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# Minimalist Conception of Democracy: A Defense

Adam Przeworski

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## Introduction

I want to defend a “minimalist,” Schumpeterian, conception of democracy, by minimalist, Popperian, standards. In Schumpeter’s (1942) conception, democracy is just a system in which rulers are selected by competitive elections. Popper (1962: 124) defends it as the only system in which citizens can get rid of governments without bloodshed. . . .

Since neither the position I wish to defend nor the claim in its favor are new, what do I defend them from? Perusing innumerable definitions, one discovers that democracy has become an altar on which everyone hangs his or her favorite *ex voto*. Almost all normatively desirable aspects of political, and sometimes even of social and economic, life are credited as intrinsic to democracy: representation, accountability, equality, participation, justice, dignity, rationality, security, freedom, . . . , the list goes on. We are repeatedly told that “unless democracy is *x* or generates *x*, . . .” The ellipsis is rarely spelled out, but it insinuates either that a system in which governments are elected is not worthy of being called “democracy” unless *x* is fulfilled or that democracy in the minimal sense will not endure unless *x* is satisfied.<sup>2</sup> The first claim is normative, even if it often hides as a definition. The second is empirical. . . .

Yet suppose this is all there is to democracy: that rulers are elected. Is it little? It depends on the point of departure.<sup>24</sup> If one begins with a vision of a basic harmony of interests, a common good to be discovered and agreed to by a ratio-

nal deliberation, and to be represented as the view of the informed majority, the fact that rulers are elected is of no particular significance. Voting is just a time-saving expedient (Buchanan and Tullock 1962) and majority rule is just a technically convenient way of identifying what everyone would or should have agreed to. Yet if the point of departure is that in any society there are conflicts, of values and of interests, electing rulers appears nothing short of miraculous.

Let us put the consensualist view of democracy where it belongs—in the Museum of Eighteenth-century Thought—and observe that all societies are ridden with economic, cultural, or moral conflicts. True, as the modernization theory (notably Coser 1959) emphasized, these conflicts can be “cross-cutting”: they need not pit class against class or religion against religion. They can be attenuated by an “overlapping consensus”: consensus about practicalities compatible with differences of values (Rawls 1993). They may be also moderated by public discussion of both normative and technical reasons, although, as I have argued above, deliberation is a two-edged sword, for it may lead just to solidifying conflicting views. Yet in the end, when all the coalitions have been formed, the practical consensus has been elaborated, and all arguments have been exhausted, conflicts remain.

My defense of the minimalist conception proceeds in two steps. I take it as obvious that

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2. Widely cited statements in this vein are Weffort 1992 and Schmitter and Karl 1991, but the phrase is ubiquitous. Here is Shapiro (1996: 108): “If democracy does not function to improve the circumstances of those who appeal to it, its legitimacy as a political system will atrophy.” Even Kelsen (1988 [1929]: 38) poses the threat that “Modern democracy will not live unless the Parliament will show itself an instrument appropriate for the solution of the social questions of the hour.”

24. Shapiro (1996: 82) also takes this position.

we want to avoid bloodshed, resolving conflicts through violence.<sup>25</sup> Starting with this assumption, I first argue that the mere possibility of being able to change governments can avoid violence. Secondly, I argue that being able to do it by voting has consequences of its own.

Popper's defense of democracy is that it allows us to get rid of governments peacefully. But why should we care about changing governments?<sup>26</sup> My answer is that the very prospect that governments may change can result in a peaceful regulation of conflicts. To see this argument in its starkest form, assume that governments are selected by a toss of a, not necessarily fair, coin: "heads" mean that the incumbents should remain in office, "tails" that they should leave. Thus, a reading of the toss designates "winners" and "losers." This designation is an *instruction* what the winners and the losers should and should not do: the winners should move into a White or Pink House or perhaps even a *palacio*; while there they can take everything up to the constitutional constraint for themselves and their supporters, and they should toss the same coin again when their term is up. The losers should not move into the House and should accept getting not more than whatever is left.

Note that when the authorization to rule is determined by a lottery, citizens have no electoral sanction, prospective or retrospective, and the incumbents have no electoral incentives to behave well while in office. Since electing governments by a lottery makes their chances of survival independent of their conduct, there are no reasons to expect that governments act in a representative fashion because they want to earn re-election: any link between elections and representation is severed.

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25. I am not arguing against Locke that violence is never justified, just that a system that systematically avoids it is preferable to one that does not.

26. I want to thank Ignacio Sanchez-Cuenca for posing this question.

Yet the very prospect that governments would alternate may induce the conflicting political forces to comply with the rules rather than engage in violence, for the following reason. Although the losers would be better off in the short run rebelling rather than accepting the outcome of the current round, if they have a sufficient chance to win and a sufficiently large payoff in the future rounds, they are better off continuing to comply with the verdict of the coin toss rather than fighting for power. Similarly, while the winners would be better off in the short run not tossing the coin again, they may be better off in the long run peacefully leaving office rather than provoking violent resistance to their usurpation of power. Regulating conflicts by a coin toss is then a self-enforcing equilibrium (Przeworski 1991: chap. 1). Bloodshed is avoided by the mere fact that, à la Aristotle, the political forces expect to take turns.

Suppose first that the winners of the coin toss get some predetermined part of the pie,  $1/2 < x < 1$ , while losers get the rest.<sup>27</sup> Winners decide at each time whether to hold elections at the next time and losers whether to accept defeat or to rebel. If democracy is repeated indefinitely from  $t = 0$  on, the winner at  $t = 0$  expects to get  $D_W = x + V_W(e, x)$  and the loser at  $t = 0$  expects to get  $D_L = (1 - x) + V_L(1 - e, x)$ , where  $V$  stands for the present value of continuing under democracy beyond the current round,  $e$  is the probability the current incumbent will win the next toss. Let "democratic equilibrium" stand for a pair of strategies in which the current winners always hold tosses if they expect losers to comply and the current losers always comply if they expect the winners to hold tosses. Then such an equilibrium exists if everyone is better off under democracy than under rebellion: if  $D_W > R_W$  and  $D_L > R_L$ , where  $R$  stands for the expected values of violent conflict for each of the two parties.

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27. This analysis is based on joint work with James Fearon, still in progress.

Moreover, the prospect of alternation may induce moderation while in office. Suppose that the current incumbent can either manipulate the probability,  $e$ , of being re-elected or can decide what share of the pie,  $x \in [0, 1]$ , to take, or both. There are some initial values  $\{e(0), x(0)\}$ ; at  $t = 1$  the coin is tossed and it designates winners and losers. Whoever is the winner now chooses  $\{e(1), x(1)\}$ : the rules for this round, etc. Hence, rules are not given *ex ante*: the incumbent manipulates them at will. Yet there are conditions under which a democratic equilibrium exists in which the incumbents do not grab everything. If the cost of rebellion is sufficiently high for both, each incumbent will prefer to moderate its behavior while in office under democracy rather than provoke a rebellion by the current loser.

As Hardin (1989: 113) puts it, “for the constitutional case, the ultimate source [of stability] is the internal costs of collective action for re-coordination or, in Caesar’s word, *mutiny*.” Yet if the threat of mutiny were the only incentive to moderation, why would we ever adopt procedures that subject control over the exercise of rule to a lottery? If the relevant political actors knew what would happen as the result of an open conflict, they could just agree to a distribution that would have resulted from an open confrontation. Instead of a coin toss deciding who gets what, the distribution would be fixed to reflect the strength the conflicting political forces could muster in an open confrontation,  $x$  for one,  $(1 - x)$  for the other. So why do we have democracy: an agreement to toss a coin with probabilities  $e$  and  $(1 - e)$ ?

The reason, in my view, is that it would be impossible to write a dictatorial contract that would specify every contingent state of nature. In turn, leaving the residual control—control over issues not explicitly regulated by contract—to the dictator would generate increasing returns to power and undermine the contract. Endowed with residual control, the dictator could not commit itself not to use the advantage to under-

mine the strength of the adversaries in an open conflict. Hence, to avoid violence, the conflicting political forces adopt the following device: agree over those issues that can be specified and allow the residual control to alternate according to specified probabilities. In this sense, the constitution specifies  $x$ , the limits on incumbents, and  $e$ , their chances in electoral competition, but a random device decides who holds residual control.

Yet we do not use random devices; we vote. What difference does that make?

Voting is an imposition of a will over a will. When a decision is reached by voting, some people must submit to an opinion different from theirs or to a decision contrary to their interest.<sup>28</sup> Voting authorizes compulsion. It empowers governments, our rulers, to keep people in jail,<sup>29</sup> sometimes even to take their life, to seize money from some and give it to others, to regulate private behavior of consenting adults. Voting generates winners and losers, and it authorizes the winners to impose their will, even if within constraints, on the losers. This is what “ruling” is. Bobbio’s (1984: 93) parenthetical addition bares a crucial implication of the Schumpeterian definition: “by ‘democratic system,’” Bobbio says, “I mean one in which supreme power (supreme in so far as it alone is authorized to use force as a last resort) is exerted in the name of and on behalf of the people by virtue of the procedure of elections.”

It is voting that authorizes coercion, not reasons behind it. Pace Cohen (1997: 5), who claims that the participants “are prepared to cooperate in accordance with the results of such discussion,

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28. This sentence is a paraphrase of Condorcet (1986 [1785]: 22): “il s’agit, dans une loi qui n’a pas été votée unanimement, de soumettre des hommes à une opinion qui n’est pas la leur, ou à une décision qu’ils croient contraire à leur intérêt.”

29. Indeed, the oldest democracy in the world is also one that keeps more people in jail than any other country in the world.

treating those results as authoritative,” it is the result of voting, not of discussion, that authorizes governments to govern, to compel. Deliberation may lead to a decision that is reasoned: it may illuminate the reasons a decision is or should not be taken. Further, these reasons may guide the implementation of the decision, the actions of the government. But if all the reasons have been exhausted and yet there is no unanimity, some people must act against their reasons. They are coerced to do so, and the authorization to coerce them is derived from counting heads, the sheer force of numbers, not from the validity of reasons.

What difference, then, does it make that we vote? One answer to this question is that the right to vote imposes an obligation to respect the results of voting. In this view, democracy persists because people see it as their duty to obey outcomes resulting from a decision process in which they voluntarily participated. Democracy is legitimate in the sense that people are ready to accept decisions of as yet undetermined content, as long as they can participate in the making of these decisions. I do not find this view persuasive, however, either normatively or positively. Clearly, this is not the place to enter into a discussion of a central topic of political theory (Dunn 1996a: chap. 4) but I stand with Kelsen (1998 [1929]: 21) when he observes that “The purely negative assumption that no individual counts more than any other does not permit to deduce the positive principle that the will of the majority should prevail,” and I know no evidence to the effect that participation induces compliance.

Yet I think that voting does induce compliance, through a different mechanism. Voting constitutes “flexing muscles”: a reading of chances in the eventual war. If all men are equally strong (or armed) then the distribution of vote is a proxy for the outcome of war. Referring to Herodotus, Bryce (1921: 25–6) announces that he uses the concept of democracy “in its old and strict sense, as denoting a government in

which the will of the majority of qualified citizens rules, taking qualified citizens to constitute the great bulk of the inhabitants, say, roughly three-fourths, *so that physical force of the citizens coincides (broadly speaking) with their voting power*” (italics supplied). Condorcet claims that this was the reason for adopting majority rule: for the good of peace and general welfare, it was necessary to place authority where lies the force.<sup>30</sup> Clearly, once physical force diverges from sheer numbers, when the ability to wage war becomes professionalized and technical, voting no longer provides a reading of chances in a violent conflict. But voting does reveal information about passions, values, and interests. If elections are a peaceful substitute for rebellion (Hampton 1994), it is because they inform everyone who would mutiny and against what. They inform the losers—“Here is the distribution of force: if you disobey the instructions conveyed by the results of the election, I will be more likely to beat you than you will be able to beat me in a violent confrontation”—and the winners—“If you do not hold elections again or if you grab too much, I will be able to put up a forbidding resistance.” Dictatorships do not generate this information; they need secret police to find out. In democracies, even if voting does not reveal a unique collective will, it does indicate limits to rule. Why else would we interpret participation as an indication of legitimacy, why would we be concerned about support for extremist parties?

In the end, the miracle of democracy is that conflicting political forces obey the results of

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30. “Lorsque l’usage de soumettre tous les individus à la volonté du plus grand nombre, s’introduisit dans les sociétés, et que les hommes convinrent de regarder la décision de la pluralité comme la volonté de tous, ils n’adoptèrent pas cette méthode comme un moyen d’éviter l’erreur et de se conduire d’après des décisions fondées sur la vérité: mais ils trouvèrent que, pour le bien de la paix et l’utilité générale, *il falloit placer l’autorité où étoit la force*” (Condorcet 1986 [1785]: 11; italics supplied).

voting. People who have guns obey those without them. Incumbents risk their control of governmental offices by holding elections. Losers wait for their chance to win office. Conflicts are regulated, processed according to rules, and thus limited. This is not consensus, yet not mayhem either. Just limited conflict; conflict without killing. Ballots are “paper stones,” as Engels once observed.

Yet this miracle does not work under all conditions.<sup>31</sup> The expected life of democracy in a country with per capita income under \$1,000 is about eight years.<sup>32</sup> Between \$1,001 and \$2,000, an average democracy can expect to endure eighteen years. But above \$6,000, democracies last forever. Indeed, no democracy ever fell, regardless of everything else, in a country with a per capita income higher than that of Argentina in 1976: \$6,055. Thus Lipset (1959: 46) was undoubtedly correct when he argued that “The more well-to-do a country, the greater the chance that it will sustain democracy.”

Several other factors affect the survival of democracies but they all pale in comparison to per capita income. Two are particularly relevant. First, it turns out that democracies are more likely to fall when one party controls a large share (more than two-thirds) of seats in the legislature. Secondly, democracies are most stable when the heads of governments change not too infrequently, more often than once every five years (although not as often as less than every two years). Thus, democracy is more likely to survive when no single force dominates politics completely and permanently.

Finally, the stability of democracies does depend on their particular institutional arrangements: parliamentary democracies are much

more durable than pure presidential ones. The expected life of democracy under presidentialism is twenty-one years, while under parliamentarism it is seventy-two years. Presidential systems are less stable under any distribution of seats; indeed, they are less stable whatever variable is controlled for. The most likely reason presidential democracies are more fragile than parliamentary ones is that presidents rarely change because they are defeated in elections. Most of them leave office because they are obligated to do so by constitutionally imposed term limits. In turn, whenever incumbent presidents can run and do, two out of three win reelection (Cheibub and Przeworski 1996). Presidentialism thus appears to give an excessive advantage to incumbents when they are legally permitted to run for re-election and, in turn, to prevent the incumbents from exploiting this advantage, it obligates them to leave office whether or not voters want them to stay.

Here then are three facts: (1) democracies are more likely to survive in wealthy countries; (2) they are more likely to last when no single political force dominates; and (3) they are more likely to endure when voters can choose rulers through elections. And these facts add up: democracy lasts when it offers an opportunity to the conflicting forces to advance their interests within the institutional framework.

In the end then, the Popperian posture is not sufficient, because democracy endures only under some conditions. Elections alone are not sufficient for conflicts to be resolved through elections. And while some of these conditions are economic, others are political and institutional. Thus, a minimalist conception of democracy does not alleviate the need for thinking about institutional design. In the end, the “quality of democracy,” to use the currently fashionable phrase, does matter for its very survival. But my point is not that democracy can be, needs to be, improved, but that it would be worth defending even if it could not be.

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31. The forthcoming paragraphs are based on Przeworski, Alvarez, Cheibub, and Limongi 1996, and Przeworski and Limongi 1997b.

32. Expected life is the inverse of the probability of dying. The income numbers are in purchasing power parity international dollars of 1985.

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# Democracy and Disagreement

Amy Gutmann and Dennis Thompson

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## Introduction

Of the challenges that American democracy faces today, none is more formidable than the problem of moral disagreement. Neither the theory nor the practice of democratic politics has so far found an adequate way to cope with conflicts about fundamental values. We address the challenge of moral disagreement here by developing a conception of democracy that secures a central place for moral discussion in political life.

Along with a growing number of other political theorists, we call this conception deliberative democracy. The core idea is simple: when citizens or their representatives disagree morally, they should continue to reason together to reach mutually acceptable decisions. But the meaning and implications of the idea are complex. . . .

Deliberative democracy involves reasoning about politics, and nothing has been more controversial in political philosophy than the nature of reason in politics. We do not believe that these controversies have to be settled before deliberative principles can guide the practice of democracy. Since on occasion citizens and their representatives already engage in the kind of reasoning that those principles recommend, deliberative democracy simply asks that they do so more consistently and comprehensively. The best way to prove the value of this kind of reasoning is to show its role in arguments about specific principles and policies, and its contribution to actual political debates. That is also ultimately the best justification for our conception of deliberative democracy itself. . . .

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The aim of the moral reasoning that our deliberative democracy prescribes falls between impartiality, which requires something like altruism, and prudence, which demands no more than enlightened self-interest. Its first principle is reciprocity. . . . When citizens reason reciprocally, they seek fair terms of social cooperation for their own sake; they try to find mutually acceptable ways of resolving moral disagreements.

The precise content of reciprocity is difficult to determine in theory, but its general countenance is familiar enough in practice. It can be seen in the difference between acting in one's self-interest (say, taking advantage of a legal loophole or a lucky break) and acting fairly (following rules in the spirit that one expects others to adopt). In many of the controversies . . . the possibility of any morally acceptable resolution depends on citizens' reasoning beyond their narrow self-interest and considering what can be justified to people who reasonably disagree with them. Even though the quality of deliberation and the conditions under which it is conducted are far from ideal in the controversies we consider, the fact that in each case some citizens and some officials make arguments consistent with reciprocity suggests that a deliberative perspective is not utopian.

. . . Citizens who reason reciprocally can recognize that a position is worthy of moral respect even when they think it morally wrong. They can believe that a moderate pro-life position on abortion, for example, is morally respectable even though they think it morally mistaken. . . . The presence of deliberative disagreement has important implications for how citizens treat one another and for what policies they should adopt. When a disagreement is not deliberative (for example, about a policy to legalize discrimination against blacks and women), citizens do not have any obligations of mutual respect toward their opponents. In deliberative disagreement (for example, about legalizing abortion), citizens

should try to accommodate the moral convictions of their opponents to the greatest extent possible, without compromising their own moral convictions. We call this kind of accommodation an economy of moral disagreement, and believe that, though neglected in theory and practice, it is essential to a morally robust democratic life. . . .

Some readers may still wonder why deliberation should have such a prominent place in democracy. Surely, they may say, citizens should care more about the justice of public policies than the process by which they are adopted, at least so long as the process is basically fair and at least minimally democratic. One of our main aims in this book is to cast doubt on the dichotomy between policies and process that this concern assumes. Having good reason as individuals to believe that a policy is just does not mean that collectively as citizens we have sufficient justification to legislate on the basis of those reasons. The moral authority of collective judgments about policy depends in part on the moral quality of the process by which citizens collectively reach those judgments. Deliberation is the most appropriate way for citizens collectively to resolve their moral disagreements not only about policies but also about the process by which policies should be adopted. Deliberation is not only a means to an end, but also a means for deciding what means are morally required to pursue our common ends. . . .

The sound of moral argument in American democracy may be familiar, but the very familiarity has bred neglect, if not contempt. In the practice of our democratic politics, communicating by sound bite, competing by character assassination, and resolving political conflicts through self-seeking bargaining too often substitute for deliberation on the merits of controversial issues. In the standard theories of democracy—proceduralism and constitutionalism—deliberation likewise receives little attention. These theories are surprisingly silent about the need for ongoing discussion of moral disagreement in everyday political life. As a result, we suffer from

a deliberative deficit not only in our democratic politics but also in our democratic theory. We are unlikely to lower the deficit in our politics if we do not also reduce it in our theory.

The conception of deliberative democracy that we defend here seeks to diminish that deficit in theory and in politics.<sup>4</sup> The conception consists of three principles—reciprocity, publicity, and accountability—that regulate the process of politics, and three others—basic liberty, basic opportunity, and fair opportunity—that govern the content of policies. It would promote extensive moral argument about the merits of public policies in public forums, with the aim of reaching provisional moral agreement and maintaining

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4. For other discussions of the basis of deliberative democracy, see Seyla Benhabib, "Deliberative Rationality and Models of Democratic Legitimacy," *Constellations*, 1 (April 1994): 26–52; Joseph Bessette, *The Mild Voice of Reason: Deliberative Democracy and American National Government* (Chicago: University of Chicago Press, 1994), pp. 1–66; Joshua Cohen, "Deliberation and Democratic Legitimacy," in *The Good Polity: Normative Analysis of the State*, ed. Alan Hamlin and Philip Pettit (Oxford: Basil Blackwell, 1989), pp. 17–34; John S. Dryzek, *Discursive Democracy* (Cambridge: Cambridge University Press, 1990); David M. Estlund, "Who's Afraid of Deliberative Democracy? On the Strategic/Deliberative Dichotomy in Recent Constitutional Jurisprudence," *Texas Law Review*, 71 (June 1993): 1437–77; James Fishkin, *Democracy and Deliberation* (New Haven: Yale University Press, 1971); Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987), esp. pp. 59–66; Bernard Manin, "On Legitimacy and Political Deliberation," *Political Theory*, 15 (August 1987): 338–368; Jane Mansbridge, "Motivating Deliberation in Congress," in *Constitutionalism in America*, ed. Sarah Baumgartner Thurow, 3 vols. (Lanham, Md.: University Press of America, 1988), 2: 59–86; Jane Mansbridge, "A Deliberative Theory of Interest Representation," in *The Politics of Interests: Interest Groups Transformed*, ed. Mark P. Petracca (Boulder, Colo.: Westview Press, 1992), pp. 32–57; and Cass Sunstein, *The Partial Constitution* (Cambridge, Mass.: Harvard University Press, 1993), pp. 133–145.



mutual respect among citizens. In its most general form, the demand for deliberation has been a familiar theme in the American constitutional tradition. It is integral to the ideal of republican government as the Founders understood it. James Madison judged the design of political institutions in part by how well they furthered deliberation.<sup>5</sup>

Deliberation should not be confined to constitutional conventions, Supreme Court opinions, or their theoretical analogues. It should extend throughout the political process—to what we call the land of middle democracy. The forums of deliberation in middle democracy embrace virtually any setting in which citizens come together on a regular basis to reach collective decisions about public issues—governmental as well as nongovernmental institutions. They include not only legislative sessions, court proceedings, and administrative hearings at all levels of government but also meetings of grass roots organizations, professional associations, shareholders meetings, and citizens' committees in hospitals and other similar institutions.<sup>6</sup>

In defending this conception of deliberative democracy, we look at moral arguments already

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5. Madison favored political discussion, in which “minds [are] changing,” in which “much [is] gained by a yielding and accommodating spirit,” and in which no citizen is “obliged to retain his opinions any longer than he [is] satisfied of their propriety and truth.” See “Jared Sparks: Journal,” summarizing James Madison’s views on the secret discussion in the Constitutional Convention and Congress, in *Records of the Federal Convention of 1787*, rev. ed., ed. Max Farrand, 4 vols. (New Haven: Yale University Press, 1966), 3: 479. The passage is quoted in a somewhat different form in Sunstein, *The Partial Constitution*, p. 164.

6. In the same spirit, Jürgen Habermas identifies deliberative democracy with the idea of a “decentered society” in “Three Normative Models of Democracy,” *Constellations*, 1 (April 1994): 1–10. For discussions of neglected deliberative forums, see David Mathews, *Politics for People* (Urbana: University of Illinois Press, 1994); and Fishkin, *Democracy and Deliberation*.

present in our political life, criticizing and extending them in light of other principles also present in our political culture.<sup>7</sup> The characteristics of moral arguments we find in actual political debate provide the basis for developing the normative principles with which we assess the ongoing debates. These features of moral disagreement themselves point toward a deliberative way of dealing with the disagreement.

What counts as a moral argument in deliberative democracy? The most rudimentary criterion—sometimes called generality—is one that deliberative democracy shares with most moral and political theories. The criterion of generality is so widely accepted that it is often identified with the moral point of view.<sup>8</sup> Moral arguments apply to everyone who is similarly

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7. Our view of deliberation should be distinguished from that presented by Bessette, who also looks at actual arguments in political debate, in particular those in the U.S. Congress. Although he also sees deliberative democracy as “reasoning on the merits of public policy” (*Mild Voice of Reason*, p. 46), one of his main arguments is that there is already more deliberation in Congress than most political scientists assume. Whether or not he is correct, we do not presume that the present state of deliberation in Congress and American politics generally is adequate, and in any case we do not focus, as he does, only on the need for deliberation among political elites and their role in preventing spontaneous or passionate judgments by the masses. Perhaps because he is content with deliberation among political elites, Bessette is skeptical about publicity and argues in favor of secrecy (pp. 208–209). In another respect, Bessette demands more of deliberation than we do. For him the “singular mark” of a deliberative process is that it must have “a real persuasive effect” and involve “some kind of change or development in the policymaker’s understanding” (pp. 52–53). We do not insist that deliberation must change people’s minds to be valuable.

8. See Kurt Baier, *The Moral Point of View* (Ithaca, N.Y.: Cornell University Press, 1958), pp. 187–213; and John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), pp. 130–136.

situated in the morally relevant respects. The poor woman who seeks an abortion, the white male employee who fails to receive his promotion, the mother who needs prenatal care do not assert merely that they, or even only their friends, family, and associates, should receive the benefit; they maintain that all citizens similarly situated should receive it. Their claims, if fully developed, would impute rights and wrongs, or ascribe virtue and vice, to anyone who is similar in the respects that the argument assumes to be morally significant.

As these examples suggest, generality is not a purely formal standard. It always raises a substantive question: What are the morally relevant respects in which people are similarly situated? Does the same argument against preferential treatment for white males, for example, apply equally to preferential treatment of black Americans and white women? Generality forces us to take up substantive arguments . . . which consider whether the differences between whites and blacks, and men and women, in this country are morally relevant in a way that would support a policy of preferential hiring.

In politics, however, substantive moral argument calls for more than merely satisfying the criterion of generality. Political decisions are collectively binding, and they should therefore be justifiable, as far as possible, to everyone bound by them. Three characteristics of moral arguments are especially important in politics. The first corresponds to our principle of reciprocity, a form of mutuality in the face of disagreement. . . . Citizens try to offer reasons that other similarly motivated citizens can accept even though they recognize that they share only some of one another's values. When our deliberations about moral disagreements in politics are guided by reciprocity, citizens recognize and respect one another as moral agents, not merely as abstract objects of others' moral reasoning.

Reciprocity asks us to appeal to reasons that are shared or could come to be shared by

our fellow citizens. . . . It enables us, for example, mutually to respect one another as moral agents who share the goal of reaching deliberative agreement even when we disagree with one another's conclusions.

Reciprocity also applies to the empirical claims that often accompany moral arguments. Moral arguments take place in context, and they therefore depend at least implicitly on matters of fact, estimates of risk, suppositions about feasibility, and beliefs about human nature and social processes. Sometimes these assumptions are plausible but controversial: hiring and promoting simply on the basis of qualification will not end racial discrimination soon enough. Sometimes they are widely accepted but questionable: Arizona cannot afford both prenatal care and organ transplants because voters will not approve higher taxes. Sometimes the assumptions are obviously true: only women bear children. If technological advances and cultural changes were somehow to eliminate all the social and psychological effects of this biological fact, our moral attitudes and public policies might be different. But that possibility, even if realized in some other place or some other time, should not affect the moral argument for us now. . . .

Reciprocity asks that our empirical claims in political argument be consistent with reliable methods of inquiry, as these methods are available to us here and now, not for all times and all places. Neither relativity nor uncertainty is grounds for abandoning the most reliable methods of inquiry at our collective disposal. By using the most reliable methods of inquiry, we demonstrate our mutual commitment to reach deliberative agreement in the empirical realms that are relevant to moral argument.

Once the fragments of moral argument with which this chapter began are put into context, they reveal two other characteristics of moral disagreement in politics. They take us beyond the nature of reasoning to the forums and the agents of the disagreement. Moral conflicts

in politics typically take place in public forums or are intended for dissemination in public forums. . . . The principle of publicity . . . captures this feature of moral disagreement in politics.

The third feature of this disagreement concerns the agents by whom and to whom the moral reasons are publicly offered. The agents are typically citizens and public officials who are accountable to one another for their political actions. One common way in which public officials offer an account of their actions is by responding to challenges from reporters such as Judy Woodruff, who put President Carter on the spot about subsidizing abortions for poor women. Accountability is ultimately to citizens, who not only vote for or against the president but also speak their minds between elections, often through organized groups and intermediary institutions. Accountability through moral disagreement in public forums extends not only to prominent elected officials such as the president but also to far less conspicuous officials, professionals, corporate executives, union leaders, employers and employees, and ordinary citizens when they act in a public capacity. The principle of accountability . . . captures this characteristic of moral disagreement in politics.

These three features of moral disagreement, then, point to the need and at the same time provide the support for the three principles that refer to the process of deliberative democracy. Taken together the principles constitute a process that seeks deliberative agreement—on policies that can be provisionally justified to the citizens who are bound by them. Accountable agents reach out publicly to find reasons that others who are motivated to find deliberative agreement can also accept. When citizens and accountable officials disagree, and also recognize that they are seeking deliberative agreement, they remain willing to argue with one another with the aim of achieving provisionally justifiable policies that they all can mutually recognize as such.

Even when citizens find some provisionally justifiable principles, their disagreement over public policy may persist. In politics, disagreements often run deep. If they did not, there would be no need for argument. But if they ran too deep, there would be no point in argument. Deliberative disagreements lie in the depths between simple misunderstanding and immutable irreconcilability. . . .

Some theorists would abstract from these moral disagreements and imagine a nearly ideal society in which some could be more readily resolved and many would not arise at all. In some familiar theories of justice, moral claims are constructed as hypothetical agreements among individuals who are not accountable to anyone and who are assumed to be living in a just society.<sup>11</sup> In such a society no one would need to argue for or against preferential hiring as a means of overcoming racial or gender discrimination because no such discrimination would exist in that society. Deliberative democracy, in contrast, admits reasons and principles that are suitable for actual societies, which all still suffer from discrimination and other kinds of injustice. Actual deliberation has an important advantage over hypothetical agreement: it encourages citizens to face up to their actual problems by listening to one another's moral claims rather than concluding (on the basis of only a thought experiment) that their fellow citizens *would* agree with them on all matters of justice if they were all living in an ideal society.

Deliberative democracy does not assume that the results of all actual deliberations are just. In fact, most of the time democracies fall far short of meeting the conditions that deliberative democracy prescribes. But we can say that the more nearly the conditions are satisfied, the

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11. The most prominent contemporary example is Rawls, *A Theory of Justice*. See also Bruce Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980).

more nearly justifiable are the results likely to be.<sup>12</sup> Even if, as one critic suggests, “all of the inequalities of society in general” were “replicated in the content of deliberation,”<sup>13</sup> it would not discredit deliberation. The process of deliberation as we understand it here is self-constraining; its own defining principles provide a basis for criticizing the unjust inequalities that affect the process. Deliberative democracy certainly does not accept as equally valid whatever reasons and principles citizens and public officials put forward in defense of their own interests.

Neither should we make deliberation the sovereign guide to resolving moral disagreements in politics, as some “discourse theorists” seem to suggest. Jürgen Habermas writes that “all contents, no matter how fundamental the action norm involved may be, must be made to depend on real discourses (or advocacy discourses conducted as substitutes for them).”<sup>14</sup> Habermas seems to imply that a provisionally justifiable resolution of moral conflicts in politics depends

solely on satisfying the conditions of deliberation. Principles such as basic liberty and opportunity therefore are valued only for their contribution to deliberation, not as constraints on what counts as a morally legitimate resolution of disagreement. If leaving “all concrete moral and ethical judgments to participants themselves”<sup>15</sup> means that principles such as liberty and opportunity should never constrain these judgments, then discourse theory does not adequately protect basic rights.<sup>16</sup>

Habermas and other discourse theorists try to avoid this implication by, in effect, building guarantees of basic liberty and opportunity into

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12. In this respect the hypothetical approach may have a role in assessing deliberation, but only in combination with an empirical approach that examines the actual conditions under which deliberation takes place. Brian Barry shows how these approaches, when combined to evaluate a theory of justice, “provide a check on one another,” in *Justice as Impartiality* (Oxford: Oxford University Press, 1995), pp. 195–199.

13. This critic, Frederick Schauer, concludes that deliberation is no “more likely to ameliorate than to exacerbate the existing inequalities in a society.” The only alternative suggested by Schauer is a “more controlled communicative environment.” Would the people who controlled communication do so without obtaining deliberative assent from citizens or their accountable representatives? If so, why should we think that they would be more egalitarian in their policies than people who are willing to subject their exercise of political power to the deliberative assent of citizens? See Frederick Schauer, “Discourse and Its Discontents,” Working Paper no. 94–2, Joan Shorenstein Barone Center on the Press, Politics, and Public Policy, Cambridge, Mass., September 1994, p. 9.

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14. Jürgen Habermas, “Discourse Ethics,” in *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge, Mass.: MIT Press, 1993), p. 94.

15. Thomas McCarthy, “Introduction” to Habermas, *Moral Consciousness and Communicative Action*, p. xi. McCarthy writes that this is why Habermas is critical of Rawls’s two principles of justice. But one may criticize the two principles for going beyond what moral reasonableness demands while still recognizing the need for some principles of liberty and opportunity that give content to a common perspective and are not solely conditions of deliberation.

16. Another important deliberative democrat, Seyla Benhabib, argues that deliberation can ensure the legitimacy but not the rationality of outcomes: “We accept the will of the majority at the end of an electoral process that has been fairly and correctly carried out, but even when we accept the legitimacy of the process we may have grave doubts about the rationality of the outcome.” If deliberation aims only at legitimacy, and legitimacy is defined as whatever “result[s] from the free and unconstrained public deliberation of all about matters of common concern,” then deliberation may succeed (by definition) at ensuring legitimacy. Benhabib, “Deliberative Rationality,” p. 26. But this concept of legitimacy has too little moral content to provide a robust defense of deliberative democracy. Why should we defend deliberation, so understood, over a conception of deliberative democracy that is dedicated both to respecting basic liberty and opportunity and to subjecting these principles to ongoing deliberation?

the ideal conditions of deliberation. They do so by qualifying what counts as a moral ideal of deliberation. The participants in practical deliberations must regard one another as “competent subjects”<sup>17</sup> and “moral and political equals.”<sup>18</sup> Their deliberations not only must be free but also must be reasoned.<sup>19</sup> Deliberative outcomes, then, would have to respect basic liberty and opportunity as an ongoing condition of their own legitimacy.

This understanding still does not capture the value of basic rights. Citizens value basic liberty and opportunity, and their mutual recognition by fellow citizens, for reasons other than the role of these values in democratic deliberation. As we shall suggest, even in deliberative democracy, deliberation does not have priority over liberty and opportunity. The condition of honoring basic liberty and opportunity should still be

“reflexively” subject to deliberative understanding, as discourse theorists correctly insist.<sup>20</sup> But so should deliberation itself.

We do not assume that deliberative democracy can guarantee social justice either in theory or in practice. Our argument is rather that in the absence of robust deliberation in democracy, citizens cannot even provisionally justify many controversial procedures and constitutional rights to one another. Insofar as deliberation is missing in political life, citizens also lack a mutually justifiable way of living with their ongoing moral disagreements. When citizens deliberate in democratic politics, they express and respect their status as political equals even as they continue to disagree about important matters of public policy.

Before exploring how deliberative democracy deals with disagreement, we need first to examine the sources of that disagreement. Then we can better see why procedural and constitutional democracy can be only partial solutions to the problem of moral conflict, and how deliberative democracy provides a more nearly complete solution. . . .

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17. Habermas, “Discourse Ethics,” p. 100. See also Jürgen Habermas, “Reconciliation through the Use of Public Reason: Remarks on John Rawls’s Political Liberalism,” *Journal of Philosophy*, 92 (March 1995): 109–131.

18. Benhabib, “Deliberative Rationality,” p. 27. Habermas writes that participants in deliberation must be “free and equal” and the discourse “inclusive and noncoercive” (“Reconciliation,” pp. 109ff.). This description calls into question his earlier characterization of discourse ethics as offering “a rule of argumentation only” which “does not prejudice substantive regulations” (“Discourse Ethics,” p. 94). Discourse ethics is “not compatible with all substantive legal and moral principles,” as Habermas recognizes, partly because it is committed to a substantive view of what counts as ideal deliberation. The deliberative ideal lends itself to a stronger defense when it acknowledges the (partly) independent values of basic liberty and opportunity.

19. Benhabib, “Deliberative Rationality,” pp. 30–35. Once content is given to reasoned discourse, a common perspective becomes far less purely procedural than Benhabib suggests: “Agreements in societies living with value-pluralism are to be sought for not at the level of substantive beliefs but at the level of procedures, processes, and practices for attaining and revising beliefs” (p. 34).

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20. Habermas, “Discourse Ethics,” p. 67.