliberative control, the extent to which social contexts can be brought under control depends on identifying some features as in need of transformation. Just as very strong interpretations of basic rights may make deliberation a demanding method for deciding very little, granting too much to non-political and market processes may eliminate the space for significant deliberation.

Such a notion of the feasibility of deliberative democracy as a “self-limiting” political system depends on a rather univocal notion of social facts. Most of the social facts of modern society that drive Habermas’s rather pessimistic political realism are equivocal. For example, the very complexity that Habermas talks about provides opportunities as well as constraints. Globalization is a common example of one such process that supposedly wrests many decisions out of

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57Habermas 1996a, p. 305.
political control. Yet, on closer analysis we see that it is a two-sided, if not dialectic process. Even as relations of interdependency driven by global markets overwhelm the nation state as a location for democratic regulation, this same interdependence creates new opportunities for the development of international civil society and institutions. Here John Dryzek’s recent work on the limits and opportunities for deliberative politics offers a more balanced perspective. Globalization, for example, undermines the nation state imperative for military expansion. In this way one of the strongest forces against the democratization of liberal societies—the need to give resources and decision making over to hierarchical military authority—is lessened and in many cases disappears, leading to new possibilities for international cooperation and agreement. “Democracy and democratization may be sought across states as well as in the state and against the state.” On this analysis of macrosociological constraints of the state, the market and the international system, Dryzek finds the greatest impetus for more democracy not in political parities (bound as they are to the imperatives and limits of the nation state), but in “a vigorous society containing oppositional public spheres.” This way of thinking about feasibility ties it to effective opposition within existing state institutions. His overall analysis shows that the social facts opposed to and in favor of democracy form a complex balance sheet: many of the powerful forces and institutions that have been opposed to democracy have now lessened their grip in some parts of the world. Novel possibilities for deliberative democracy emerge with many of the same social facts that limit its potential in the nation state and demand that we think of new forms and occasions for public deliberation, new institutions and global governance. The creation of such novel practices must itself be the result of wide and inclusive public reason.

V. SOME EMPIRICAL RESEARCH: THE LACK OF CASE STUDIES IN DELIBERATIVE DEMOCRACY

For all the sophistication of these discussions of justification, institutional design and feasibility, there is still a surprising lack of empirical case studies of democratic deliberation at the appropriate level and scale. Some early work by Jane Mansbridge looked at town meetings and workplace democracy experiments. These studies provided models of participatory democracy that often revealed its strengths and weaknesses, but they were confined to relatively small groups of like-minded people. There has been a burgeoning literature on the public sphere that is often relevant, but it has tended to focus on literary and cultural public spheres. These historical and cross-cultural studies of publicity

59Bohman 1997b.
60Dryzek 1996, p. 150.
61Held 1995.
provide an excellent model of the type of research that could be developed around issues of public and democratic deliberation. Two well-developed studies do exist: Joseph Bessette’s study of deliberation in the United States Congress and Benjamin Page’s study of “mediated deliberation” on various political issues as presented in the mass media by professional communicators in the 1980s. Jon Elster has also produced a series of studies of political deliberation in the often very unconstrained context of constitutional assemblies. As David Crocker has shown, the extensive public deliberation that goes on in periods of “transitional justice” (both in the public sphere about human rights violations and in more formal settings such as the South African Truth Commission) also offer fruitful and perhaps even more appropriate areas for the study of deliberative democracy at work in a large public sphere over time. In general, studies that detail the empirical course of deliberative processes in particular historical settings are also normatively useful for diagnosing the conditions that are conducive to successful deliberation. By pointing out the ways in which institutional norms and designs are effective in their goals or are ineffective due to unintended consequences, they deepen philosophical discussions of feasible deliberation.

Bessette’s study traces the role of deliberation in Congress to its Madisonian roots, as a correction for the passions that sway the masses and suppress “the cool and deliberate sense of the community.” Inspired by the need to check popular passions manifested in the early pressures to print worthless money, Congress was seen as a counterweight, particularly the Senate in its more aristocratic form. Bessette closely studies what made the Congress previously function well as a deliberative body, as well as its current decline in the quality of its deliberation. Bessette’s analysis is important for those interested in the feasibility of deliberative democracy and who emphasize only constitutional issues and institutional design. In his case studies of Congressional debates, including the near passage of the “negative income” version of welfare reform during the Nixon years, Bessette identifies a series of informal norms that helped to promote deliberation, including the fostering of specialization and expertise through the party system, respect for committees and their deliberative work and constraints on publicity seeking and grandstanding in debates. Thus, “sunshine laws” often work to undermine the deliberative qualities of legislatures, just as publicity may harden positions in bargaining. Most of all, it is the breakdown of informal means of promoting deliberation rather than deficient formal rules that leads to the precipitous decline in the quality of debate and its outcomes. Such informal norms are crucial to establishing the relations of trust that “make democracy work,” especially in voting against partisan, short-sighted but highly
popular measures. Above all, they create incentives to cooperate, rather than disadvantage those who are willing to consider issues on the merits of arguments rather than mere party allegiance.

Page’s study of the media begins with the realistic premise that both the large numbers of citizens and the complexity of social problems necessitate the division of labor in expertise, policy making and communication. As Dewey noted, deliberation is improved by the “subtle, delicate, vivid and responsive art of communication.” This task is best fulfilled by professional communicators who disseminate the best available information to large audiences of citizens. Page thinks that a “rational public” is possible, in the sense that “the public as a whole can generally form policy preferences that reflect the best available information.” By focusing on the totality of political information available and a surprising tendency for the public to correct media biases and distortions as stories and opinions develop and change over time, mediated communication can enhance deliberation. Problems of mediated communication for public deliberation are most severe “when officials of both parties and the mainstream media take a position similar to each other and opposed to the public.” These case studies therefore yield normatively significant results: mediated deliberation can be highly public and successful, but only if decentralization produces a variety of opinions and the division of political labor is capable of producing sufficient cognitive diversity and mutual criticism. This study provides clear conditions for deliberative success and possible mechanisms for correcting problems created by mediated political communication.

Elster’s studies of “arguing and bargaining” in various constitutional assemblies shows that the nature of political communication and interaction in them depends on several variables: size (large or small), publicity (open or closed), the presence or absence of force and the importance of interests in motivating the participants. Elster combines these variables in various low-level generalizations: large and open assemblies often face threats against the delegates from the observing public. Certain conditions (such as group size) result in dynamics that may promote or inhibit deliberation. Large assemblies generally are not very conducive to coherent and systematic argument, leaving the field open to eloquent and charismatic leaders. Secrecy and small group size may sometimes enhance deliberation, but it may also shift “the mode of the proceedings towards the bargaining end of the continuum.” While only hiding rather than eliminating self-interested motives, “in general, this civilizing force of hypocrisy is a desirable effect of publicity” and may even mimic the collective tendency toward impartiality. All of these generalizations lead to normative constraints on procedures needed to overcome particular tendencies that

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70Elster 1998a, p. 110.
undermine deliberation and to produce conditions that promote it. In this way, empirical studies may help to show the ways in which social norms other than basic rights promote epistemically fruitful deliberation under specific empirical conditions.

All three studies show that the best and most feasible formulations of the ideal of deliberative democracy require the check of empirical social science. As the paradoxes of publicity discussed by both Elster and Bessette show, it is often simply naïve to think that the best of democratic norms will always produce good outcomes. James Johnson further argues that deliberation itself is not always good: it can even, in some case, escalate rather than moderate conflict. Many of the claimed moral and epistemic benefits of deliberation are surely an empirical matter. As Johnson himself notes, false empirical claims do not undermine the desirability of deliberative ideals but present further problems of determining when deliberation is too unstructured. His argument only undermines the excessive rationalism and idealism that might befall those who abstract from the empirical consequences of norms in particular settings. Such empirical results ought not lead to a general skepticism about the rationality of deliberation, anymore than the fact that people disagree or are currently unequal should lead us to reject the goal of reasoned agreement. Empirical research is thus a cure for both a priori skepticism and untested idealism about deliberation in either its national or more local forms. It could enrich and enliven the normative debates about the nature and limits of deliberative problem solving and conflict resolution.

VI. CONCLUSION: DELIBERATIVE DEMOCRACY COMES OF AGE

This survey of some of the literature in this burgeoning field shows that a certain maturation in discussions of deliberative democracy is taking place. Tempered with considerations of feasibility, disagreement and empirical limits, deliberative democracy has now “come of age” as a practical ideal. I have argued that a feasible theory of deliberative democracy has three components: it must have complex, moral and epistemic procedures of justification; it must understand the importance of historical and social constraints on democracy, such as ongoing collective practices within a constitutional framework; and it must consider the opportunities and constraints of larger social conditions and deliberative settings. Such an adequate theory is realistic, without being skeptical; it emphasizes the core ideal of public justification that makes deliberative democracy so attractive, without demanding too much social consensus or epistemic virtue; and it sees the importance of social conditions without making social facts given and immovable limits to feasibility. It recognizes the tensions in the deliberative

71Johnson 1998.
73See, respectively Uhr (1998) and Flyvbjerg (1998).
ideal and the many forms and avenues in which democratic deliberation can be exercised. In every case deliberative democracy must vindicate its claim to improve democratic practice in light of its morally inclusive, yet cognitively demanding ideal. Above all, the coming of age of deliberative democracy means that it has now become a fully developed democratic theory with an increasingly large space for politics within the normative constraints of public justification and the many empirically feasible variations of its ideal of public reason.

This emphasis on feasibility could undoubtedly be given two quite different interpretations. Some will see it as having too much political realism, as endorsing too much of liberalism. Others will see it as not realistic enough, since the source of the problem is deliberative democracy’s highly demanding norms of equality and publicity. These criticisms represent false alternatives. I have argued that the proper idea of feasibility ought to be a normative one: it entails neither the surrender of the original ideals of deliberative democracy nor the mere accommodation to existing institutional and social facts. Deliberative democracy is still in large part a critical and oppositional ideal, especially in encouraging citizens to think differently about problems, conflicts and institutions in the wider public sphere. Because it is a practical ideal, demonstrating its feasibility and clearly understanding its limitations ultimately makes deliberative democracy a more, rather than less, appealing basis for genuine reform and innovation.

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