

Modules: PW-MA-2a,3a,4a;
PT-MA-1; PT-MA-3; PT-MA-7

Goethe-Universität Frankfurt
Sommersemester 2018
(Updated 26 April 2018)

Democracy and Deliberation

Tuesdays 16:00-18:00, Seminarhaus 4.103

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The Main Idea

Over the past several decades, "deliberative democracy" has emerged as a major paradigm in contemporary democratic theory. Its core premise is that the essence of democracy ultimately lies not in voting and elections but in the way citizens generate a public will through active discussion and debate. Many have found this theory appealing, but it is not without its critics. And there remain many questions about how one goes about making a democracy more "deliberative." In this seminar, we will examine major statements on deliberative democracy, with special attention to the approach laid out by Jürgen Habermas in *Between Facts and Norms*. We will consider some of the criticisms of deliberative democracy, and we will also explore proposals and strategies for putting deliberative theory into practice. In addition to Habermas, readings may be drawn from John Rawls, Iris Marion Young, Chantal Mouffe, Bonnie Honig, John Dryzek, Baobang He, Jane Mansbridge, Lea Ypi, Jonathan White, and others.

Progress and Assessment

Attendance: Everyone is responsible for attending all classes, keeping up with the weekly readings, and participating actively in our discussions. It is expected that you will not miss more than 2 sessions during the semester.

Class participation: In addition to written assignments, additional credit (equaling about 5% of the final grade) may be awarded based on active and thoughtful class participation.

"Solos": Students seeking a *Leistungsschein* or a *Teilnahmeschein* are required to write at least four short (300-400 words) papers or "solos" over the course of the term.

- For each “solo,” you must detail a key question, idea, or problem in one (and only one) of the primary readings we will be discussing at the next class meeting. You should strive to be concise and make one critical point about the reading—i.e., raise a question, identify a problem, anticipate an objection, or expound upon the significance of an idea. Do not merely summarize the reading.
- The solo for a given week’s reading will be due no later than 12:00 noon on the day *before* the class is scheduled to meet to discuss that reading; *it will no longer be accepted once the class meets.*
- You are free to choose which weeks on which to write; however, you are required to complete *four*, and it will be your responsibility to manage your time accordingly.* Only one solo may be submitted per week; however, you are free to submit more than four if you believe it to be beneficial.

Each solo will be graded on the basis of how well you’ve comprehended the material, concise reasoning and argumentation, clarity of writing, and original critical thinking.

- For those pursuing a *Leistungsschein*, the average grade of your *best three* solos will constitute 30% of your final grade for the seminar.
- *Teilnahmeschein* credit will be given only to those students who complete and receive a passing grade on all four.

Final research paper: At the conclusion of the semester, students pursuing a *Leistungsschein* will write a research paper of 4500-5500 words (about 15 pages), which will be due **no later than 21 September, 2017** and will count as 70% of your final grade. Those pursuing a *Teilnahmeschein* are not required to submit a final paper.

- You are free to write the paper on any topic you wish, so long as your topic is based on the central themes of the course. *You are strongly encouraged to meet with me at least once to discuss your paper.* When writing, you should approach your final paper as a serious piece of scholarly research, complete with citations and bibliography: you should develop a clear central thesis; you should demonstrate knowledge of your topic; you should engage the material in a critical and thoughtful manner; you should be able to back up your arguments with reasons, evidence, and examples; and you should strive to show readers what conclusions they can draw from your efforts.

••• IMPORTANT •••

All papers must be double-spaced, in 12-point type, with one-inch margins, using a normal-sized font, and must be submitted to me via email as either a Microsoft Word (.doc or .docx) or Adobe PDF (.pdf) file at **brian.m.milstein@gmail.com**.

Unfortunately, I will not be able to accept papers not written in English.

For all papers, you will be expected to adhere to proper conventions of scholarly attribution. Any work quoted or otherwise referenced must be appropriately and fully cited. Any idea, argument, information, or quotation that you might employ

* Thus, Week 11 would be the last week in which you could write your first “solo” and it still be possible to receive credit for the course.

from an external source must likewise be accompanied by full citation. You are free to use any standard bibliographic citation style you wish, but you should apply it consistently. **Plagiarism, cheating, and other forms of academic dishonesty will not be tolerated and will result in automatic failure of the course.**

Weekly Readings

All required readings for the course will be made available on OLAT, as well as at least some of the suggested supplementary readings (which will be indicated with an **OLAT** icon).

Week 1 (10 April) / Introduction

No required reading

Week 2 (17 April) / The Idea of Deliberative Democracy

Primary reading:

- Jon Elster. 1997. "The Market and the Forum: Three Varieties of Political Theory." Pp. 3–33 in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg. Cambridge, MA: MIT Press. **OLAT**
- Joshua Cohen. 1997. "Deliberation and Democratic Legitimacy." Pp. 67–91 in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg. Cambridge, MA: MIT Press. **OLAT**

Supplementary reading:

- Key representatives of the tradition against which deliberative democracy is a reaction (of possible background interest):
 - Joseph Schumpeter. 1942. *Capitalism, Socialism, and Democracy*. New York: Harper & Brothers.
 - Anthony Downs. 1957. *An Economic Theory of Democracy*. New York: Harper and Row Publishers.
- Amy Gutmann and Dennis Thompson. 2004. *Why Deliberative Democracy?* Princeton: Princeton University Press.
- James Bohman and William Rehg, eds. 1997. *Deliberative Democracy: Essays on Reason and Politics*. Cambridge, MA: MIT Press.
- James Bohman. 1996. *Public Deliberation: Pluralism, Complexity, and Democracy*. Cambridge, MA: MIT Press.

Week 3 (24 April) / Public Reason

Primary reading:

- John Rawls. 2005 [1997]. "The Idea of Public Reason Revisited." Pp. 440–90 in *Political Liberalism*, expanded ed. New York: Columbia University Press. **OLAT**

Supplementary reading:

- Background:
 - Immanuel Kant. 1996 [1784]. "An Answer to the Question: What Is Enlightenment?" Pp. 17–22 in *Practical Philosophy*, trans. Mary Gregor. Cambridge, UK: Cambridge University Press.
 - John Rawls. 2005 [1997]. *Political Liberalism*, expanded ed. New York: Columbia University Press. See especially pp. 131–254 [Lectures IV–VI].
- Further reading:
 - Jonathan Quong. 2017. "Public Reason." *Stanford Encyclopedia of Philosophy* (<https://plato.stanford.edu/entries/public-reason/>).
 - Samuel Freeman. 2007. *Rawls*. New York: Routledge. Pp. 324–415 [chapters 8 & 9].
 - Charles Larmore. 2003. "Public Reason." Pp. 368–93 in *The Cambridge Companion to Rawls*, ed. Samuel Freeman. Cambridge, UK: Cambridge University Press.
- Critical readings:
 - Kent Greenawalt. 1994. "On Public Reason." *Chicago-Kent Law Review*, 69, 669–89.
 - Joseph Raz. 1998. "Disagreement in Politics." *American Journal of Jurisprudence*, 43, 25–52.
- Elaborations:
 - Alessandro Ferrara. 2014. *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism*. Cambridge, UK: Cambridge University Press.
 - Gerald Gaus. 2012. *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*. Cambridge, UK: Cambridge University Press.
- The issue of "unreasonable" citizens and doctrines:
 - Jonathan Quong. 2004. "The Rights of Unreasonable Citizens." *Journal of Political Philosophy*, 12, 314–35. [OLAT](#)
 - Gabriele Badano and Alasia Nuti. 2017. "Under Pressure: Political Liberalism, the Rise of Unreasonableness, and the Complexity of Containment." *Journal of Political Philosophy*, published 15 August online ahead of print (doi: 10.1111/jopp.12134). [OLAT](#)
- Rawls-Habermas debate:
 - Jürgen Habermas. 1998. "Reconciliation through the Public Use of Reason." Pp. 49–73 in *The Inclusion of the Other: Studies in Political Theory*, ed. Ciaran Cronin and Pablo De Greiff.
 - John Rawls. 2005 [1997]. "Reply to Habermas." Pp. 372–434 in *Political Liberalism*, expanded ed. New York: Columbia University Press.
 - Jürgen Habermas. 1998. "'Reasonable' versus 'True,' or the Morality of Worldviews." Pp. 75–101 in *The Inclusion of the Other: Studies in Political Theory*, ed. Ciaran Cronin and Pablo De Greiff.
 - Jürgen Habermas. 2006. "Religion in the Public Sphere," *European Journal of Philosophy* 14, 1–25.
 - Rainer Forst. 2012. "The Justification of Justice: Rawls's Political Liberalism and Habermas's Discourse Theory in Dialogue." Pp. 79–121 in

The Right to Justification: Elements of a Constructivist Theory of Justice, trans. Jeffrey Flynn. New York: Columbia University Press.

- James Gordon Finlayson and Fabian Freyenhagen, eds. 2013. *Habermas and Rawls: Disputing the Political*. New York: Routledge.

Week 4 (1 May) / PUBLIC HOLIDAY

Week 5 (8 May) / Discourse Theory of Democracy I

Primary reading:

- Jürgen Habermas. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg. Cambridge, MA: MIT Press. Pp. 82–131 [chapter 3] OLAT
 - (Note also that there is a separate file in the “Primary Readings” folder, which included the endnotes and bibliography for the English edition. You may want to keep this on hand for the next several weeks.)
- Alternatively:
 - Jürgen Habermas. 1992. *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*. Frankfurt am Main: Suhrkamp Verlag. S. 109–65 [Kapitel III]. OLAT

Supplementary reading:

- By Habermas:
 - Jürgen Habermas. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg. Cambridge, MA: MIT Press. Pp. 1–41 [chapter 1] OLAT
 - Jürgen Habermas. 1992. *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*. Frankfurt am Main: Suhrkamp Verlag. S. 15–60 [Kapitel I]. OLAT
 - Jürgen Habermas. 1998. “Three Normative Models of Democracy.” Pp. 239–52 in *The Inclusion of the Other: Studies in Political Theory*, ed. Ciaran Cronin and Pablo De Greiff.
 - Jürgen Habermas. 1998. “On the Internal Relation between Law and Democracy.” Pp. 253–64 in *The Inclusion of the Other: Studies in Political Theory*, trans. Ciaran Cronin and Pablo De Greiff. Cambridge, MA: MIT Press. OLAT
 - Jürgen Habermas. 2001. “Constitutional Democracy: A Paradoxical Union of Contradictory Principles?” *Political Theory*, 29, 766–81. OLAT
- On the reconstruction of rights:
 - Ingeborg Maus. 1995. “Liberties and Popular Sovereignty: On Jürgen Habermas’s Reconstruction of the System of Rights.” *Cardozo Law Review*, 17, 825–82. OLAT
 - Rainer Forst. 2016. “The Justification of Basic Rights: A Discourse-Theoretical Approach.” *Netherlands Journal of Legal Philosophy*, 45, 7–28. OLAT
- Critical assessments and elaborations on *Between Facts and Norms* generally:

- Michel Rosenfeld and Andrew Arato, eds. 1998. *Habermas on Law and Democracy: Critical Exchanges*. Berkeley: University of California Press.
- Hugh Baxter. 2011. *Habermas: The Discourse Theory of Law and Democracy*. Stanford: Stanford University Press.
- Rainer Forst. 2012. "The Rule of Reasons: Three Models of Deliberative Democracy." Pp. 155–87 in *The Right to Justification: Elements of a Constructivist Theory of Justice*, trans. Jeffrey Flynn. New York: Columbia University Press.

Week 6 (15 May) / Discourse Theory of Democracy II

Primary reading:

- Jürgen Habermas. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg. Cambridge, MA: MIT Press. Pp. 132–193 [chapter 4] OLAT
- Alternatively:
 - Jürgen Habermas. 1992. *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*. Frankfurt am Main: Suhrkamp Verlag. S. 166–237 [Kapitel IV]. OLAT

Supplementary reading:

- Klaus Günther. 1998. "Communicative Freedom, Communicative Power, and Jurisgenesis." Pp. 234–54 in *Habermas on Law and Democracy: Critical Exchanges*, ed. Michel Rosenfeld and Andrew Arato. Berkeley: University of California Press. OLAT
- Jeffrey Flynn. 2004. "Communicative Power in Habermas's Theory of Democracy." *European Journal of Political Theory*, 3, 433–54. OLAT
- María Emilia Barreyro. 2018. "The Purest Form of Communicative Power: A Reinterpretation of the Key to the Legitimacy of Norms in Habermas's Model of Democracy." *Constellations*, published online ahead of print (doi: 10.1111/1467-8675.12342). OLAT

Week 7 (22 May) / Discourse Theory of Democracy III

Primary reading:

- Jürgen Habermas. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg. Cambridge, MA: MIT Press. Pp. 287–328 [chapter 7] OLAT
- Alternatively:
 - Jürgen Habermas. 1992. *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*. Frankfurt am Main: Suhrkamp Verlag. S. 349–98 [Kapitel VII]. OLAT

Week 8 (29 May) / Discourse Theory of Democracy IV

Primary reading:

- Jürgen Habermas. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg. Cambridge, MA: MIT Press. Pp. 329–87 [chapter 8] OLAT
- Alternatively:
 - Jürgen Habermas. 1992. *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*. Frankfurt am Main: Suhrkamp Verlag. S. 399–467 [Kapitel VIII]. OLAT

Supplementary reading:

- Background:
 - Jürgen Habermas. 1989 [1962]. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger and Frederick Lawrence. Cambridge, MA: MIT Press.
 - Jean L. Cohen and Andrew Arato. 1992. *Civil Society and Political Theory*. Cambridge, MA: MIT Press.
 - Nancy Fraser. 1997 [1992]. “Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy.” Pp. 69–98 in *Justice Interruptus: Critical Reflections on the “Postsocialist” Condition*. New York: Routledge.

Week 9 (5 June) / Critique of Deliberative Democracy

Primary reading:

- Lynn M. Sanders. 1997. “Against Deliberation.” *Political Theory*, 25, 347–76. OLAT
- Iris Marion Young. 2001. “Activist Challenges to Deliberative Democracy.” *Political Theory*, 29, 670–90. OLAT

Supplementary reading:

- Arthur Lupia and Anne Norton. 2017. “Inequality Is Always in the Room: Language and Power in Deliberative Democracy.” *Daedalus*, 146, 64–76.
- Ian Shapiro. 2017. “Collusion in Restraint of Democracy: Against Political Deliberation.” *Daedalus*, 146, 77–84.
- Iris Marion Young. 2002. *Inclusion and Democracy*. Oxford: Oxford University Press.

Week 10 (12 June) / Deliberation versus Agonism I

Primary reading:

- Chantal Mouffe. 1999. “Deliberative Democracy or Agonistic Pluralism?” *Social Research*, 66, 745–58. OLAT
- Bonnie Honig. 2009. “Between Decision and Deliberation: Political Paradox in Democratic Theory.” *American Political Science Review*, 101, 1–17. OLAT

Supplementary reading:

- Overview of “agonistic” politics:
 - Andrew Schaap. 2007. “Political Theory and the Agony of Politics.” *Political Studies Review*, 5, 56–74. OLAT

- By Mouffe and Honig:
 - Chantal Mouffe. 2000. *The Democratic Paradox*. London: Verso.
 - Bonnie Honig. 2009. *Emergency Politics: Paradox, Law, Democracy*. Princeton: Princeton University Press.

Week 11 (19 June) / Deliberation versus Agonism II

Primary reading:

- Archon Fung. 2005. "Deliberation Before the Revolution: Toward an Ethics of Deliberative Democracy in an Unjust World." *Political Theory*, 33, 397–419. OLAT
- Andrew Knops. 2007. "Agonism as Deliberation: On Mouffe's Theory of Democracy." *Journal of Political Philosophy*, 15, 115–26. OLAT
- Stephen K. White and Evan Robert Farr. 2012. "'No-Saying' in Habermas" *Political Theory*, 40, 32–57. OLAT

Supplementary reading:

- Patchen Markell. 1997. "Contesting Consensus: Rereading Habermas on the Public Sphere." *Constellations*, 3, 377–400.
- Fuat Gürsözlü. 2009. "Agonism and Deliberation—Recognizing the Difference." *Journal of Political Philosophy*, 17, 356–68.
- Lasse Thomassen. 2013. "Communicative Reason, Deconstruction, and Foundationalism: Reply to White and Farr." *Political Theory*, 41, 482–8.
- Stephen K. White and Evan Robert Farr. 2013. "Reply to Thomassen." *Political Theory*, 41, 489–91.

Week 12 (26 June) / Deliberative Innovations

Primary reading:

- John S. Dryzek (with Simon Niemeyer). 2011. *Foundations and Frontiers of Deliberative Governance*. Oxford: Oxford University Press. Pp. 85–115, 155–96 [chapters 5, 8, and 9]. OLAT

Supplementary reading:

- Robert E. Goodin. 2008. *Innovating Democracy: Democratic Theory and Practice After the Deliberative Turn*. Oxford: Oxford University Press.
- Michael A. Neblo et al. 2010. "Who Wants to Deliberate—And Why?" *American Political Science Review*, 104, 566–83. OLAT

Week 13 (3 July) / Deliberative Cultures

Primary reading:

- Jensen Sass and John S. Dryzek. 2014. "Deliberative Cultures." *Political Theory*, 42, 3–25. OLAT
- Baogang He and Mark E. Warren. 2011. "Authoritarian Deliberation: The Deliberative Turn in Chinese Political Development." *Perspectives on Politics*, 9, 269–89. OLAT

Supplementary reading:

- Chinese deliberative culture:
 - Baogang He. 2014. "Deliberative Culture and Politics: The Persistence of Authoritarian Deliberation in China." *Political Theory*, 42, 58–81. [OLAT](#)
 - Sor-hoon Tan. 2014. "Early Confucian Concept of Yi and Deliberative Democracy." *Political Theory*, 42, 82–105. [OLAT](#)
- Criticism:
 - Nicholas Tampio. 2014. "What If the Pious Don't Want to Deliberate?" *Political Theory*, 42, 106–118. [OLAT](#)

Week 14 (10 July) / Deliberative Systems and Political Parties

Primary reading:

- Jane Mansbridge et al. 2010. "The Place of Self-Interest and the Role of Power in Deliberative Democracy" *Journal of Political Philosophy*, 18, 64–100. [OLAT](#)
- Jonathan White and Lea Ypi. 2011. "On Partisan Political Justification." *American Political Science Review*, 105, 381–96. [OLAT](#)

Supplementary reading:

- John Parkinson and Jane Mansbridge, eds. 2012. *Deliberative Systems: Deliberative Democracy on a Large Scale*. Cambridge, UK: Cambridge University Press.
- David Owen and Graham Smith. 2015. "Deliberation, Democracy, and the Systemic Turn," *Journal of Political Philosophy*, 23, 213–34.
- Fabio Wolkenstein. 2016. "A Deliberative Model of Intra-Party Democracy." *Journal of Political Philosophy*, 24, 297–320. [OLAT](#)
- Jonathan White and Lea Ypi. 2016. *The Meaning of Partisanship*. Oxford: Oxford University Press.
- Matteo Bonotti. 2014. "Partisanship and Public Reason." *Critical Review of International Social and Political Philosophy*, 17, 314–31. [OLAT](#)
- Matteo Bonotti. 2017. *Partisanship and Political Liberalism in Diverse Societies*. Oxford: Oxford University Press.
- Nicole Curato et al. 2017. "Twelve Key Findings in Deliberative Democracy Research." *Daedalus*, 146, 28–38. [OLAT](#)
- Claus Offe. 2017. "Referendum vs. Institutionalized Deliberation: What Democratic Theorists Can Learn from the 2016 Brexit Decision." *Daedalus*, 146, 14–27. [OLAT](#)

•• Final paper due Friday, 21 September, at 12 noon ••