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Essays on Reason and Politics

# DELIBERATIVE DEMOCRACY



edited by James Bohman and William Rehg

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Essays on Reason and Politics

*edited by James Bohman and William Rehg*

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## Introduction

The idea that legitimate government should embody the “will of the people” has a long history and appears in many variants. As the beneficiary of this rich heritage, the concept of deliberative democracy that has emerged in the last two decades represents an exciting development in political theory. Broadly defined, *deliberative democracy* refers to the idea that legitimate lawmaking issues from the public deliberation of citizens. As a normative account of legitimacy, deliberative democracy evokes ideals of rational legislation, participatory politics, and civic self-governance. In short, it presents an ideal of political autonomy based on the practical reasoning of citizens. But is this ideal feasible or even desirable? What exactly is public deliberation? Given the complex issues that confront contemporary societies, is an intelligent, broad-based participation possible? In societies as culturally diverse as our own, is it reasonable to expect deliberating citizens to converge on rational solutions to political problems? Does deliberation actually overcome or only exacerbate the more undesirable features of majority rule?

The essays in this volume address questions such as these, whose importance for contemporary constitutional democracies can hardly be overestimated. The volume is divided into two parts. In part 1, we provide a selection of some of the more influential essays in the revival of deliberative models. The essays in part 2, the majority of which were presented at the Second Henle Conference held at Saint Louis University in April 1996, represent the latest round of attempts

by some leading political theorists to elaborate the idea of deliberative democracy. Before indicating the range of positions the reader will find in these essays, though, we shall establish the context by reviewing some earlier trends in democratic theory that set the stage for the revival of the deliberative model.

Conceptions of legitimate government have been a site of intense conflict—both in theory and in practice—since the onset of modernity. To understand what is at stake in deliberative politics, we must give one issue particular attention. On one side are theorists who emphasize the plurality of citizens' interests and the potential for civil strife; on the other are those who see possibilities for civil harmony based on a commonality of interests, values, or traditions. On the standard reading of the classical moderns, liberal theorists such as Thomas Hobbes and John Locke are pitted in this debate against civic republicans such as James Harrington and Jean-Jacques Rousseau. Although the idea of deliberative democracy does not necessarily lead to republicanism and does not preclude a keen awareness of social conflict, it arises on the terrain staked out by the debates between these two traditions. For a democracy based on public deliberation presupposes that citizens or their representatives can take counsel together about what laws and policies they ought to pursue as a commonwealth. And this in turn means that the plurality of competing interests is not the last word, or sole perspective, in deciding matters of public importance. The problem, to use Kant's terms, is to bring about "the public use of reason."

Perhaps the critical question along this axis of debate is whether citizens with a variety of individual interests can also come to affirm a common good in some sense. This question has become especially clear in the twentieth century. The theories of democracy dominant in the middle part of this century were generally suspicious of public deliberation. Several theoretical developments ratified this antipopulist sentiment. The first was the *elitist theory* of democracy propounded by Joseph Schumpeter and his disciples. Driven by the empirical findings of political sociology, which suggested that citizens in modern democracies were politically uninformed, apathetic, and manipulable, and also by the history of the rise of National

Socialism, which suggested that participation could be downright dangerous, this theory tended to emphasize stability at the expense of popular participation. In the tradition of Max Weber's pessimistic realism about politics (as the place where "gods and demons fight it out"), Schumpeter concluded that "there is, first, no such thing as a uniquely determined common good that all people could agree on." In this vision, governance was best left in the hands of leadership elites, and democracy was reduced to a negative control over leaders through the possibility of turning them out of office at the next election.<sup>1</sup> To be sure, Talcott Parsons and his followers opposed self-interested and Hobbesian approaches and offered a less pessimistic view of democratic stability: indeed, Parsons's account of value consensus and the expansion of citizenship pointed toward central motifs of participatory politics. However, Parsonian functionalism employed a theoretical strategy that could not go very far in the direction of a deliberative model.<sup>2</sup>

In a second influential development, democratic theorists retreated enough from sociological realism to model the competitive political process on rational-choice assumptions. Anthony Downs attempted to apply economic categories to politics, suggesting that parties function as entrepreneurs who compete to sell their policies in a market of political consumers.<sup>3</sup> The *economic theory of democracy* was spawned by this union between empirical assumptions about actors' motivations and the formal techniques of the theories of games and social choice.<sup>4</sup> Although this approach introduced a more rationalistic view of the citizen and was more optimistic about the responsiveness of government to the citizens' prepolitical interests, it followed Schumpeter's approach on at least two key points: it viewed citizens primarily as passive consumers who exerted democratic control primarily through voting, and it conceived the political process as a struggle for power among competing interests rather than as a search for the common good.<sup>5</sup> Like sociological realism, the economic view precluded active public deliberation by citizens about a common good. One could perhaps speak of voting as a mechanism for aggregating individual preferences, but, as social choice theorists pointed out, aggregation mechanisms do not yield a public opinion about a common good. Indeed, given sufficient

diversity of preferences, the theory suggests that there is no such good that is acceptable to all citizens. According to some, the results of social choice theory led to a critique of populism.<sup>6</sup>

These two developments, one sociological and the other economic, were the two main sources for liberal democratic theory up to 1970. The central motifs of these lines of research also had an impact on constitutional theory. In this context, the *pluralist model of democracy* proposed by Robert Dahl and others provided an influential framework for interpreting Madisonian democracy. Dahl was interested in the social conditions under which egalitarian democratic ideals could be approximately realized in complex industrialized societies. In line with James Madison's *Federalist Paper* no. 10, he identified competition among group interests as a crucial condition for democracy. Although Dahl's decentralized, "polyarchal" version of pluralism shed much of Schumpeter's elitism, it retained the emphasis on competition, interests, and voting.<sup>7</sup>

This climate was a rather inhospitable one for conceptions of public deliberation about a common good. Although other theorists, such as John Dewey and Hannah Arendt, were prominent in postwar political theory, the competitive-pluralist trend only began to reverse itself in the late 1960s. This reversal can be traced, at least in part, to broad dissatisfaction with the debacles and anonymity of liberal government (e.g., the war in Vietnam and the increasing perception that decision making in government was bureaucratic and beyond the control of citizens). More specifically, leftist political activism, with its emphasis on participatory democracy, sparked renewed interest in the possibilities for consensual forms of self-government.<sup>8</sup>

The theoretical critique of liberal democracy and revival of participatory politics gradually developed through the 1970s.<sup>9</sup> It was only in the 1980s, however, that a concept of deliberative democracy began to take definite shape. The term "deliberative democracy" seems to have been first coined by Joseph Bessette, who argued against elitist (or "aristocratic") interpretations of the Constitution.<sup>10</sup> Bessette's challenge joined the chorus of voices calling for a participatory view of democratic politics. These theorists questioned the key assumptions underlying the earlier economic and pluralist models: that politics should be understood mainly in terms of a conflict of competing interests—and thus in terms more of bargaining than

of public reason; that rational-choice frameworks provide the sole model for rational decision making; that legitimate government is minimalist, dedicated to the preservation of the negative liberty of atomic individuals; that democratic participation reduces to voting; and so on. In a more positive vein, they took their cue from a variety of deliberative contexts and motifs: direct democracy, town-hall meetings and small organizations, workplace democracy, mediated forms of public reason among citizens with diverse moral doctrines, voluntary associations, and deliberative constitutional and judicial practices regulating society as a whole, to name just a few.<sup>11</sup>

### **The Idea of Deliberative Democracy: Major Statements**

The papers in part 1 should give the reader a sense of the key theoretical issues that were initially raised with the concept of deliberative democracy. Deliberative theorists are in general agreement on at least this: the political process involves more than self-interested competition governed by bargaining and aggregative mechanisms. But rejection of the rational-choice model leaves the further question unanswered: what, positively speaking, differentiates political behavior from market behavior? The first essay in part 1, Jon Elster's "The Market and the Forum," provides a helpful initial orientation by distinguishing two different answers to this question. Both views agree that politics involves a public activity that cannot be reduced to the private choices of consumers in the "market." Both agree that political engagement requires citizens to adopt a civic standpoint, an orientation toward the common good, when they consider political issues in the "forum." On the view represented by such thinkers as John Stuart Mill and Hannah Arendt, however, this transformative power of politics makes democratic engagement an end in itself; deliberative democracy should be advocated precisely because of the beneficial educative effects it has on citizens. Elster argues that this view is incoherent. Although we may applaud democratic politics because of its educative "by-products," we should advocate it only if it has inherent advantages as a method of deciding political questions. In contrast, Elster sees politics as involving both market and forum institutions, since it is "public in nature and instrumental in purpose."

Elster's essay brings out two key elements in the deliberative conception of democracy: that political deliberation requires citizens to go beyond private self-interest of the "market" and orient themselves to public interests of the "forum"; and that deliberation from this civic standpoint is defensible only if it improves political decision making, especially with regard to achieving common ends. Both points invite further questions. Exactly how, for example, should one conceive the civic standpoint and public good? The classical civic-republican view stemming from Plato and Aristotle conceived the common good substantively, in terms of shared traditions, values, conceptions of virtue, and so forth. The quality of deliberation requires insight into, and the retrieval of, these traditions and values. However, the republican answer is plausible today only if one defines the relevant traditions more pluralistically and procedurally; here the American constitutional tradition has provided sympathetic theorists such as Frank Michelman and Cass Sunstein with a fruitful starting point.<sup>12</sup>

In developing his conception of politics as "public in nature," Elster alludes to a somewhat different approach to the common good: Jürgen Habermas's idealized model of rational, consensus-oriented discourse. According to Elster's reading of this model, engagement in political debate has an inherent tendency to produce in participants an openness to considerations of the public interest. But this leads to further questions regarding the nature, likelihood, and desirability of consensus in pluralistic and time-constrained political settings.<sup>13</sup> To answer the questions that Elster raises, one must say more about the normative standards for rational consensus, the relation between deliberation and decision, and proper institutional design.

In his "Popular Sovereignty as Procedure," Jürgen Habermas attempts to provide a normative response to such questions that is both historically and sociologically plausible. Habermas asks whether the radical democratic ideals associated with the French Revolution can still speak to us today. His answer seeks to combine the best features of the two dominant conceptions of democracy: civic republicanism and liberalism. As in civic republicanism, Habermas wants to develop the participatory features of democracy; as in liberalism, he wants to emphasize the role of institutions and of law. Because he

takes the disillusioning sociological literature—in particular, systems theory—so seriously, the central question for Habermas is this: how can the normative force of reasons generated by the public deliberation of citizens have an effect on government administrations that respond only to power? The key to his solution lies in the internal relation between the exercise of political power and the rule of law: in constitutional regimes, government officials are at least constrained by the arguments and reasons that have held up in the public sphere. Insofar as a broadly dispersed, “subjectless communication” among citizens is allowed to develop in autonomous public spheres and enter into receptive representative bodies with formal decision-making power, the notion of popular sovereignty—a democratically self-organizing society—is not beyond the pale of feasibility.

Models such as Habermas’s differ from updated republicanism and rights-based liberalism by elaborating an idealized deliberative procedure as its point of departure. In the next two essays, Joshua Cohen and John Rawls try to work out the philosophical details of a conception of political justification based on deliberation and public reason. The third essay in part 1, Joshua Cohen’s “Deliberation and Democratic Legitimacy,” provides a good example of how such an ideal proceduralism could be elaborated. Like Habermas, Cohen defines political legitimacy in relation to an ideal consensus: “outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals.”<sup>14</sup> Similar to Elster in his discussion of the constraints of the forum, Cohen maintains that the orientation toward reasoned agreement should constrain citizens to focus their proposals on the common good. But Cohen takes a step beyond Elster by specifying procedural standards, such as freedom and lack of coercion and the formal and substantive equality of participants, designed to preserve autonomy and guard against objectionable deliberative outcomes. Cohen then goes on to argue that his ideal procedure provides a suitable model for democratic institutions, one that should be broadly acceptable, stable, just, and institutionally feasible, given the proper mediating structures (such as voting and party competition).

As Cohen has argued elsewhere, an ideal procedural model provides the basis for an “epistemic” interpretation of democratic outcomes.<sup>15</sup> This interpretation presupposes that deliberation involves



a cognitive process of assessing arguments and forming judgments about the common good, and that there is some standard, independent of the actual process, according to which the outcome of deliberation is either correct or incorrect. Because the relevant standard is an ideal procedure, correctness does not imply a realist or metaphysical conception of political truth or the common good. Rather, the ideal procedure specifies the counterfactual conditions for public debate and practical reasoning that would allow for the best possible discussion of a political issue on the merits; consequently, an agreement reached under such conditions defines the best solution possible for the available information and arguments. One can then construe real democratic procedures as imperfect approximations of this ideal. Hence, an epistemic interpretation suggests how one might address the second key tenet of the deliberative model, the claim that deliberation should improve decision making. As Cohen puts it, a real decision-making procedure could at least provide “evidence” for the correct political judgment insofar as the real procedure is properly designed to reflect the requirements of the ideal.<sup>16</sup>

Whether Cohen’s proposal holds up or not, it opens up the large area of research having to do with the relationship between deliberation and democratic decision making—whether and how deliberation improves decisions, how these two are best linked, and so forth. Such questions can be studied from a number of perspectives. Some theorists, for example, have called for more collaboration between deliberative democratic theory and rational choice theory.<sup>17</sup> Others have attempted to resurrect Condorcet’s Jury Theorem, whose epistemic analysis of voting suggests obvious points of contact with an epistemic model of deliberation.<sup>18</sup> However, the epistemic interpretation is in tension with other features of democratic decision making, as discussion in part 2 will show.

The last essay in part 1, John Rawls’s “Idea of Public Reason,” takes a closer look at the connection between deliberation and the common good. Rawls thus brings us back to the first tenet of deliberative democracy, that deliberation constrains citizens to cast their proposals in relation to the common good. Only now the main challenge to deliberation lies not in the competition of private interests but in the plurality of normative conceptions of the good and worldviews.

Not content with vague assumptions, Rawls seeks to elaborate exactly what such an orientation substantively requires at the level of public reason-giving in pluralistic settings. For Rawls, this means “forswearing the whole truth” and basing one’s proposals on widely accepted “plain truths.” At least for constitutional essentials and issues of justice, the “duty of civility” normally precludes appeals to comprehensive doctrines: political association should rest on shared political values, which provide public reasons that “all might reasonably be expected to endorse.”<sup>19</sup> Although this commitment presupposes a background consensus on political values and constitutional essentials, it does not define correct outcomes against an ideal consensus—here Rawls’s model of deliberation differs from Habermas’s and Cohen’s. Rawls is concerned to specify the limits of the public use of reason.

Rawls concludes his essay by considering difficulties raised by particular cases, such as the use of religious appeals in the antislavery and civil rights movements. Here he allows for some use of comprehensive doctrines, to the extent that they “support” the public use of reason. In the postscript, which is taken from the new introduction to the paperback edition of *Political Liberalism*, Rawls further expands his conception into a “wide view of public reason,” which allows even greater scope for appeals to comprehensive doctrines and for more radical forms of criticism of the sort that Habermas finds missing in his account. The postscript also highlights the “criterion of reciprocity” that governs public reason. Rawls’s recent work articulates a conception of justification that is committed to both pluralism and publicity, specifying a kind of politics that is consistent with his claim in *Theory of Justice* (sec. 6.4) that the ultimate form of practical rationality is deliberative. Norms of reasonableness and reciprocity govern and limit the public use of reason by citizens in a pluralistic society.

### **Reason, Politics, and Justification: The Process, Conditions, and Goal of Deliberation**

The essays in part 2 continue the work of specifying the details of the ideal of deliberative democracy. They primarily address controversies that have emerged after the initial statements of Elster,

Habermas, Cohen, and Rawls. Perhaps the main focus of these disputes is the relation between reason and politics in a democracy based on the ideal of achieving “reasoned agreement among free and equal citizens under ideal conditions.” Even if existing procedures and practices are broadly fair and democratic, they might not yet be deliberative; they might not promote such agreement, offer sufficient opportunities for public input, or the requisite access of citizens to relevant public arenas. A fully developed and practical version of the deliberative ideal adequate to this constructive task would require at least four aspects. First, it would have to specify a *goal* for deliberative decision making: should this goal be consensus, or something weaker such as cooperation or compromise? Second, it would have to say more about the *process* of deliberation, involving public discussion, formal institutions and various methods of decision making. How does such a process improve the quality of decision making, particularly its epistemic value? Third, it would have to specify certain *conditions* necessary for deliberation to be democratic, and these are usually discussed broadly as freedom and equality of citizens. But in what sense are citizens to be free and equal in deliberation? How are freedom and equality related to each other? Finally, the conditions of deliberation also must be *shown to apply*, even if only approximately, to current social conditions, including increasing cultural pluralism and social complexity. Should deliberative democracy take into account group identity as pluralists urge, or should it adopt a normative individualism as liberals insist? What role should experts play? Different ways of specifying the goal, process and conditions of deliberation lead to quite different conceptions of a practical relation of reason to politics, ranging from David Estlund’s epistemic proceduralism, to Joshua Cohen’s emphasis on consensus, to Gerald Gaus’s and Thomas Christiano’s doubts regarding the importance of deliberation as a method for discovering political truths.

Before turning to such issues, some background might be needed to put the current discussion in the context of the debate among deliberative theorists. David Estlund’s previous work provides a good starting point for this purpose. In various papers, Estlund has pointed out a fundamental ambiguity in the conception of political

justification implied by the ideal proceduralist conceptions of Habermas, Michelman, and Cohen, among others.<sup>20</sup> He has rejected claims that a purely proceduralist conception of justification can provide the basis for deliberative democracy, and for that reason rejects any conception of legitimacy according to which the agreement of citizens is *constitutive* of the correctness of a particular decision. Claims about the constitutive character of procedures for justification are quite common among defenders of deliberative democracy, who see procedural justification as an alternative to appeals to metaphysical truths or moral expertise.<sup>21</sup> Indeed, deliberative democracy accepts the liberal insistence that such appeals cannot provide convincing public reasons in democratic debate. However, if one identifies rightness with what citizens agree upon in an institution that approximates an ideal procedure, then it is difficult to underwrite some of the central claims of the deliberative ideal: that public deliberation somehow improves the quality of decisions; that deliberation makes it more likely for outcomes to be rational, well-justified, true, or just. For such epistemic claims to be defensible, Estlund argues, it seems that deliberative theorists must appeal to a procedure-independent standard of correctness or truth (whatever it may be). Estlund's argument is therefore conceptual: the very idea of a cognitive judgment involves appeals to "objective standards." This contrasts with the view that Estlund calls "fair proceduralism," which claims only that decisions are legitimate or fair to the extent that they are based on the equal power of citizens over outcomes.

In his essay in this volume, Estlund sets forth one of the basic themes of the second part of the volume: how are deliberative procedures related to political justification and legitimation? As he refines his argument for "epistemic proceduralism," the basic lines of dispute among deliberative theorists about political justification and thus about the goal of deliberation become clear. Representing one view are theorists such as Estlund, who defend deliberative procedures in terms of their epistemic value. A second position is staked out by Cohen and followers of Habermas, who defend the weaker epistemic claim that democratic procedures and their goal of consensus embody norms of reasonableness or communicative rationality. Finally, there are defenders of fair proceduralism, such

as Christiano and Gaus, who acknowledge the intrinsic or instrumental significance of deliberation but sever it from the question of justification.

Frank Michelman's contribution shows the political stakes involved in what may seem a rather abstract philosophical debate about justification, independent standards, and epistemic values in deliberation. Employing a new color scheme to designate the advocates of deliberation, Michelman describes deliberative democracy as an overall political program: the program of the "blue" party. Michelman then asks whether deliberative democracy is a practical ideal in a specific sense: not in terms of its feasibility, but rather in terms of whether its goals conceptually cohere on the practical level. Michelman argues that the practical goal of "blue" thought is tied to popular sovereignty: to "the ongoing project of authorship of a country's laws by the country's people in some nonfictively attributable sense." According to Michelman, however, the special recursiveness or circularity built into his ideal confronts its advocates with a practical dilemma. On the one hand, the people make the laws; on the other hand, basic or fundamental laws must already be in place for the process of deliberation to begin. Specifically, there is a conflict between the blue commitment to "deep democracy" and to liberal deontological principles such as rights that are the basis for decisions among free and equal citizens. All of these deontological ideals are "process-bound" and thus open to political debate; at the same time, this very process of debate presupposes deontological-liberal principles as conditions of its possibility. Michelman's solution to this "regress problem" is pragmatic: if the ongoing practices of making laws are sufficiently self-critical, then we can accept both sides of the dilemma in practice. That is, if the people not only make the laws but also revise their practices of self-determination when these violate their ideal of political rightness, then it is possible to combine respect for persons with the commitment to a norm of political truth internal to the deliberative process.<sup>22</sup>

Much like Michelman, Estlund has the goal of cutting through some of the dilemmas and antinomies that are built into the deliberative ideal. In his essay, Estlund wants to show how a proceduralist account of legitimacy is compatible with epistemic criteria of right-

ness, that is, standards of justice and the common good that are independent of *actual* procedures (though not necessarily of all conceivable procedures or ideal procedures). Reinforcing his earlier arguments on the link between deliberation and truth, Estlund argues against attempts to eliminate or moderate the epistemic value of deliberation. “Fair deliberative proceduralism,” for example, drops epistemic claims and highlights instead the fairness of deliberation or equality of voice; but why settle for this when we can have procedures that are both fair and improve reasons? Habermasian attempts to construct a moderate position—which identify the epistemic standard with a conception of reason embodied in the fair procedure—must either collapse into fair proceduralism or invoke independent standards of good reasons.<sup>23</sup> At the same time, one must also avoid the overly epistemic view associated with correctness theories, which identify legitimacy with correctness of outcome. Such views—which Estlund attributes not only to Plato, Rousseau, and Condorcet but also to Cohen—threaten the democratic character of deliberation and make it difficult to account for how minority views are to be respected.

The “epistemic proceduralism” that emerges from this dialectic links legitimacy with deliberative procedures that have an imperfect tendency to produce epistemically correct outcomes. On this view, a procedure such as majority rule is legitimate because it is both fair and epistemically superior to alternative procedures. Armed with this set of distinctions, proponents of deliberation might begin to solve some of the conceptual difficulties raised by Michelman’s antinomy. Epistemic proceduralism corrects for the excesses of deep democracy, including deference to the general will as an independent standard of correctness. In light of the weaker standard of democratic legitimacy, for example, we need not appeal to the cognitive capacities of individuals (which, as Gaus insists, the empirical evidence shows to be often rather suspect), but to more general and more easily attainable social/structural and institutional considerations.

By directly challenging the sort of epistemic claims advanced by Cohen or Estlund, Gaus and Christiano develop nonepistemic versions of the deliberative ideal, both of which do not depend on the

goal of consensus or correctness. Both think that the facts of deep disagreement challenge the core assumptions of proceduralism: that each citizen must be given reasons that he or she could accept, or at least not reasonably reject. But for Gaus and Christiano the social fact of deep disagreement means that we must reject the idea that any procedure, even a deliberative one, could be the source of political justification. For Christiano, procedures themselves can be evaluated by an independent standard, but that standard is the norm of equality that ensures the fairness of the result of discussion and voting by giving each citizen equal influence in the decision-making process. The standard here is thus moral rather than epistemic: it is the equal respect due to persons that is intrinsic to justice. Thus, the significance of deliberation is not that it produces better justifications or more informed decisions, but rather that it approximates the intrinsic standard of political equality. Besides such intrinsic worth of a properly constituted deliberative process, deliberation can also have instrumental value, such as increasing understanding in a community. According to Christiano, the dilemmas facing deliberative democracy around issues of intractable disagreement can be avoided by uncoupling deliberation from epistemic values and the goal of maximizing agreement. Gaus, too, rejects consensus as the goal of deliberation on conceptual and empirical grounds. While emphasizing the problem of disagreement, unlike Christiano he still insists on the use of reason and public justification in politics. But he rejects any appeal to the norm of reasonableness, which requires what Joseph Raz has called the internally incoherent stance of “epistemic abstinence.” The problem with reasonableness for Gaus is that it gives us a hopelessly thin principle of public justification that is unsuitable to deliberative democracy: it provides no basis for judging any substantive proposals about basic political issues. He thus proposes a form of “adjudicative democracy,” which accepts the fact of fundamental and intractable disagreements between persons and groups. Like Christiano’s goal of fairness through equality, Gaus sees democracy itself as an umpiring mechanism by which all parties seek public, rational, and most importantly impartial adjudication of their differences. Whatever one’s view of the results of these debates about justification, one thing is clear: the facts of pluralism and

persistent disagreement must now be made central to any case for epistemic improvement as a goal of deliberation.<sup>24</sup>

### **Deliberative Democracy as a Substantive Ideal: Equality, Pluralism, and Liberty**

The remaining essays by Knight and Johnson, Bohman, Richardson, Young, and Cohen concern more substantive issues about the process and conditions necessary for deliberative democracy: political equality, cultural difference, the formation of joint intentions, and the role of the substantive liberal and egalitarian values that inform deliberative procedures. Taken together, they show not only the variety of positions within deliberative theory, but also the robustness of the deliberative ideal in dealing with the problems facing contemporary democracy.

Rather than focusing on the outcome of deliberation, Bohman and Knight and Johnson take up the most fundamental condition of deliberation for either epistemic or nonepistemic versions: political equality. Both essays develop substantive conceptions that attempt to go beyond merely building equality into procedures, ideal or otherwise. Certainly, procedural equality, understood as the equality of opportunity to participate in political decision making, is crucial for democratic legitimacy. But deliberative democracy also requires elaborating the substantive aspects of political equality appropriate to its particular ideal. Whereas for Knight and Johnson this is “equal opportunity of access to political influence,” for Bohman it is “equally effective social freedom.” In order to develop procedural aspects of equality, Knight and Johnson turn to analogies to the axioms of social choice theory; Bohman, by contrast, develops this aspect of political equality in terms of Habermas’s ideal speech situation where all have equal opportunity to speak. But the main innovation in both essays is to develop the more substantive account in which the work of Amartya Sen on “capability equality” is the primary inspiration.<sup>25</sup> Knight and Johnson argue that this approach has considerable advantages over the Rawlsian approach and answer objections put forward by Cohen that the resource-based account is more practically useful. However, they see problems with Sen’s



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