INTRODUCTION

People who get Alzheimer's disease do not immediately lose their minds. Rather the onset is gradual, so that between health and complete dysfunction is a heartbreaking period where short-term memory and internal behavior controls are progressively eroded yet the person retains sufficient insight to be aware that they are changing. During this period, they are a spectator at their own deterioration.

It's hard to imagine what this might feel like. Probably, one would forgive oneself the first mistakes, but as they increased, and formerly simple activities became more difficult, one would begin to feel concerned. As the illness progressed, one's behavior would become a source of fear. It would become undeniable: you are irritable, volatile, and far too quick to react to even the slightest provocation. You might notice also that whereas before your family argued and made you do things yourself, now they treat you with kid gloves. Finally, someone plucks up the courage to talk to you, and in an awkward exchange, suggests you see a doctor. At first offended, you at last admit that you are behaving badly. You always believed people should be polite and not abuse one another, yet recently you have found yourself losing your temper, forgetting where you are, shouting abuse, and even striking out. You feel better for admitting all this. You visit the doctor, and are referred to a specialist. The specialist asks you lots of questions, and instead of looking at you as you reply, writes your responses down. Trying not to be afraid, you return home.

But you never tell people the strangest thing of all. It's not the tantrums, or the loss of memory; it's those moments *afterwards*, when you suddenly realize that you have just lost control. In an instant, you know what you have done; the way a dreamer sees, quite suddenly, that it is only a dream. In such moments, you judge yourself with past standards, you use the moral principles you have used all your life; only now you are constantly falling short, failing, doing things wrong. Such moments are terrifying, for in them you see how you have changed. And yet still, when something frustrates you, the blind rage returns, you lash out, and such principles are again transgressed.

This disjuncture: between how you think you should behave and how you actually behave, cannot last for long. Having accepted that one

is frequently losing control, the moral principle that one should not, say, abuse people, must either be abandoned, or so modified as to allow for your regular lapses. Being a political philosopher, you might spend some evenings rehearsing new qualifications on your moral principle: aggression is permitted when you are attacked, when threatened, when irritated by someone; a threat means such and such, a sufficient irritation means so and so. The principle, thus diluted, now conforms to reality, and you are much comforted.

At last, after some time, the specialist has a long talk with you, in which she uses the word "Alzheimer's." She says you are getting sick. As an example, she refers to the fact that last week you assaulted a member of your family, whereas you would never have done anything like that before you became ill. But to you, this doesn't seem right at all. The specialist is misinterpreting the facts. Angrily, you cite the qualifications that pertained to the assault: how the person behaved badly toward you, how they threatened you, and so on. Though the assault might *look* to be a violation of moral principles, you claim haughtily, it is not in fact a violation at all. So you shout at her. And afterwards, you shout at your family too. You tell them to stop crying. Now you are feeling fine. You no longer get those moments of lucidity and terror.

The point of these imaginings is to focus on the effects of an uncoupling between a notion of what ought to be the case, and what is (repeatedly) experienced to actually be the case. Where the gap is wide, the result is cognitive dissonance, confusion, rationalization. Sooner or later the normative principle itself is revised in order to no longer clash with reality. I want to argue that such an uncoupling, between the normative theory and its empirical institutional embodiment, currently obtains in the area of democratic theory.

We are, as Dunn points out, all democrats now.' This is to say we almost all espouse some form of normative belief in democracy, and even tyrants claim the legitimation of the ballot box. But the relation of the normative claim of democracy to its empirical reality is a far more contentious issue. Do the present institutions of democracy have anything to do with popular sovereignty? Are they legitimate in any meaningful sense? Should new institutions be implemented and if so, what would they look like? How might competing institutional designs be evaluated? Does normative democratic theory have anything to do with empirical practice at all? Questions such as these indicate the depth of the gulf that has opened between the "ought" and the "is" of democracy.

Within individuals, this gulf is often observable as a cognitive dissonance. Many of us appear to hold two intuitive assumptions about the making of decisions, and these assumptions are contradictory. The first

is that a decision is somehow "more moral" when those affected have participated in its making. This is a normative belief. The second is that human nature and the real constraints of decision-making in fact preclude the possibility of complete participation. This is an empirical assertion.[2]

This contradiction gives rise to both confusion and rationalization. We see, for example, managers in the public and private sectors make faltering attempts to initiate participation in order to legitimate their decisions. Yet these managers are often quite unable to navigate the complexities arising from such attempts, are generally resistant to any serious transfer of power to participants, and eventually fall back on the insistence that greater participation is not a practical possibility.

At the same time, those whose lot it is to be managed are morally outraged when not properly consulted, are profoundly mistrustful of leadership in general, and yet are so overwhelmed by the apparent practical difficulties of participation that the most common response is simple apathy and exhaustion. We are not good at participation, and the brief periods when we were (Athens, Rome, Florence) seem few and far between. Indeed, nowadays, attempts to participate expose individuals to the full force of our collective incapacity to manage moral and value conflicts. Our often disorganized attempts at open debate and cooperative action usually leave us, at best, disenchanted with humanity, and at worst with a tendency to talk about each other (after the meeting) in language more suited to psychopathology than to solidarity.

In political science, the gulf between normative democratic theory and empirical reality has been widely documented and constitutes one of the traditional battlefronts in the critique of liberal democracy, both from the left and the right. Yet the question I want to pursue here is not simply the failure of real institutions to do what they should. Rather, I hope to plumb normative democratic theory, particularly its most vital contemporary strains,[3] for any assistance it can give with the design and evaluation of (empirical) democratic institutions. This is no easy task, for as we shall see, there is, currently, an almost complete uncoupling of normative and empirical theories of democracy. Attempts by political philosophers to move from one to the other are therefore characterized, again, by confusion and rationalization.[4]

Such confusion is particularly apparent around the relation of theory to practice, and this will be a constant theme in our investigation. While it may be naive to follow the recent fashion of insisting that political theory is good only when it is of direct practical use,[5] it nevertheless seems reasonable to hope for a modicum of theoretical assistance with practical decision-making. The attraction of judging all theory in terms of its utility is all too obvious at a time when organized violence is rife

in the very heart of Europe and nationalism is once again the predominant applied political theory. The pressure for political answers reaches a crescendo in such chaotic times and though it might seem harsh to blame political theorists for the bad behavior of political actors, there is something fairly shocking about turning from the horror of actual politics to those who think about such problems for a living, only to find those thinkers inspecting their own navels. Of course, some theorists do not want to be seen in such light, and are anxious to provide answers to real problems.[6]

Historically, this is precisely the situation in which Hobbes found himself, and his work is a classic illustration of its dangers. Outside his window raged the English civil war, and the *Leviathan* was a political theory to sort the whole nasty mess out once and for all. It is interesting to note that Hobbes had earlier translated Thucydides' *Peloponnesian War*. In the famous description of civil war in Corcyra, Thucydides uses the telling phrase "human nature revealed itself as insubordinate to the idea of justice."[7] There would be no insubordination to the Leviathan, nor would any truck be given to the human penchant for evil. Hobbes's work stands at the center of an honored tradition in political thought, where humanity is seen as essentially insane, requiring the straightjacket of political authority to solve the problem of coordination. In times of strife then, impatience with theoretical complexity grows, and the most likely outcome of such impatience is an authoritarian "answer."

Any investigation of the proper relationship between the normative theory of democracy and its empirical implications must thread a path between two evils. On the one hand lies the "Lion" of collective oppression.[8] Here, theory is seen as being completely unified with questions of practice. On the other is the blindness of uninformed action, with its dangerous disdain for theory and irritation with moral complexity.

What one needs here is a guide, and for this purpose I turn to the critical theory of Jürgen Habermas. Notwithstanding his occasional turgidity,[9] the methodological self-consciousness of his work, as well as its extraordinary breadth, will help us to focus on our central issue with greater accuracy. In particular, his theoretical position combines a profound belief in the need for relevant theory with an understanding of the dangers of *a priori* answers, and it is this tension that will guide our investigation.

Habermas has articulated a theory of discourse ethics in which he reconstructs a counterfactual ideal of domination-free communication as the grounding for normative validity. I present an account of the reconstruction of this normative position in chapter 1. My concern here is not, as with the vast majority of commentary upon Habermas's thought, to become enmeshed in the complex arguments around the

validity of his normative claims. Rather, I will attempt to state his position in such a way as to inform the subsequent inspection of questions surrounding the application of the theory to practical problems. Habermas's normative theory is strongly Kantian in its orientation, yet he has also addressed himself to more Hegelian concerns. Our account of his theory of discourse ethics will, therefore, pay particular attention to Hegel's critique of Kantian ethics, for not only has this important episode in the history of philosophy had significant impact on the development of Habermas's theory, but within it can be found many of the issues that arise when theory proceeds in terms of an application of an ideal to real institutional concerns.

Discourse ethics is, primarily, a theory of morality, yet it also has implications for questions of democratic legitimacy. Coming from the tradition of the Frankfurt School, Habermas makes definite affirmative claims for the implications of his counterfactual ideal in the areas of social criticism and political practice. This has resulted in a careful articulation of the correct relation of theory to practice, and in chapter 2, I explicate what he means by "theory with a practical intent."

Habermas's normative theory has appeared to many to hold great promise, and in chapter 3, I review the various attempts to apply his normative ideal to practical matters, both by himself and by his many commentators. In particular, I concentrate on those affirmative applications in the area of political practice that come closest to addressing the problem of the design and evaluation of real democratic institutions. This review will reveal that there exists considerable confusion as to the political implications of his work, and that all such applications tend to confront a series of recurrent methodological problems. These problems are, in fact, so severe as to disable much of the current research that seeks to realize the democratic promise of his normative ideal.

Chapter 4 proceeds to examine the various sources of both the confusion surrounding questions of application and the recurrent methodological problems encountered by those seeking to mine out the practical implications of Habermasian theory. Focusing particularly on the formal and Kantian character of the normative theory and the care with which Habermas limits its prescriptive scope, I here focus on precisely what he says his theory cannot and should not do. Much of the critique to which Habermas has been subjected turns on these two aspects of his work: the claim that the theory has affirmative uses has prompted some anxiety and even charges of authoritarianism, while the careful negative limitations he places upon his theory have resulted in disappointment and accusations of irrelevance. There is, therefore, at the very heart of Habermas's position, a threatened uncoupling of normative from empirical theory.

In chapter 5 I begin to argue that this uncoupling is not insurmountable, but that the route from one to the other involves an intermediate step: this being a more adequate theory of political judgment. One of the main sources of the methodological problems encountered upon attempting to use Habermas's theory to address problems of design and evaluation of democratic institutions is his understanding of how the faculty of judgment operates. By inspecting the various criticisms to which his description of judgment has been subjected, and particularly the "reflective turn" pursued by many commentators, we are able, in chapter 6, to reformulate an account of the manner in which judgments actually proceed. Here, Wittgenstein's work on the problem of universals is explored in order to render explicit certain assumptions Habermas carries from his theory of normative validity to his theory of judgment. The attempt here is to further our understanding of how a universalist ethics in fact informs the everyday competence to judge the fairness of communicative practices. I then inspect the implications of this reformulated account of judgment for questions surrounding the design and evaluation of democratic institutions.

In order to redeem the political importance of Habermas's thought, however, I argue that it is not sufficient to take his reconstruction of normative validity and his account of the proper relation of theory to practice, and then to show that the recoupling of normative and empirical concerns can be effected with a reformulated theory of judgment. In addition, a shift is required in the object domain to which such theoretical advances are to be applied.

Habermas posits a normative counterfactual ideal of complete participation, and he fully intends this to help us with the empirical problem of how a political order might be made more democratic. Yet though he is able to highlight the importance of the public sphere and to call for the increase in deliberative fora in order to deepen democracy, he never really confronts questions regarding the actual functioning of such fora. Indeed, his most recent work moves rather in the opposite direction, concentrating on the "macro" questions of the normative basis of law and constitutional practices.[111] Chapter 7 seeks to change the object domain to which discourse ethics is applied, to break away from the theorist's perspective that gives rise to the "macro"-orientation, and instead to examine the problems of democracy as they appear from the perspective of participants in real deliberative interactions.

In chapter 8, I focus on this "missing tier," suggesting that Habermasian theory, when augmented with a reformulated account of judgment, can be fruitfully applied to the difficulties encountered by participants as they engage in real participation. With the object domain of application so adjusted, I argue, the possibility of a Habermasian poli-

tics re-emerges. Such a recoupling of normative and empirical political theory takes the form of a radical democratic politics that is anti-authoritarian, deliberative, and pragmatic in character. In this way, theory *can* give counsel to participants as they try to make decisions that are both fair and efficient.

If we are to avoid slipping into such an advanced state of collective sickness that we no longer have those chilling moments in which we see what we have lost, we will need to deepen our democratic practice. Habermas, I suggest, gives us the conceptual tools to effect such a project, though not if our understanding of democracy remains constrained to the abstract level of society as a whole. For this reason, our inquiry takes Habermas's extraordinary contribution to democratic theory into places it does not usually go. Only where democracy is conceived as an everyday and real interactive process can we understand what it might mean to truly rule ourselves.