

Introduction



How to Read This Book

When we think of democratic debates, we often think of the presidential debates that take place every four years. Beginning with the 1960 Kennedy–Nixon debate, these nationally televised events have been a crucial part of presidential campaigns. Presidential debates, however, are very different from the debates about the key issues facing American democracy that we have gathered together in this volume. A good way to understand this difference is to examine one of the most widely publicized exchanges between Barack Obama and Hillary Clinton in their closely contested battle for the Democratic presidential nomination in 2008.

The debate in question took place in Myrtle Beach, South Carolina, five days before the crucial South Carolina primary. Nasty exchanges between the candidates at this debate caused it to be quickly dubbed the “brawl on the beach.” Early in the debate the moderator, CNN’s Wolf Blitzer, asked Obama about one of Clinton’s criticisms of his programs. “What she said wasn’t true,” Obama said, going on to knock down other Clinton statements he thought were untrue. On whether he had said that Republicans had better economic policies in the 1980s, Obama said, “This simply is not true.”

“This is not the case,” Clinton retorted. “When it comes to a lot of the issues that are important in this race, it is sometimes difficult to understand what Senator Obama has said, because as soon as he is confronted on it, he says that’s not what he meant.”

When he got the microphone back, Obama counterattacked: “Hillary, we just had the tape. You just said that I complimented Republican ideas.... What I said was that Ronald Reagan was a transformative political figure because he was able to get Democrats to vote against their economic interests to form a majority to push through their agenda, an agenda that I objected to. Because while I was on those streets watching those folks see their jobs shift overseas, you were a corporate lawyer sitting on the board at Wal-Mart.”

A little later Clinton came back to the issue, saying that it certainly sounded as though Obama was praising Republican ideas. “Bad for America,” Clinton declared. “And I was fighting against those ideas when you were practicing law

and representing your contributor, Rezko, in his slum landlord business in inner-city Chicago.”

All Obama could say was, “No, no, no.”

In presidential debates the candidates often ignore the issues and attack their opponents. The average voter is primarily interested not in who is the better debater but in who has the best character, temperament, and leadership qualities to be president. In an issues debate, like the ones in this book, attacking one’s opponent is considered a logical fallacy (called the *ad hominem* fallacy, literally, addressing the man instead of the issue). Because the issue in presidential debates is choosing a president, attacking your opponent’s judgment or character is relevant. Clinton was trying to convince the voters that Obama was corrupt and not to be trusted, while Obama was trying to persuade them that Clinton was out of touch with ordinary Americans.

Instead of trying to persuade voters to change their positions on the issues, presidential candidates generally try to convince the voters that they are closest to the positions most voters already hold. Thoroughly briefed by pollsters about what the voters want to hear, each candidate, without appearing unprincipled, tries to mold his or her views to please the undecided voters.

Above all, skilled politicians try to use language to frame the issues in ways that favor their side. If you succeed in having your framing of the issue accepted, your opponent is at a distinct disadvantage. If Clinton can succeed in having the debate revolve around whether Obama praised Republican ideas, then no matter how hard Obama protests, Democratic primary voters will be reminded of this unflattering connection. No wonder Obama tried to shift the debate by charging that Clinton was cozy with Wal-Mart. Professor George Lakoff begins his class in linguistics by telling his students, “Don’t think of an elephant!” He has never found a student able to do this—illustrating his point that when we criticize a frame, we end up reinforcing it.¹ It is for this reason that politicians often end up speaking past each other, ignoring what their opponents have said and repeating again and again their own framing of the issue.

The preceding analysis of presidential debates could easily lead one to the cynical conclusion that political debates are nothing but rhetoric and manipulation. In the real world, however, debates range from manipulative to principled and everything in between. In the real world no debate is perfectly free and fair, if only because one side has more resources to make itself heard. The debates we have gathered together in *Debating Democracy* approximate the conditions of a free and fair debate. Each chapter addresses a central issue in American democracy. The debaters are experts and focus exclusively on the issue; the personality or background of the debaters is irrelevant. Each gets equal time. For the most part, they avoid begging (ignoring) the question, mudslinging, or manipulating stereotypes. They still try to frame the issue their way, but these frames are usually easier to see and analyze than is the case with the vague rhetoric of a political campaign. The contest is decided not by who has the most money or who projects the best image; you, the readers, decide who has the best argument using logical reasoning and facts.

Political debates are not just methods for acquiring information in elections; they are the heart of a democratic system. In a true democracy, debates do not just concern who will be elected to office every few years; they address the issues of everyday life, and they occur every day, extending from television studios to dinner tables, from shop floors to classrooms. Even though political debates can become heated because they involve our most deeply held beliefs, democracies do not deny anyone the right to disagree. In a democracy we recognize that no one has a monopoly on the truth. Debates are not tangential to democracy; they are central to its meaning. “Agreeing to disagree” is the essence of democracy.

Debate as the Lifeblood of Democracy

Debate as dialogue, not demagoguery, is the lifeblood of democracy. Democracy is the one form of government that requires leaders to give reasons for their decisions and defend them in public. Some theorists argue that free and fair deliberation, or debate, is not only a good method for arriving at democratic decisions but the essence of democracy itself.²

Debate is essential in a democracy not just because it leads to better decisions but also because it helps to create better citizens. Democratic debate requires that we be open-minded, that we listen to both sides. This process of listening attentively to different sides and examining their assumptions helps us to clarify and critically examine our own political beliefs. As the nineteenth-century British political philosopher John Stuart Mill wrote:

So essential is this discipline [attending equally and impartially to both sides] to a real understanding of moral and human subjects that, if opponents of all-important truths do not exist, it is indispensable to imagine them and supply them with the strongest arguments which the most skillful devil’s advocate can conjure up.³

According to Mill, if we are not challenged in our beliefs, they become dead dogmas instead of living truths. (Consider what happened to communist ideologies in Eastern Europe, where they were never tested in public debate.) Once we have honed our skills analyzing political debates, we are less vulnerable to being manipulated by demagogues. By hearing the rhetoric and manipulation in others’ speech, we are better able to purge it from our own.⁴ Instead of basing our beliefs on unconscious prejudices or ethnocentric values, we consciously and freely choose our political beliefs.

In order for a debate to be truly democratic, it must be free and fair. In a free and fair debate, the only power exerted is the power of reason. We are moved to adopt a position not by threats or force but by the persuasiveness of the argument. In a democratic debate, proponents argue for their positions not by appealing to this or that private interest but by appealing to the *public* interest, the values and aspirations we share as a democratic people. Democracy is not simply a process for adding up the individual preferences that citizens bring with them to the issues to see which side wins. In a democratic debate

people are required to frame their arguments in terms of the public interest.⁵ And as citizens deliberate about the public interest through debates, they are changed.⁶

In this book we have gathered two contrasting arguments on a range of the most pressing issues facing American democracy. The reader's task is to compare the two arguments and decide which is more persuasive. After reading the selections, readers may feel frustrated seeing that opponents can adopt diametrically opposed stands on the same issue depending on their point of view. It may seem as if political positions on the issues are based only on personal values, as if political judgments are simply a matter of opinion. Being able to understand viewpoints divergent from our own, however, is the beginning of political toleration and insight. There is no One Truth on political issues that can be handed to us on a platter by experts. Nevertheless, public choices are *not* simply based on opinion. Americans subscribe to fundamental political values and struggle to realize them in our political decisions. Political stands are not just a matter of opinion, because some decisions will promote the democratic public interest better than others.

The purpose of this introduction is to give you, the reader, tools for evaluating democratic debates. The agreements and disagreements in American politics are not random; they exhibit patterns, and understanding these patterns can help orient you in the debates. In the pages that follow we draw a preliminary map of the territory of democratic debates in the United States to guide you in negotiating this difficult terrain. Your goal should be not just to take a stand on this or that issue but to clarify your own values and chart your own path in pursuit of the public interest of American democracy.

Democratic Debates: Conflict within Consensus

In order for a true debate to occur, there must be both consensus and conflict. If there were no consensus, or agreement, on basic values or standards of evaluation, the debaters would talk past each other, like two people speaking in foreign tongues. Without some common standard of evaluation, there would be no way to settle the debate. However, if there were no fundamental disagreements, no conflict, the debate would be trivial and boring. Factual disagreements are not enough. Consider a debate between two political scientists about this question: How many people voted in the last election? The debate might be informative, but few people would care about the outcome because it does not engage deeply held values or beliefs. Factual disputes are important, but they rarely decide important political debates. Democratic debates are interesting and important when they engage us in struggles over the meaning and application of our basic values.

Judging a political debate is tricky. Political reasoning is different from economic reasoning or individual rational decision making. Political debates are rarely settled by toting up the costs and benefits of alternative courses of action and choosing the one that maximizes benefits over costs. It is not that costs and benefits do not matter; rather, what we see as benefits or costs depends on how

we frame the issue. In political debates each side tries to get the audience to see the issue its way, to frame the issue in language that reinforces its position. On the issue of abortion, for example, is your position best described as pro-choice or pro-life? Should programs to help minorities be characterized as affirmative action or reverse discrimination? Clearly, the terms we use to describe a political position make a difference. Each term casts light on the issue in a different way, highlighting different values that are at stake in the controversy. The terms used to describe the abortion position, for example, emphasize either the right of an unborn fetus or the right of a woman to control her body.

As these examples illustrate, in political debates the outcome frequently hinges on the standard of evaluation itself, on what values and principles will be applied to the decision at hand. In political debates the issue is always what is good for the community as a whole, the public interest, not just some segment of the community. The selections that follow are all examples of debates over the meaning of the public interest in American democracy. In the United States, political debates, with the notable exception of debates over slavery, have been characterized by consensus on basic democratic principles *combined with* conflicts over how best to realize those principles in practice.

As conflicts within a consensus, democratic debates in this country go back more than 200 years to the nation's founding and the original debate over the U.S. Constitution. Americans worship the Constitution as an almost divinely inspired document that embodies the highest ideals of democracy. Yet throughout history Americans have disagreed vehemently on what the Constitution means. This is not surprising. The Constitution was born as much in conflict and compromise as it was in consensus. In the words of former Supreme Court Justice William J. Brennan, Jr., the framers "hid their differences in cloaks of generality."⁷ The general language of the Constitution left many conflicts over specifics to later generations. For example, the Constitution gave the federal government the power to provide for the "general welfare," but we have been debating ever since about what this should include. Thus, the Constitution is both a source of consensus, by embodying our ideals, and a source of conflict, by failing to specify exactly how those ideals should be applied in practice.⁸

Three Sources of Conflict

Behind the words of the Constitution lie three ideals that supposedly animate our system of government: democracy, freedom, and equality. Americans agree that we should have a government of, by, and for the people (as President Lincoln so eloquently put it), a government that treats everybody equally, and a government that achieves the maximum level of freedom consistent with an ordered society. These ideals seem simple, but they are not. While Americans are united in their aspirations, they are divided in their visions of how to achieve those aspirations.⁹ Democracy, freedom, and equality are what political theorists call "essentially contested concepts."¹⁰

I. Democracy

Democracy comes from the Greek words *demos*, meaning “the people,” and *kratein*, meaning “to rule.” Hence, democracy means, simply, “rule by the people.” Americans agree that democracy is the best form of government. They disagree, however, on what this means.

Elite (Limited) Democracy For some, democracy is basically a method for making decisions. According to this minimalist definition of democracy, a decision is democratic if it is made according to the criterion of majority rule. Of course, there are other requirements of democratic decision making, such as open nominations for office and free speech, but once the basic conditions have been met, the resulting decision is by definition democratic.

Following this limited definition, the most important characteristic of a democracy is free and fair elections for choosing government officials. Democracy basically means the ability of citizens to choose their leaders.¹¹ Elites compete for the votes to win office, but once in office, they have substantial autonomy to rule as they see fit. According to this view, ultimate power rests in the hands of the people at election time, but between elections they cede decision-making authority to elites who have the expertise and experience to make the right decisions in a technologically complex and dangerous world. We call this school of democracy *elite democracy*.¹²

Elite democrats favor a minimal definition of democracy not because it is ideal but because it is the only type of democracy that is achievable in large modern nation-states. Thus, as you will see in the selection by John Mueller in Chapter 2, elite democrats question the validity of many of the precepts of participatory democracy. In contrast, Paul Rogat Loeb maintains that active citizens who sacrifice for the common good are possible, even in our flawed democratic system.

Popular (Expansive) Democracy Opponents of elite democrats adopt a more demanding definition of democracy. They argue that we cannot call a decision democratic just because it came out of a democratic process. Democratic decisions must also respect certain values such as tolerance, a respect for individual freedom, and the attainment of a basic level of social and economic equality. If the majority rules in a way that violates people’s rights or enacts policies that result in extreme inequalities of wealth, the system cannot be called democratic. For this group, democracy means more than a political system with free and fair elections; it means an economy and society that reflect a democratic desire for equality and respect for differences.

For adherents of an expansive definition of democracy, democracy means more than going to the polls every few years; it means citizens participating in the institutions of civil society, including corporations, unions, and neighborhood associations. In Chapter 5, Samuel Bowles, Frank Roosevelt, and Richard Edwards represent this position, calling for expanding democratic decision making into the economy. Countering the view of elite democrats that people are

not interested in or capable of governing effectively, those who advocate a more participatory system argue that in an atmosphere of toleration, respect, and rough equality, citizens are capable of governing themselves fairly and effectively. We call those who advocate a more participatory conception of democracy *popular democrats*.¹³

II. Freedom

Most of us have a basic intuitive idea of freedom: To be free means being able to do what we want, without someone telling us what to do. Any time we are forced to do something against our will by somebody else, our freedom is reduced. Freedom seems like an exceedingly simple idea. Once again, however, we find that there is plenty of room for disagreement.

Negative (Freedom From) The central issue for freedom is deciding where to draw the line between the power of the group and the freedom of the individual. In other words, how far should government power extend? Any time the government imposes a tax or passes a law, it limits someone's freedom. In a justly famous essay, *On Liberty*, John Stuart Mill argues that the only justification for government power over individuals is self-protection: "[T]he only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others."¹⁴ In other words, your freedom to swing your arm ends where my nose begins.

In Mill's view, the purpose of government is to maximize individual freedom. Freedom is understood negatively, as freedom from external constraints. Because government actions always reduce individual freedom, their only justification is to counter other restrictions on our freedom, as when the government passes laws against robbery or assault. Clearly, this view places severe limits on what democracies can legitimately do, even under the principle of majority rule. If the majority passes laws that restrict someone's freedom, without those laws being justified by the principle of self-protection, then it is no longer a true democracy because the laws violate a basic democratic value.

Positive (Freedom To) In contrast to the negative conception of freedom—freedom from—there is an equally compelling positive definition of freedom—freedom to.¹⁵ The positive idea of freedom recognizes that in order to be free, to exercise meaningful choice, we need to possess certain resources and have certain capacities. Education, for example, increases our freedom because it increases our ability to imagine alternatives and find solutions to problems. Freedom, therefore, is not simply the absence of external coercion but freedom to get an education, travel to foreign countries, or receive expert medical care.

A positive conception of freedom justifies an expanded role for government and for citizens acting together in other ways. When government taxes us, it reduces negative freedom, but when it uses the money to build a highway or a public library, it gives us a greater freedom to do things we previously were

unable to do. Under the positive conception of freedom, the scope of freedom is increased when the capacity of individuals to act is enhanced by government action, such as protecting the right of workers to join a union (thus giving workers the ability to bargain collectively over wages and working conditions) or requiring buildings to be handicapped accessible (thus giving the handicapped access to places they were previously excluded from).¹⁶

Whether one subscribes to a positive or a negative conception of freedom will make a big difference in one's political philosophy. The negative conception of freedom is conducive to limited government and highlights the more acquisitive and competitive side of human nature. Under this view, the expansion of power in one part of society necessarily leads to a reduction of freedom in some other part of society. The selection by Milton Friedman on political economy in Chapter 5 is based on a negative conception of freedom. Friedman warns that too much government leads to coercion and a reduction in individual freedom, which is maximized by free competition in the marketplace. The positive conception of freedom emphasizes the more cooperative side of human beings. According to this conception, government as a form of social cooperation can actually expand the realm of freedom by bringing more and more matters of social importance under human control.

III. Equality

Like democracy and freedom, equality seems an exceedingly simple idea. Equality marches forward under banners that read "Treat everybody equally" or "Treat like cases alike." These are not working definitions, however, but political rhetoric that hides serious ambiguities in the concept of equality. In truth, how we apply the idea of equality depends on how we envision it in a broader context.

Process Orientation For some people, equality is basically generated by a fair process. So long as the competition is fair—everybody has an equal opportunity to succeed—then the results are fair, even if the resulting distribution is highly unequal. Inequalities that reflect differences among people in intelligence, talent, ambition, or strength are viewed as legitimate. Inequalities that result from biases in the rules of competition are unjustified and should be eliminated.

The process orientation toward equality is best reflected in free-market theory. According to market theory, the distribution of income and wealth is fair if it is the result of a process of voluntary contracting among responsible adults. As long as the requirements for a free market are met (perfect competition, free flow of information, the absence of coercion or manipulation, and so on), no one exerts power over the market and market outcomes are just and fair. Market theorists such as Milton Friedman stress equal opportunity, not equal results. The role of government, in this view, is to serve as a neutral umpire, enforcing the rules and treating everyone alike.¹⁷

Results Orientation Opponents argue that if the government treats everybody equally, the results will still be highly unequal because people start the race from very different positions. Some have a head start in the race, while others enter with serious handicaps. To ignore these differences is to perpetuate inequalities. Treating unequals equally is, in effect, unequal. The French writer Anatole France mocked what he called “the majestic egalitarianism of the law, which forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal bread.”¹⁸ Even though the law formally treats everyone alike, it is clear that only certain people will suffer the consequences.

Those who take a results orientation toward equality do not deny the importance of equal opportunity but argue that equal opportunity means the ability of everyone to participate equally in the decisions that affect their lives. These democrats charge that their opponents elevate the individual over the community and privileged elites over ordinary citizens, as if the wagon train could make it to the promised land only if some of the weak and frail were left behind alongside the trail. Those who support a results orientation argue that it is possible for everyone to make it together.

Those who support a results orientation do not believe in a strict leveling of society but argue that certain resources are necessary for people to participate fully in society and realize their potential. In other words, government cannot just stand aside and watch people compete; it must establish the conditions for equal participation. At a minimum, many would argue, adequate nutrition, good education, safety, and decent health care are necessary for a fulfilling life.

American Ideologies: Patterns in Political Stands

With two contrasting positions on each of the three issues just discussed—democracy, equality, and freedom—there are eight possible combinations of issue positions. Stands on the three issues are not random, however; they correlate in ways that generate distinct patterns characteristic of American political ideologies.

One of the clearest ideological distinctions in American politics is between those who favor markets and those who favor government. As Charles Lindblom has noted, “Aside from the difference between despotic and libertarian governments, the greatest distinction between one government and another is in the degree to which market replaces government or government replaces market.”¹⁹ A central issue in American politics is where to draw the line between the public and private sectors. If you believe that the market is basically free and fair, then you will support only a limited role for government. Generally, those who favor the market subscribe to a negative conception of freedom and a process orientation toward equality. This position corresponds to what we call *free-market conservatism*. If, however, you believe that markets are penetrated by relations of power and are prone to discrimination, then you will support an expanded role for political participation and democratic government. Those who advocate an increased role for government generally subscribe to a positive conception of freedom and favor a results orientation toward equality. These views correspond to what is commonly called *liberalism*.

Usually, we think of social conservatives as adhering to a more elite view of democracy and social liberals as being more inclined toward popular democracy. In the 1960s, for example, *left-wing populists* supported maximum feasible participation by poor people to solve poverty and advocated democratic control of corporations. In recent years, however, because they support a large role for the federal government in Washington, D.C., liberals have been accused by conservatives of being, in effect, elitist. A *right-wing populist* movement has arisen that combines popular democratic appeals with a negative conception of individual freedom and a process approach to equality, opposing the redistribution of wealth through government. To add to the complexity, however, right-wing populists do not always favor limiting the role of government. The *religious right* generally wants the government to interfere less in the economy but more in society—exerting more government control over moral issues, such as abortion and pornography.

Although distinct patterns appear in American politics on the issues of democracy, freedom, and equality, they are not set in stone. It is possible to mix and match various positions in putting together your own political philosophy. In developing your own political philosophy, you will need to address a fundamental question: What are human beings capable of; that is, what is your conception of human nature?

Human Nature: The Big Debate

Throughout history, political philosophers have debated various conceptions of human nature. Human nature is the clay out of which all political systems must be molded. The nature of this clay, its elasticity or hardness, its ability to assume different shapes and hold them, largely determines what we can and cannot do in politics. Since the original debate over the U.S. Constitution, Americans have disagreed about human nature and therefore about politics.

The Private View Many argue that Americans are quintessentially individualistic, well suited to the marketplace and private pursuits but not well suited to democratic citizenship. The framers of the Constitution, the Federalists, argued that the common people were self-interested and passionate creatures who should not be entrusted with all of the reins of government. Thus, as you will see in Chapter 1, James Madison argues in “Federalist No. 10” that the greatest danger in a democracy is the tyranny of the majority, especially the majority of common people taking away the property of wealthy elites. Madison recommended various checks on majority rule that would guarantee the rights of minorities and give elites substantial autonomy to rule in the public interest.

This view of human nature is reflected in contemporary debates. In the United States the debate shifts from human nature to the nature of Americans as a people and whether we are different from other people. According to the theory of exceptionalism, Americans are more individualistic and self-interested than other people.²⁰ As a nation of immigrants, we fled feudal systems and traditional cultures in search of greater freedom and assimilated into an American value system that stressed upward mobility through individual effort. The pursuit

of fortune in the marketplace is the special genius of Americans. Whether this is good or bad depends on your view of markets and governments.

The Social View During the debate over the Constitution in the 1780s, a group of dissenters, the Anti-Federalists, argued that the Constitution placed too many limits on citizen participation. (We have included a selection by the Anti-Federalist Brutus in Chapter 1.) The Anti-Federalists argued that the common people could overcome or check their selfish inclinations through democratic participation and education in civic virtue. As much power as possible, therefore, should be placed in the hands of the people at the grassroots level. The main threat to democracy, Anti-Federalists believed, came not from the tyranny of the majority but from power-hungry elites. The best way to protect against elite tyranny was to have the people participate directly in deciding important issues. The Anti-Federalists founded the tradition of popular (expansive) democracy that is still alive in the United States.

Even today, when Americans seem caught up in acquisitive pursuits and politics seems so mean-spirited, some observers argue that there are important sources of social commitment in American culture. An influential book by Robert Bellah and colleagues, *Habits of the Heart*, argues that Americans are attached to powerful civic traditions that pull us out of our individualistic orientations. These civic traditions are rooted in religion and republicanism, both of which emphasize commitments to public service. Indeed, Americans exhibit lively commitments to grassroots participation and public service.

Conclusion: A Guide to Critical Thinking

Everyone has a political philosophy. Whether we recognize it or not, we bring certain assumptions about democracy, freedom, equality, and human nature to political debates. The goal is not to give up these assumptions but to convert them from unconscious prejudices into carefully chosen elements of a political philosophy. A good way to develop a thoughtful political philosophy is to analyze political debates like those included here. Clever debaters, for example, will appear as if they are supporting equality in general, but in order to make their argument work they must adopt one conception of equality over another. Readers must delve beneath the rhetoric and evaluate these assumptions, as well as the logic and evidence of the argument itself.

As a guide to critical thinking, we suggest that readers keep in mind the following five questions and evaluate the evidence that supports their answers. (Some questions may not apply to some selections.)

1. What is the author's concept of democracy—elite (limited) or popular (expansive)?
2. What is the author's concept of freedom—negative (freedom from) or positive (freedom to)?

3. What is the author's concept of equality—process or results?
4. How would you classify the author's ideology?
5. What concept of human nature, individualist or social, lies behind the author's argument?

This book is going to press during a time when the nation is deeply divided along partisan lines. Bitter conflicts over the financial bailout of Wall Street, the ballooning deficit, Obama's health care reform, the wars in Iraq and Afghanistan, global warming, and cultural issues such as abortion and gay marriage tear at the political fabric of our democracy. Especially during times like these, we need to keep in mind that there is one thing that finally does unite us: the belief that open and public debate is the best, in fact the only, democratic way to settle our differences.

Notes

1. See Lakoff's *Don't Think of an Elephant: Know Your Values and Frame the Debate* (White River Junction, Vt.: Chelsea Green, 2004). The Frameworks Institute has developed a set of tools for strategic framing of issues in policy advocacy; see www.frameworksinstitute.org.
2. See Jon Elster, ed., *Deliberative Democracy* (New York: Cambridge University Press, 1998). The German political theorist Jürgen Habermas has spent many years developing a theory of the ideal speech situation as the foundation of democracy. See especially his *The Theory of Communicative Action*, 2 vols. (Boston: Beacon Press, 1984–87).
3. John Stuart Mill, *On Liberty*, ed. and with an introduction by Currin V. Shields (Indianapolis, Ind.: Bobbs-Merrill, 1956), p. 46.
4. See Stephen L. Esquith, *Intimacy and Spectacle: Liberal Theory as Political Education* (Ithaca, N.Y.: Cornell University Press, 1994).
5. Amy Gutmann and Dennis Thompson call this the principle of reciprocity—that in a democratic debate citizens appeal to reasons that can be mutually acceptable to other citizens. See *Democracy and Disagreement* (Cambridge, Mass.: Harvard University Press, 1996).
6. Joshua Cohen, "Deliberation and Democratic Legitimacy," in *The Good Polity: Normative Analysis of the State* (Oxford: Basil Blackwell, 1989), p. 29.
7. Justice William J. Brennan Jr., "Federal Judges Properly and Inevitably Make Law Through 'Loose' Constitutional Construction," in *Debating American Government*, ed. Peter Woll (2nd ed.; Glenview, Ill.: Scott, Foresman, 1988), p. 338.
8. It is neither possible nor desirable for a constitution to specify every application. If it did, it would be a rigid constitution that would be incapable of adapting to changing conditions.
9. The following discussion of the sources of democratic disagreements in the United States draws heavily on Deborah A. Stone, *Political Paradox: The Art of Political Decision Making* (New York: W. W. Norton, 1997), and Frances Moore Lappé, *Rediscovering America's Values* (New York: Ballantine Books, 1989).

10. For an insightful discussion of essentially contested concepts, see William E. Connolly, *The Terms of Political Discourse* (2nd ed.; Princeton, N.J.: Princeton University Press, 1983). For an excellent overview of core political debates in the U.S., see Howard Fineman, *The Thirteen American Arguments that Define and Inspire Our Country* (New York: Random House, 2008).
11. For the most influential definition of democracy along these lines, see Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (3rd ed.; New York: Harper, 1950), p. 269.
12. For elaboration on the concepts of elite and popular democracy, see Bruce Miroff, Raymond Seidelman, and Todd Swanstrom, *The Democratic Debate: An Introduction to American Politics* (5th ed.; Boston: Wadsworth, Cengage Learning, 2010).
13. Robert A. Dahl is the most influential contemporary political scientist who has written on the ideas of elite and popular democracy. Dahl began his career by defending a version of elite democratic theory in *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), and *Who Governs? Democracy and Power in an American City* (New Haven, Conn.: Yale University Press, 1961). In later works, Dahl shifted dramatically to a more popular democratic position. See *A Preface to Economic Democracy* (Berkeley and Los Angeles: University of California Press, 1985); *Democracy and Its Critics* (New Haven, Conn.: Yale University Press, 1989); and *How Democratic Is the American Constitution?* (New Haven, Conn.: Yale University Press, 2001).
14. Mill, *On Liberty*, p. 13.
15. The classic statement on positive and negative freedom is Isaiah Berlin's "Two Concepts of Liberty," in *Four Essays on Liberty* (New York: Oxford University Press, 1969), pp. 118–72.
16. For an eloquent defense of a positive conception of freedom, see President Franklin D. Roosevelt's speech to Congress on "An Economic Bill of Rights," in *Documents of American History*, ed. Henry Steele Commager (New York: Appleton-Century-Crofts, 1963), vol. 2, pp. 483–85.
17. One of the best statements of a process orientation toward equality is Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).
18. *The Oxford Dictionary of Quotations* (3rd ed.; Oxford: Oxford University Press, 1979), p. 217.
19. Charles Lindblom, *Politics and Markets: The World's Political-Economic Systems* (New York: Basic Books, 1977), p. ix.
20. For an influential statement on American exceptionalism, see Louis Hartz, *The Liberal Tradition in American Thought* (New York: Harcourt, Brace, 1955).