

Chapter 1

Is the Ideal of a Deliberative Democracy Coherent?

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Introduction

In what follows, I would like to contribute to a defense of deliberative democracy by giving an affirmative answer to the question in the title. The goal is admittedly humble. For the coherence of an ideal says nothing about its desirability, feasibility or overall appropriateness.¹ And, indeed, I will not address these further issues here. But, though humble, the goal of assessing the coherence of an ideal seems to take precedence over any of the other issues. For addressing such issues with regard to an incoherent ideal would be pretty pointless. Of course, all of this assumes that the coherence of the ideal is not self-evident. It is not hard to show why this is so. According to the ideal of a deliberative democracy, political decisions should be made on the basis of a process of public deliberation among citizens. Thus, political decision making procedures should be both democratic and deliberative. But given that not all procedures that are deliberative are also democratic and vice versa, the possibility of a clash between the deliberative and the democratic components of the ideal cannot be ruled out *a priori*. That is, depending on how each component is interpreted and justified, it could turn out that the best decision making procedures from a purely deliberative point of view are not particularly democratic or that the best decision making procedures from a democratic point of view are not particularly deliberative. If that were the case, increasing the deliberative quality of political decisions would require sacrificing their democratic quality and vice versa.² This indicates that, under

¹ Needless to say, defending the coherence of the deliberative ideal does not contribute to the central task that any fully articulated conception of deliberative democracy must accomplish, namely, to spell out in detail the ways in which the deliberative ideal should be put into practice in order to increase the deliberative qualities of existing democratic institutions. But however important this task may be, it is unlikely to succeed before enough clarity about the basic features of the deliberative ideal itself is achieved.

² For an alleged example of such a dilemma facing the deliberative model, see Pettit (2003). I find Pettit's discussion of what he calls "the discursive dilemma" very interesting, but in my opinion what the dilemma shows is the incompatibility between the deliberative

some interpretations, the deliberative ideal will be clearly incoherent. Moreover, its coherence seems very much to depend on a happy coincidence, namely, that the reasons why political decisions must be deliberative and the reasons why they must be democratic turn out to be mutually compatible. But taking into account that plausible answers to each of these questions can pull in opposite directions, it seems clear that not just any defense of the deliberative ideal will do. For only a defense *for the right reasons* can actually lend support to the claim that public democratic deliberation can simultaneously meet our deliberative and our democratic demands. In what follows, I will argue that such a defense is possible precisely by trying to provide a mutually consistent answer to the aforementioned questions, namely, why democracy must be deliberative and why deliberation must be democratic.

As already hinted at, these questions point to an internal tension in the very ideal of a deliberative democracy. Given that “deliberative” and “democratic” do not seem in any obvious way to be coextensive, let alone identical properties, there is no *a priori* guarantee that a commitment to one would always be compatible with a commitment to the other. Thus, it cannot be ruled out that, if the worst comes to the worst, one may have to choose which commitment trumps the other. However, the mere prospect of facing such a choice weakens considerably any attraction that the ideal may have. For, paradoxical as it may sound, it seems that by developing a full conception of deliberative democracy one may end up either not being a strongly committed democrat or a strong defender of deliberation in politics. Seen in this light, the conceptual challenge for any attempt to develop the ideal of deliberative democracy into a fleshed out conception is to answer the aforementioned questions in a way that is internally consistent and does not lead to a weakening either of the commitment to democracy or to deliberation. In other words, taking at face value the dual commitment entailed in the ideal of deliberative democracy, the task would be to explain the source of each of those commitments and to show how democratic deliberation in particular can contribute to the satisfaction of *both of them* at once.³

Perhaps a hint for how to approach the first task can be taken from the general ideal of democracy as a government “for the people and by the people,” as this ideal seems to express a dual commitment as well. Although the specifically “democratic” element lies in the second property, it seems obvious that a system of government could hardly be justified if it did not (at least) claim to satisfy the first property as well. Thus, a democratic system of government is one that is not

and the aggregative models of democracy, and not a genuine dilemma facing the deliberative model as such. On this issue, see note 30.

³ The specific sense of this claim is to rule out that democratic deliberation could contribute to one of them *only by being detrimental to the other*. This, however, by no means requires defending the much stronger (and implausible) claim that democratic deliberation *alone* is the best means to achieve both of them. On the implausibility of an exclusivity thesis, see Christiano, 1997, 250.

only for the benefit of all those governed by it, but one in which the governed are at the same time those who get to decide what is and what is not in their benefit. In more familiar terms, the governed are not only subject to the law but authors of the law. According to this ideal of self-rule, the validity of legislative decisions depends not only on whether they are “for the people,” that is, just (efficient, good, etc.) from a substantive point of view, but also on whether they are decided “by the people,” that is, by a procedure that secures the voluntary consent of those who must comply with them. This already provides us with a schematic answer to our first question. At a minimum, the ideal of democracy entails a commitment to a political decision making procedure that should secure the voluntary assent of its members (1) to substantively just outcomes (2).

However, the democratic ideal suggests a stronger connection between both commitments. It suggests that satisfying the former condition intrinsically contributes to the satisfaction of the latter.⁴ For the *procedure* of making legislative decisions dependent on the voluntary assent of those who must comply with them requires taking the interests of all of them into consideration and thus it contributes at the same time to reaching *substantively* just decisions, that is, decisions equally in everyone’s interest. A government “by the people” intrinsically contributes to the achievement of a government “for the people.”

It is with the interpretation of this connection, however, that the difficulties I mentioned at the beginning originate. For the attempt to give an account of the internal relationship between these two dimensions of validity invites all kinds of reductive strategies of explanation, from strongly reductive strategies that try to define one dimension in terms of the other (e.g., to be a just outcome is to be a democratically decided outcome) to weaker strategies that consider either one dimension of instrumental value for the other (e.g., the value of democratic procedures reside in their instrumental value for reaching substantively just outcomes) or both of value for yet a third dimension (e.g., justice requires substantively correct outcomes and democratic procedures, but for mutually independent reasons).⁵ Of course, the reductive character of these strategies by no means prevents them from being plausible or even correct. The problem concerns specifically the model of deliberative democracy. For, as already hinted at, a defense of the deliberative model on the basis of a reductive strategy threatens to end up being either a strong defense of deliberation at the expense of democracy or a strong defense of democracy at the expense of deliberation. However plausible any of these strategies may be, it is just hard to see how they could count as defenses of the model of deliberative democracy in particular, rather than of something else.

⁴ For recent analyses of the complex relationship between justice and democracy, see the essays collected in Dowding et al. (2004).

⁵ For a detailed overview and analysis of some of these strategies, see Christiano (1999).

It seems thus that a defense of the model of deliberative democracy can be successful only if it can give a consistent justification to the following claims: that democratic deliberation, by its very nature, contributes to securing the best possible outcomes from a substantive point of view, as well as the reasoned acceptance of those who must comply with them and that, to that extent, it can explain the internal relationship in the satisfaction of both conditions as suggested by the democratic ideal. Moreover, to the extent that it is possible to show the intrinsic contribution that democratic deliberation can make to satisfy each of these requirements (or, more cautiously, to the extent that there is nothing about democratic deliberation that would make it impossible to satisfy both of them at the same time), the deliberative model can be considered a plausible ideal and thus serve as a practical guide for designing democratic institutions.

Now, to claim that the deliberative model requires a non-reductive strategy of political justification implies recognizing the logical independence of the aforementioned constraints or requirements. In other words, it implies recognizing that, according to the deliberative model, securing the voluntary consent to political decisions by all those who must comply with them is of intrinsic value, regardless of the likelihood that, by so doing, the outcomes of these decisions may be better or worse from a substantive point of view; and vice versa, securing substantively just decisions is of intrinsic value regardless of the likelihood that, by so doing, the voluntary consent of citizens may be easier or harder to secure.⁶ Different conceptions of deliberative democracy offer different explanations for the nature and justification of each of these constraints and I will not try to defend any particular version of these justifications here.⁷ Assuming that at least some of them are plausible,⁸ what matters in our context is whether their logical

⁶ This claim is weaker than it may seem. Although I do think that the deliberative model requires participants in deliberation to assume that the substantive correctness of (many of) their decisions is independent of their (actual) reasoned consent, I am referring here to a much weaker claim, namely, that for the deliberative model reaching a *voluntary* consent is not enough; it must be a *reasoned* consent, that is, a consent based on reasons that all reasonable people could accept (or could not reasonably reject). To that extent, considerations about the substantive correctness of the outcome cannot be excluded from deliberation for the sake of reaching agreement.

⁷ Doing so would be necessary in order to argue for the superiority of the model of deliberative democracy vis-à-vis other models (democratic or otherwise), whereas here my goal is only to show the internal consistency of the deliberative model. Given this goal, my approach here aims to be as ecumenical as possible; that is, I will try to identify the minimal core of claims that are necessary for defending any particular version of the deliberative model without taking sides on any further claims that can be considered optional or controversial among the different conceptions of deliberative democracy.

⁸ Most of these justifications draw heavily from contractualist ideas. The distinctive feature of social contract theories is the attempt to explain the validity of social norms in terms of the notion of a possible agreement among those who must comply with them. This is the normative core of the otherwise metaphorical idea of a social contract. What

independence can be defended as well. If both conditions of political justification impose independent constraints for the design of democratic institutions, a clash between them may seem unavoidable, unless a specific way of making them compatible can be shown.

Within the deliberative model this is done by introducing a further condition that can plausibly be said to satisfy both constraints at once, namely, a condition of *mutual justifiability*.⁹ On the one hand, such a condition is internally connected to the epistemic goal of reaching substantively correct outcomes (i.e., just, efficient, good, etc.).¹⁰ For it seems plausible to claim that a deliberative procedure suitably designed to track “the force of the better argument,” to use Habermas’s term, contributes to increasing the epistemic quality of the decisions. On the other hand, a condition of mutual justifiability is internally connected to the democratic goal of reaching legitimate decisions by securing the free and reasoned

varies among the different contractualist theories is the kind of reasons (moral, political, prudential, etc.) that are appealed to for justification. Usually, justifications of the model of deliberative democracy draw from the Kantian tradition of contractualism in their appeal to moral reasons related to the autonomy of agents (that is, to the intuition that forcing anyone to act against her own reason is morally wrong and thus that the validity of political decisions cannot lie beyond the reasoned agreement of those who must comply with them).

⁹ As expressed by Gutmann and Thompson (2000, p. 161), deliberative democracy’s fundamental principle is that “citizens owe one another justifications for the laws they collectively impose on one another.” For their particular interpretation of the commitment to mutual justifiability, see also Gutmann and Thompson (1996, pp. 52–94, and 2004, pp. 133–38).

¹⁰ Due to my ecumenical aims, I leave open the question of how many dimensions of validity may be involved in the evaluation of political decisions and which criteria of correctness may be appropriate in each case, according to different conceptions of deliberative democracy. Thus, my use of the expression “correct outcomes” is just a placeholder in need of supplementation by whatever specific account each conception of deliberative democracy may offer for what such “correctness” in turn consists in. To my knowledge, the conception of deliberative democracy that offers the most elaborate account of the different dimensions of validity of political decisions and their respective senses of correctness is Habermas’s discourse theory. According to that conception, the outcomes of political decisions can be evaluated from the moral, the pragmatic and the ethical points of view. What is at issue in each case is (roughly) whether these outcomes are just, efficient or “good for us,” and the appropriate forms of deliberation are moral, pragmatic, and ethical discourses, respectively. These dimensions of validity are relevant for evaluating the outcomes of processes of bargaining and compromise as well, but in those cases what is at issue from the moral point of view is the fairness of the procedures rather than the substantive justice of the outcomes themselves. See Habermas (1993 and 1996). A further refinement in this scheme has been proposed by some authors sympathetic to discourse theory, who distinguish among the latter processes between purely strategic bargaining processes and compromises on moral and ethical issues. See McCarthy (1991 and 1996); Bohman (1998).

assent of those who must comply with them. For it seems equally plausible that a deliberative procedure designed to track the force of the better argument can contribute to distinguishing those decisions that can meet with the participants' free and reasoned assent and those that do not. Moreover, precisely in virtue of its two-dimensional origin, a condition of mutual justifiability indicates the appropriate limits of both our epistemic and our democratic goals. With regard to the epistemic virtues of a political decision procedure, the constraint of mutual justifiability implies that it is not enough that its outcomes *be* in fact correct, they must be *manifestly so* to their members (Cohen, 1997, p. 73). Consequently, our goal is to select the decision procedure able to secure not just the epistemically best outcomes, but the best outcomes among those that can attain the free and reasoned assent of their members. With regard to the democratic virtues of a political decision procedure, the constraint of mutual justifiability implies that it is not enough that political decisions *be* in fact *agreed* upon. In addition to this, the justifiability of the reasons that support them must be manifest to their members. Consequently, our goal is to select the decision procedure most suited to securing not just agreement, but publicly justified agreement. If this is indeed an appropriate understanding of both our epistemic and our democratic goals, the core claim of the deliberative model, namely, that public deliberation can contribute to reaching both of them, seems very plausible. Thus we need to analyze the details of the deliberative interpretation of each of these goals. For this task we can take as a guide our initial questions, namely, why democracy must be deliberative and why deliberation must be democratic, respectively.

1 Epistemic Virtues of the Deliberative Model

To some, the question of why democracy must be deliberative may sound like another way of asking why it is better to make political decisions on the basis of rational deliberation instead of just making them haphazardly. Seen in this light, the answer seems obvious: democracy must be deliberative in order to increase the likelihood of reaching correct decisions or, as it is usually put, in order to track the truth. This is because the correctness of our decisions depends on the right assessment of all relevant information and this, in turn, requires rational deliberation.¹¹ This answer undoubtedly expresses a strong intuition behind the deliberative ideal, but its purely epistemic character poses two important threats to a defense of the deliberative model.

As hinted at before, a purely epistemic justification of the deliberative ideal has no internal resources for explaining why deliberation must be democratic. For if it turned out that the right assessment of relevant information could be better guaranteed by non-democratic means, say, by an elite of political and

¹¹ For a purely epistemic defense of the role of deliberation in democracy, see Nino (1996, ch. 5).

moral experts, no argument would be left to support the claim that deliberation must be democratic. A purely epistemic conception of democracy is essentially committed to epistocracy (i.e. rule of the knowers)¹² and only contingently committed to democracy. That is, the latter commitment is contingent on the truth of the empirical claim that democracy is the best form of epistocracy (i.e. that the set of knowers happens to be the entire community). To the extent that the link between democratic deliberation and correctness is contingent, it cannot be *a priori* excluded that some form of non-democratic deliberation could (putatively) offer a better guarantee of reaching substantively correct decisions, in which case democracy would (and should) be dispensable, according to this view.

Of course, a possible reaction to this argument could be to just bite the bullet. If one is really and seriously committed to the virtues of deliberation and reason in politics, perhaps one should not be embarrassed to recommend whichever decision procedure turns out to be epistemically better. If a defender of deliberative democracy must actually choose between deliberation and democracy, perhaps deliberation is ultimately the right choice. After all, if developing the deliberative ideal is understood as the attempt to give content to the concept of ideal deliberation, perhaps the right approach would just be to spell out the features that a process of ideal deliberation should have from a normative point of view, and to leave open the empirical question of participation; that is, of who may be able or best suited to participate in such a process. However, there is another, potentially even more devastating threat in following this argumentative strategy. A purely epistemic justification of the deliberative ideal may not only be detrimental to democracy, it can even be detrimental to deliberation as well.

According to a purely epistemic conception, the goal of a deliberative procedure is to secure the substantive correctness of its outcomes. Given this goal, it seems that a prerequisite for ideal deliberation would be the availability of full information. For nothing short of it would secure correct outcomes. However, accepting such a stringent condition would have very damaging consequences for a conception of deliberative democracy. First of all, such a prerequisite would sever the link between ideal and real deliberation to such an extent that it may

¹² I borrow this term from Estlund (1997, p. 183). In this article Estlund offers an epistemic defense of democracy, but it is not of the “purely” epistemic kind that I am referring to here. He advocates a mixed strategy that entails not only epistemic requirements, but also a requirement of procedural fairness. He calls this strategy “epistemic proceduralism.” In contradistinction, the mixed strategy that, in my opinion, underlies the deliberative model entails epistemic requirements and a requirement of deliberative and not just procedural fairness. As will become clear later, given that the deliberative procedure must give better reasons greater influence over the outcome of the decision-making process, its fairness does not consist in granting everyone equal opportunities of influence over the outcome, but in granting them equal opportunities of participation in the deliberative process of shaping or contesting the public justifiability of the outcome. As a consequence, the deliberative model has some similarities with Estlund’s epistemic proceduralism, but it has some crucial differences as well. On some of them, see note 15.

invalidate the central claim of the deliberative conception; namely, that real public deliberation matters for the validity of political decisions. To the extent that real deliberation must take place under conditions that fall short of full information, it would be unclear what its contribution is supposed to be to the validity of its outcomes. In fact, as many authors have pointed out, real public deliberation can make decisions worse from a substantive point of view (Elster, 1997 and 1998; Sunstein, 2003; Shapiro, 1999). What this indicates is that a purely epistemic conception of the deliberative ideal may be essentially committed to ideal deliberation, but it is only contingently committed to real deliberation. Consequently, depending on the circumstances, the deliberative ideal may not issue a recommendation for increasing real democratic deliberation. But, yet again, perhaps this is just as it should be. However paradoxical it may seem that a defender of deliberative democracy may end up committed neither to democracy nor to real deliberation, it could be that the normative commitment behind the deliberative ideal is just a commitment to ideal deliberation. However, there is a difficulty in following this strategy as well. For even at the level of ideal deliberation, a prerequisite of full information threatens to invalidate the view that public deliberation is of intrinsic value for the correctness of political decisions. For, once full information is available, it is no longer clear what the role of interpersonal deliberation should be (Sunstein, 2003; Estlund, 1993b). Strictly speaking, the purely epistemic conception is committed to the ideal assessment of information, but not necessarily to ideal deliberation *per se*. In view of the negative prospects of pursuing a purely epistemic strategy to explain the epistemic virtues of the deliberative ideal, perhaps it would be better to follow the opposite strategy. First, identify some epistemic property that public deliberation by its very nature can plausibly be claimed to track, and then explain why it matters for the validity of political decisions.

Considering what was mentioned in the previous section, it seems more promising to claim that public deliberation tracks *mutual justifiability* or, to use Joshua Cohen's term, "justification through public argument" (Cohen, 1997, p. 72). For it is hard to see how such a condition could be met, but through public deliberation. This is not to claim that real deliberation cannot fail to track public justifiability. For real deliberation can easily be more sensitive to pressures other than that of the force of the better argument. In this sense, "mutual justifiability" is a genuine goal that real democratic deliberation should try (and thus may fail) to achieve. The claim is only that public deliberation, that is, a deliberative procedure that includes all available views and arguments in order to determine where the balance of argument lies, seems intrinsically well suited to track mutual justifiability. And, given that mutual justifiability, as opposed to truth or correctness, is not recognition-transcendent, that is, given that "the better argument" can fall short of being the correct one, there is nothing that *a priori* prevents real deliberation from mirroring ideal deliberation. Inclusion of all views and arguments available at a given time for an assessment of their

relative strength by no means requires full information, infallibility or any other epistemic condition beyond human capacities.

Now, the tricky part of following this strategy lies in our ability to give an equally plausible answer to the second question, namely, what it is about public justification that contributes to the validity of political decisions. For nothing would be gained in the attempt to move away from the purely epistemic strategy if the answer to the second question were, in turn, that public justification is just a reliable indicator of truth. As we saw before, this move would make the plausibility of the model of deliberative democracy depend on the truth of two very contentious claims, namely, that democracy is the best form of epistocracy and that public deliberation is the most reliable indicator of truth.

I do not mean to suggest that a defense of these claims is not possible. In fact, such defenses are easy to find within the broad camp of epistemic justifications of democracy, for obvious reasons. Given that any epistemic justification of democracy is committed to the claim that political questions can have substantively right or wrong answers, it seems hard to rule out the possibility that some may know those answers better than others. If this is the case, and substantive correctness is the only goal, one should conclude that these experts should rule. A familiar line of argument intended to avoid this conclusion is to claim that, given the specific nature of political questions, the existence of moral experts, that is, an elite significantly more reliable at getting the right answers to political questions than the rest of the citizens, is highly unlikely. Given that the correctness of political decisions essentially depends on their justice, that is, on whether they are equally in everyone's interest, and given that each individual knows best what is in his or her own interest, it is extremely unlikely that any putative moral expert could actually know what is in everyone's best interest better than the members of the community as a whole.¹³ This is why democracy is, in fact, the best form of epistocracy.

Of course, this line of argument relies on several empirical assumptions whose correctness is very hard to assess. But my impression is that this is not its main problem. The real difficulty in following a strategy that relies on these claims is not so much that they may turn out to be false. It is rather that, even if they were true, they seem *irrelevant* for a defense of democracy. The problematic assumption behind such an argumentative strategy is that its commitment to democracy is due to purely epistemic reasons. Consequently, an answer to the question of whether moral experts exist seems all that is needed to answer the question of whether they should rule. But this is a non-sequitur. For the latter question, as opposed to the former, is not about expertise, but about authorization for decision making. Even if someone could know better than me which political decisions are in my own interest, this does not mean that *anyone could be better than me at giving my*

¹³ For an argument along these lines, see Dahl (1989, Ch. 7), also Nino (1996, Ch. 5).

own authorization to act on them.¹⁴ Nobody can give my authorization for me. What is wrong with defending authoritarianism is not the optimism of assuming that there are experts who can make political decisions better than others, but the illegitimacy of assuming that this relieves these experts of the obligation to *ask for others' authorization* before making decisions *for them*.¹⁵ A commitment

¹⁴ The point perhaps becomes clearer if we switch from the political context to a practical context, in which the existence and even the authority of experts is not questioned, for example medical practice. Although doctors are clearly experts and their authority is widely recognized, we still have to authorize the treatment decisions they make for us. But this is not because their expertise may be limited or questionable after all. It is just because no amount of expertise could ever enable them to take *my own risks*. Only I can do so. Obviously, the same applies to the risks and consequences of political decisions to which we must comply.

¹⁵ In this context, it is important to keep in mind that the obligation of *securing authorization* before making decisions on someone else's behalf is not met just by *securing their recognition of your expertise* (see prior endnote). In 'Making Truth safe for Democracy,' Estlund offers a defense of epistemic democracy against the charge that it involves a commitment to epistocracy that seems to conflate both conditions (Estlund, 1993a). He conceives of his argument as offering a purely epistemic objection to authoritarianism (namely, that "no knower is so knowable as to be known by all reasonable people," Estlund, 1993a, p. 88). Consequently, his official line of defense is supposed to confront authoritarianism on purely epistemic grounds; namely, on its epistemic difficulties in answering the question "who will know the knowers?" But his argument seems to smuggle in a condition of legitimacy disguised as an epistemic condition. For it assumes that the reliability of any putative candidate for being a moral expert would need to be demonstrated beyond reasonable doubt to all reasonable members of the political community. On the basis of this assumption he adduces several epistemic reasons that cast doubt on the chances of such a demonstration and concludes that it is unlikely that all citizens would agree on the candidate's putative expertise. However, he offers no epistemic reasons to motivate the rationale of imposing such a peculiar condition in the first place. In general, the expertise of any putative candidate in any field (from medicine to physics, jurisprudence, and so on) usually is judged by other experts in that field and not by democratic referendum. This makes perfect sense from an epistemic point of view precisely because, *per hypothesis*, not all members of the community qualify as experts. By asking that the reliability of the putative expert be demonstrated to all reasonable members of the political community, Estlund is asking for a condition of authorization; that is, of securing the *legitimacy* of delegating to the expert's authority. But such condition is *logically independent and irreducible to any merely epistemic condition*. In other words, Estlund seems to misidentify the question that is actually driving his criticism of authoritarianism. The relevant question is not who will *know* the knowers, but who should *authorize* them. Only a concern for the latter question justifies the requirement that the reliability of the putative moral experts be demonstrated beyond reasonable doubt to all members of a political community. But once this is recognized, it becomes clear that what is doing the work in Estlund's argument, if anything, is not the epistemic constraint of requiring demonstration "beyond reasonable doubt," but the democratic constraint of requiring demonstration "to all members of the community." For, once it is recognized that the entire community is the proper locus for the

to democracy is rooted in the recognition of this obligation as a condition of political legitimacy.¹⁶

According to the deliberative model, this intrinsic dimension of the validity of political decisions requires participants in deliberation to be able to convince others of the putative correctness of a political proposal with reasons that they can accept (that is, reasons that would be unreasonable for them to reject).¹⁷ Consequently, in tracking the “mutual justifiability” of political proposals, deliberation is not just contributing to tracking their correctness, but most importantly it is at the same time tracking the extent to which they can attain the reasoned assent of those who must comply with them. This is one intrinsic value of the process of public *deliberation* as such. Taking into account that the validity of political decisions depends not only on their substantive correctness (i.e. justice, efficiency, etc.) but also on the legitimacy of their implementation, it is possible to see what is wrong with a purely epistemic explanation of the contribution that public deliberation makes to the validity of political decisions. Although a constraint of mutual justifiability is indeed an epistemic constraint, it is not due to merely epistemic reasons. It is not just because justification can be an indicator of truth that participants in political deliberation must justify their views with reasons that the others can accept, as in any other epistemic discourses (ordinary or scientific). It is because we are under the obligation of *convincing them* before we make decisions to which they must comply that political deliberation must be democratic. In other words, we are independently committed to justify our political decisions to them with reasons that they can reasonably accept, whether doing so increases the likelihood of correct decisions or not in any given occasion. What is wrong with the purely epistemic defense of the deliberative ideal is the assumption that such defense turns on whether mutual justifiability is or is not the best means for the goal of reaching substantively correct decisions. This ignores that an intrinsic element of our goal is reaching mutually justifiable decisions and not only putatively correct ones.

In this context, it is very important to underline the exact difference between a purely epistemic and a deliberative justification of democracy – for the difference is not that the latter does not have an epistemic dimension. A successful defense

authorization of any delegation to putative experts, it becomes clear that the point of the “demonstration” is not epistemic (i.e. to secure certainty or beyond-reasonable-doubtness), but political (i.e. to secure legitimate authorization). What seems most problematic in the purely epistemological interpretation of Estlund’s objection is that it seems to share the basic premise of authoritarianism, namely, that a knower who was so knowledgeable as to be known by all reasonable people could just make decisions for them without asking for their permission.

¹⁶ Of course, once this obligation is recognized, democracy promises to win by default.

¹⁷ This is the deliberative interpretation of the democratic requirement that those who must comply with the laws must be able to see themselves not only as subjects to them but also as authors of them.

of the deliberative ideal indeed requires a defense of the epistemic virtues of public deliberation and thus of its contribution to increasing the quality of its outcomes from a substantive point of view. But the intrinsic contribution of public deliberation to the legitimacy of political decisions makes a crucial difference in the sense and implications of that defense. For, in contradistinction to the purely epistemic view, the success of the latter does not turn on whether public deliberation is just the most reliable indicator of truth. It turns on whether it is the most reliable indicator of truth *among the reliable indicators of mutual justifiability*. This implies that, as long as no better alternative to ideal public deliberation can be offered for achieving the goal of mutual justifiability, public deliberation remains non-negotiable. Consequently, worries about the epistemic deficiencies of *real* deliberation processes do not automatically have the status of objections to the deliberative model, as they would for the purely epistemic view. Instead, they can be taken as practical imperatives. They indicate which features of existing institutions of public deliberation need to be transformed to maximize their contribution to the goal of achieving the best possible outcomes from a substantive point of view.¹⁸ This remains the case as long as no epistemic objections to *ideal* deliberation can be offered; that is, as long as there is no reason to assume that tracking the force of the better argument diminishes rather than increases the likelihood of substantive correctness.¹⁹ As long as we have no reason to question the general epistemic value of reasoned justification for knowledge, tracking the force of the better argument can intrinsically contribute to increasing the substantive correctness of political decisions. This is a genuinely epistemic virtue of the deliberative model.

2 Democratic Virtues of the Deliberative Model

To the extent that public deliberation can be understood as a procedure that aims to include all available views and arguments in order to determine where the balance of argument lies, it seems intrinsically well suited to track mutual justifiability. But if a commitment to mutual justifiability is interpreted merely as derived from a plausible general condition for knowledge, that is, from a commitment to reasoned justification or maximal rational consistency, it would have no obvious democratic implications. As we saw before, the democratic sense

¹⁸ As already indicated, this is surely the bulk of the work that a fully articulated conception of deliberative democracy must accomplish by addressing all empirical questions about institutional design that would allow real democracies to approximate the deliberative ideal. See note 1.

¹⁹ The same applies, of course, to the goal of mutual justifiability. Worries to the effect that real deliberation may fail to track mutual justifiability can be taken as practical imperatives to transform existing deliberative practices so as to maximize their responsiveness to the force of the better argument (rather than to other forces).

of the commitment to mutual justifiability derives from the obligation to reach legitimate decisions by securing the free and reasoned assent of *those who must comply with them*. That is, the obligation is not just to secure some justifying reasons before making political decisions, instead of making them irrationally, but to secure the reasoned assent of the citizens of a particular political community. In other words, what needs to be shown is how the epistemic features of a procedure of public deliberation can genuinely contribute to the democratic goal of securing the actual reasoned consent of actual people.

Deliberation and Consensus

A straightforward answer to this question could be the following: in tracking the force of the better argument, public deliberation can contribute to reaching the reasoned assent of the members of a particular political community precisely by bringing about a unanimous consensus on those views that are supported by the force of the better argument. Although post-deliberative decisions that are unanimously agreed upon may turn out to be incorrect from a substantive point of view,²⁰ their public justifiability by no means decreases the likelihood of their correctness and certainly secures the legitimacy of their implementation, at least as long as no evidence to the contrary or new counterarguments arise. This is a genuinely democratic virtue of the deliberative model. Defenders of the deliberative model usually express it in the form of a “democratic principle.” Joshua Cohen’s version of the principle is that “outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals” (Cohen, 1997, p. 73). Habermas’s discourse-theoretic version of the principle is that “only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted” (Habermas, 1996, p. 110).

Needless to say, unanimous post-deliberative consensus is as secure a way to satisfy such a condition of democratic legitimacy as there can be. However, as is often pointed out, unanimous consensus is hardly ever possible in pluralist societies. Thus, unless some additional answer can be given, there seems to be no genuine contribution that public deliberation as such makes to the democratic process for all those situations in which no unanimous consensus is achieved. If this is the case, the strength of the deliberative model seems very limited. However

²⁰ In my opinion, antirealist interpretations of the deliberative ideal are in the end untenable, but I do not mean to rule them out here. Even those authors who, following an antirealist strategy, identify substantive correctness with ideal rational consensus recognize the possibility that new evidence or new counterarguments may undermine a prior consensus without undermining the rationality of the deliberative procedure that brought it about. See, for example, Habermas (2003, p. 258). I very much doubt that such a claim can be defended successfully within an antirealist approach, but I will not discuss this issue here. I have discussed it at length in Lafont (1999, 2003 and 2004).

valuable public deliberation may be from an epistemic point of view, from a strictly democratic point of view it seems largely worthless (if not even detrimental²¹) as a collective decision-making procedure. As critics of the deliberative model usually point out, democracy begins precisely when deliberation ends and action is taken (usually by voting). If the only democratically significant feature of a procedure of tracking the force of the better argument derives from its ability to generate unanimous consensus, public deliberation can be considered largely insignificant from a democratic point of view, at least for modern pluralistic societies.²²

In view of these difficulties, many authors sympathetic to the deliberative ideal have suggested that the deliberative model should drop the requirement of consensus in order to increase the plausibility and usefulness of the model for democratic theory. However, in this context it is important to notice that the difficulties just mentioned are not derived from the requirement of consensus, but from the requirement of consent. That is, the difficulties originate in the requirement of securing *the agreement of all* participants in the democratic process. This, however, is not a peculiar requirement of the models of deliberative democracy. It is the democratic criterion of legitimacy itself. It could hardly help the deliberative model to weaken the condition of democratic legitimacy so as to require only the reasoned agreement of *some* of the citizens. This would make the deliberative model not a model of democracy, but of something else. Given that this is not a viable option, the only other way to weaken the requirement of reasoned consensus would be by requiring the *agreement of all* citizens, but *for different reasons*.²³ However, a model with *only* this weaker requirement could

²¹ See note 14.

²² See Elster (1997). For some empirical evidence to the contrary, see Steiner et al. (2004).

²³ See McCarthy (1991 and 1996). According to his pluralistic proposal, citizens could agree to the implementation of what they consider the wrong policy from a substantive point of view, for reasons other than its substantive merits (reasons such as procedural fairness, the need for cooperation, mutual accommodation, stability, and so on). The deliberative model can certainly recognize the legitimacy of this weaker requirement for *some* kinds of issues. The paradigm examples are choice-sensitive issues that call for compromises (e.g., whether to use public funds for a new sports center or a new road system, to use Dworkin's example (see Dworkin, 2003)). Assuming that for those issues the participants in deliberation themselves consider reasons such as procedural fairness, mutual accommodation, and so on, the *right* reasons, the requirement of reaching the reasoned agreement of all participants would indeed be met in those cases as long as the conditions of democratic fairness are satisfied. However, the proposal of dropping "reasoned consensus" as a requirement involves accepting its legitimacy for *all* kinds of cases, especially for cases of deep moral disagreement (e.g. for choice-insensitive issues such as capital punishment, euthanasia, abortion, and so on). But it is precisely with regard to the latter cases that the pluralistic proposal seems to face an additional difficulty. Although the strongest reason that critics of consensus adduce in favor of their proposal is the fact of deep moral disagreement in pluralistic societies, it seems that the consensual

hardly count as a model of deliberative democracy.²⁴ For this requirement can certainly be satisfied without deliberation. Moreover, deliberation seems to play no role in satisfying it. The weaker requirement seems to describe precisely the situation in which public deliberation *fails* in its task of identifying the views supported by the force of the better argument in order to give them a greater influence over the outcome. However, if this were not a failure but the very goal, as the weaker requirement would have it, a deliberative mechanism of tracking the force of the better argument would seem particularly unsuited for equalizing the influence of different reasons over the outcome. By declaring the substantive reasons for political decisions *irrelevant* for securing the agreement of the citizens, the deliberative model would just concede defeat to the aggregative model of democracy and recognize that a deliberative procedure of tracking the force of the better argument has no intrinsic contribution to make in *determining the outcome* of the decision making process. And if this is the case, the deliberative model has

model is in a better position to account for that fact than the pluralistic model. This is because deep moral disagreement can only be a persistent feature of pluralistic societies to the extent that the goal of all those concerned in the resolution of deep moral conflicts is consensus on the substantively right policy. For if anything short of such consensus were indeed acceptable to the members of a political community as a final solution to their conflict there would be no reasons left for persistent disagreement. I discuss in detail the difficulties of McCarthy's proposal along these lines in Lafont (2006).

²⁴ Some authors seem to recommend the weaker requirement merely as an additional possibility. Accordingly, their recommendation would not be to drop the requirement of consensus altogether, but to limit it to some cases and recognize moral compromises as acceptable in other cases. For an example, see Bohman (1998). The difficulty with this proposal lies in determining its precise conceptual significance. For, in terms of a characterization of the goal of deliberation, the proposal seems to coincide with the standard, consensual model. Given that participants in deliberation cannot know in advance which moral disagreements will issue in post-deliberative consensus and which ones will not, it seems that the consensual goal must be always in place in the process of deliberation and, consequently, a moral compromise remains necessarily a second-best, temporary outcome. This is especially the case if, as Bohman insists, the possibility of future revision of the reached compromise (presumably in view of counterarguments against its substantive merits) must always remain open (see Bohman, 1998, p. 101). However, if the significance of the proposal lies in the revisionary suggestion that participants in deliberation should consider moral compromise not as a second-best, temporary option, but as a perfectly acceptable goal, it threatens to collapse into the stronger suggestion of dropping the requirement of consensus for all cases. For, if nothing is wrong with moral compromise, why should unanimous consensus be required at all? Moreover, if there is no criterion for distinguishing in advance which cases of deep moral disagreement fall under which category, how can participants in deliberation implement the proposal? How can they know for which cases and at what point to drop the goal of consensual agreement on the substantively right policy? If the answer is just "whenever the attempts to reach a deliberative consensus have already failed," the proposal collapses into the standard, consensual model.

nothing to contribute to an understanding of democracy, whether it requires consensus or not. So long as it is a condition for democratic legitimacy that all participants in the democratic process must be able to give their free assent to the outcomes, if those in the minority, who give their free assent to the majoritarian outcome in spite of their substantive disagreement, do so for procedural reasons *that are unrelated to any epistemic features of the deliberative process*, the deliberative model makes no essential contribution to a theory of democracy.

Seen in this light, it seems that the deliberative model can only be defended if it can be shown that public deliberation, by virtue of tracking the force of the better argument (assuming it does), can intrinsically contribute to bringing about the free assent of all participants in the democratic process, even in cases of substantive disagreement. In other words, what is needed is a genuinely deliberative (as opposed to a merely aggregative) interpretation of the legitimacy of majority rule.

A deliberative interpretation of majority rule (or why to obey wrong laws) Providing a deliberative interpretation of majority rule is perhaps the hardest task for any defense of the deliberative ideal. For here the difficulties are not just those derived from the usual mismatches between ideal models and the realities of politics. It is at the conceptual level of the ideal itself that it seems hard to provide a plausible answer. Precisely in view of the epistemic purpose of deliberation, it seems particularly implausible that genuinely deliberative reasons could be found to explain why those who disagree with the substantive correctness of the outcome should ever give their consent to decisions they think are wrong. It is important to keep in mind what is at issue here. The issue is not whether minorities should always consent. For, needless to say, depending on how wrong these political decisions are, they probably should not. Neither is the issue to single out a unique reason that would explain or justify the legitimacy of majority rule for all possible cases. For different considerations (from procedural fairness to stability, mutual accommodation, etc.) may all play some role in some cases and a different role in others (or none at all), depending on the specifics of the situation. What is at issue here for the deliberative model is only whether reasons internal to the deliberative process could ever be among those considerations and, if so, what kind of reasons they would be.

In my view, the most plausible answer that defenders of deliberative democracy have offered to that question is that public deliberation, by tracking the force of the better argument, can contribute at the same time to determining *where the burdens of proof lie* in the deliberative process. If deliberative democracy is understood as an ongoing process of public deliberation punctuated by elections, majoritarian post-deliberative views can be interpreted as indicators of where the onus of argument lies at a particular moment of the deliberative process.²⁵

²⁵ For a detailed defense of this interpretation of majority rule, see Habermas (1988 and 1996, pp. 179–86).

This is a genuinely epistemic feature that must be present in any process of reasoned deliberation. For if tracking the force of the better argument through deliberation is possible at all, determining where the balance of argument lies at a given time must be possible as well in order for the process to have an orientation. However, given the specificities of the commitment to public justifiability that underlies democratic deliberation in particular, this epistemic feature intrinsic to any deliberative process of justification becomes democratically significant. This is because tracking which side of the argument failed to provide convincing arguments in support of a particular decision at a given time is tracking who failed to meet the commitment of public justifiability at the time a decision had to be made. Recognizing this deliberative failure can thus provide a reason for the minority to consent to the majoritarian outcome of the deliberation process, which is internal to the deliberative process and does not depend on surrendering their own judgment as to the substantive correctness of the decision.²⁶ It offers a genuine deliberative explanation of why what the majority finds more convincing after deliberation can²⁷ lend legitimacy to its implementation, even by the minority's own lights. According to this view, the minority democrat accepts the majority decision neither because it is correct (*per hypothesis* this is not the case) nor because the post-deliberative views of the majority are, in general, more likely to be correct (although they may well be, as many epistemic democrats claim²⁸). It is only because (and to the extent that) the post-deliberative majoritarian views are more likely to reflect the force of the better argument available at a given time. Of course, even if they do, this does not indicate that the minority is wrong from a substantive point of view. But it does indicate that the onus of argument is on them to satisfy the requirement of public justifiability.

Under the assumption that a commitment to public justifiability is motivated independently of its ability to guarantee substantive correctness, it is understandable why in cases of reasonable disagreement the minority may give its voluntary consent to the majoritarian outcome of the deliberation process without thereby having to surrender their own judgment about the substantive correctness of the decision. Those participants in a process of deliberation that on a given occasion disagree with the agreement reached by the majority may still give their voluntary consent to it for the *deliberative* reason that their arguments failed to convince most members of the community that the decision is actually incorrect

²⁶ It also does not depend on sacrificing substantive correctness for the sake of procedural fairness in general. I discuss this issue in the next section.

²⁷ Obviously, whether it does or not in any particular case is, according to the deliberative ideal, precisely a function of whether the deliberative process is genuine (i.e. whether it actually displays the features of genuine deliberation: total inclusion of available views and arguments, equal opportunities of participation, responsiveness to the force of the better argument, etc.).

²⁸ For epistemic accounts of voting and majority rule, see Coleman and Ferejohn (1986); Estlund (1997).

(unjust, inefficient, etc.) and not only putatively so. Precisely to the extent that participants in democratic deliberation consider public justifiability as a condition for legitimacy, the minority's failure to provide convincing arguments here and now requires them to accept the majoritarian outcome of the deliberation process even by their own lights and thus voluntarily.

However, recognizing that public justifiability can fall short of substantive correctness implies recognizing that the conditional agreement of the minority by no means makes the political decision thereby any more or less substantively correct (just, efficient, etc.) than it actually is. Thus, the minority's success in finding convincing arguments at a future time to show the specific way in which the norm is actually incorrect (unjust, inefficient, etc.) would in principle undermine the prior, majoritarian agreement, even by the majority's own lights. This implies that, even at the purely conceptual level that we are considering here, majority rule cannot be the only mechanism for ensuring that the commitment to public justifiability is satisfied.

Deliberation and contestation Given that public deliberation does not guarantee substantive correctness, if a reasonable minority did not feel compelled to change their minds concerning the substantive correctness of the majoritarian decision, the onus of argument may well be on them, but this does not mean that for this reason the democratic commitment to public justifiability has been satisfied for all those concerned. For in such a case the majority *per hypothesis* has failed to justify their post-deliberative decision to the minority with reasons they can reasonably accept and the minority must nonetheless comply with it. As we already saw, the democratic commitment to public justifiability is much more specific than the epistemic commitment to justification intrinsic to any deliberative process in general. It is a commitment to mutual justifiability in particular.

At this point, however, the deliberative model seems to face an impossible task. For how can the commitment to mutual justifiability among the particular members of a particular political community be satisfied in cases of deliberative disagreement, if deliberative disagreement is nothing other than lack of mutual justifiability? The key to the solution lies in the same feature of the deliberative model that made a deliberative interpretation of majority rule possible. The deliberative model conceives of democratic deliberation as an *ongoing process* punctuated by elections.²⁹ Accordingly, the legitimacy of a majoritarian decision

²⁹ As I will try to show in what follows, the consequence of conceiving of democratic deliberation as an *ongoing process* is very important in view of the fact of persistent disagreements in pluralistic societies. This is because, according to this view, that the commitment to mutual justifiability can be met in cases of disagreement does not depend on assuming that for each particular democratic decision the minority will always agree with the majority on who failed to provide convincing arguments. For if there are persistent disagreements among them it is likely that they will disagree on this issue as well. According to this view, the reason why all citizens can consider that the commitment to mutual

is contingent on the deliberative failure of those defending the minoritarian view in making a successful move in the argumentative process at a given time. To the extent that the minority can recognize that, even if their view happens to be correct, they nonetheless have failed to show why this is so with reasons that most members of the community can accept, they would have a deliberative reason to obey decisions they think are wrong. But by parity of argument if they succeeded in making the necessary argumentative move, the decision should be the opposite, according to this view. This indicates that the possibility of deliberative disagreement does not need to undermine the commitment to mutual justifiability. What it requires is an additional commitment to contestability,³⁰ that is, to the

justifiability can be met in a deliberative democracy, in spite of persistent disagreements, is because they recognize that the institutional procedures of deliberative majority rule and deliberative possibilities of contestation reflect their shared commitment to securing mutual justifiability. Thus, although different groups may disagree on how to interpret the *outcomes* of those procedures in particular occasions, they all can agree on the validity of having such *procedures* in place to ensure mutual justifiability. Although these procedures do not guarantee that the commitment to mutual justifiability will be met permanently in the sense of being met for every single democratic decision and according to everyone (for no procedure seems able to guarantee that), they do guarantee that it will be met permanently in the sense that these procedures constitute a permanent feature of their democratic institutions and are open to everyone.

³⁰ I borrow this term from Pettit (2003). In general terms, I agree with Pettit's account of the commitment to contestability in that article, but I think that a genuinely deliberative interpretation of that commitment would lead to very different conclusions with regard to its implications for democracy. Precisely to the extent that a commitment to contestability requires favoring collective rationality over responsiveness to individual views, as Pettit convincingly shows, one no longer has to accept, as Pettit seems to do, that there is a genuine "discursive dilemma" or, in other words, that increasing the deliberative component necessarily implies reducing the democratic component (see Pettit, 2003, p. 148). For, according to the deliberative model, the democratic component does not need to be identified with responsiveness to individual views, as in the aggregative model. Rather, it should be identified with responsiveness to deliberative (that is, open, unforced and reasons-based) possibilities of contestation. And meeting this condition requires *increasing, not decreasing, the deliberative component*. If this is the case, defenders of deliberative democracy do not have to accept the claim that increasing the deliberative component necessarily implies sacrificing the democratic component. Within the deliberative model, the democratic inclusion of those whose individual views on a given occasion are not in the majority is not measured by their fair chances of being in the majority in other occasions (as in the aggregative model), but by their fair chances of contestation in all occasions (that is, their fair chances to challenge the conclusion with further arguments that may lead to a revision of the majoritarian decision). Consequently, according to the deliberative model, majoritarian decisions should not be seen as decisions about which views get excluded (unavoidably reducing the democratic component), but as decisions about which views carry the onus of argument or the burden of proof for possible revision of the collective decision taken at a given time. From this perspective, it seems that a

permanent possibility of effective deliberative contestation of collective decisions. How such a possibility can be best secured through real democratic institutions is an open question that different conceptions of deliberative democracy may answer in different ways.³¹ The only constraint that seems intrinsic to the deliberative model as such is that the possibilities for effective contestation must themselves be of a deliberative kind. This may seem a relatively weak constraint,³² but it is neither empty nor uncontroversial. In contradistinction to other democratic models, such a constraint prevents the deliberative model from providing any basis for endorsing veto rights, for example.³³ This is because, according to the deliberative ideal, the outcome of public deliberation must be sensitive to the quality of the reasons that support decisions and not to the authority of the views of any particular individuals or groups. On the other hand, the deliberative character of the possibilities of contestation guarantees that the commitment to contestability does not become an exogenous element in the deliberative model. In fact, the necessity of a commitment to *deliberative contestability* seems overdetermined, so to speak. For it is required for both democratic and epistemic reasons. A commitment to deliberative contestability serves the epistemic goal of securing reasoned revisability (Habermas, 1988). For it guarantees the permanent

deliberative interpretation of the commitment to contestability would depart at important points from Pettit's own interpretation. This is not too surprising if one takes into account that, according to Pettit, "freedom as non-domination supports a conception of democracy under which contestability takes the place usually given to consent" (Pettit, 1997, p. 9). If the interpretation I am offering here is on the right track, within the deliberative model contestability is only *a* dimension of the commitment to mutual justifiability but not a possible replacement for it.

³¹ For a detailed proposal, see Pettit (1997, 1999 and 2000) (but see also the prior note).

³² This constraint leaves many controversial issues undetermined. For example, it does not rule out the inclusion of deliberative possibilities that are not themselves *democratically* constituted, such as the possibility of judicial review (or any other institutional means of contestation that rely on officers appointed on a statutory basis instead of democratically elected ones).

³³ That the deliberative model provides no basis for endorsing (individual or group-based) rights to veto does not mean that introducing such rights as temporary measures to redress the consequences of the existence of persistent minorities is necessarily incompatible with the deliberative model. Given that the existence of persistent minorities is certainly incompatible with the deliberative ideal (that is with the requirement that the quality of the reasons and not the identity of those who defend them determines political decisions), the ideal itself does not provide an answer to the question of what the best temporary measures may be for removing existing social conditions that are hostile to such an ideal. However, authors who argue in favor of veto rights may find the weak "temporary" interpretation that is compatible with the deliberative ideal insufficient and endorse instead a stronger strategy based on conceding "epistemic authority" to specific minorities for issues that affect them directly. This strategy, though, seems clearly incompatible with the deliberative model. On the intricacies of this issue, see Young (1997, 2000, ch. 4 and 2003).

inclusion of all relevant considerations (evidence, arguments, objections, etc.) available at any given time. In so doing, it helps to secure the best possible outcomes from the point of view of their substantive correctness. At the same time, a commitment to deliberative contestability serves the democratic goal of securing the free and reasoned assent of all citizens. It surely does so by guaranteeing the fair value of equal opportunities of participation in the deliberative decision-making process. However, this is not its only contribution. By ensuring that the responsiveness to the quality of the reasons is a *permanent* feature of the deliberative decision-making procedure, it also gives the necessary assurance to the citizens that their assent will not require a tradeoff between their epistemic and democratic goals. To the extent that the deliberative ideal does not require citizens to sacrifice substantive correctness for the sake of democratic legitimacy or vice versa, they can reflectively endorse the appropriateness of the ideal of a deliberative democracy. This is because only democratic deliberation, by virtue of tracking the mutual justifiability of political decisions, can promise to secure the substantively best outcomes among those that can attain the free and reasoned assent of their members.

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