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**Pragmatic Democracy:
Towards an empirically-oriented normative theory¹**

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Since political science has been institutionalized as an academic discipline, a divide seems to oppose those who work with theory and those who dedicate themselves to the empirical study of institutions. The void between conceptual approaches of politics and the empirical analysis of institutions poses several obstacles to the internal development of each sub-discipline and, most critically, entails a lack of cooperation in the solution of the political and social dilemmas of contemporary life. In the specific case of political theory, the lack of dialogue with empirical investigations seems particularly pernicious, since, despite the undeniable intrinsic value of a philosophical and historical approach to politics, a significant portion of recent theoretical explorations seem increasingly estranged from the real of experience – thereby losing the chance to hold them against concrete reality in order to validate, apply and resonate their conclusions, and thus not limit them to their heuristic value.

The causes of this split between political theory and empirical studies on political institutions cannot be boiled down to a matter of methodology or epistemology. Yet one can suppose that during the last three decades such causes can be attributed to, notwithstanding other reasonable arguments, the decidedly normative character of significant part of contemporary political theory. This normative bent of some of the recent theoretical work on politics (in particular the strands influenced by the procedure-oriented theories of John Rawls and Jürgen Habermas) has become increasingly estranged from reality. What is more, it has also sacrificed its usual tools of conceptual abstraction, philosophical speculation and historical investigation for the sake of ideals which are often impotent in the face of the complexity and contingency that define contemporary society.

The limitations of such normative approaches become all the more evident when considering how they deal with democracy. Bearing the marks of the impasses of representative democracy, which improves itself in permanent tension with the supposed

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unrepresentability of popular sovereignty, the normative democratic theories give signs of exhaustion as they insist on adopting propositions bound to fail as soon as they are submitted to the test of reality. Without finding feasible solutions capable of solving the paradoxes that surround the practice of political representation, democratic theory hasn't yet proven itself capable of overcoming some of the dilemmas left unsolved by modern thought in relation to the political institutions of the contemporary world.

In the last decades, political theory has made increasing efforts to build normative projects meant to overcome the limitations of representative democracy by positing conceptions of participative or deliberative democracy. The limitations of these projects, however, have become self-evident in so far as they present themselves as alternatives to the allegedly critical state of representative democracy without offering a previous examination of the nature of political representation itself, and are unwilling to investigate the causes they use in support of the assumption that a crisis is in fact undermining democracy.

Hence, among the risks incurred by normative approaches is the possibility of guiding the efforts of political theory towards the elaboration of new conceptions of democracy supposedly apt to supersede the so-called crisis of representation without seeking grounds in representative democracy itself. A dialectic approach to the problem opens room for the understanding that its alleged contradictions – as those that apparently exist between representation and participation or deliberation – can only be overcome by deepening their constitutive opposition. A conception of participative or deliberative democracy will not become a feasible and viable alternative model to representative democracy by simply replacing representation with participation and/or deliberation through normative propositions.

This article is based on the premise that the contemporary reflection on democracy need not be bound by the false dichotomy between representation and participation, nor by the false dualism between representation and deliberation. I consider these to be false since representation and participation or representation and deliberation, if conceived of as true opposites, must be presented in the form of a contradiction which can be overcome dialectically. This dialectics is what is absent from contemporary democratic theory, which seems unable to combine its normativist inclinations with a materialist thrust which would allow it to overcome the dualisms typical of political modernity.

A dialectical approach to democracy entails acknowledging that alternatives are available and a lot broader and varied than the false dichotomy between representative and participative democracy would suggest. There are many yet unexplored alternatives, even from the normative perspective, that remain so simply because of democratic theory's

reluctance to test its premises, broaden its concepts, validate its meanings and expand its horizons.

In this I article I intend to sketch the general outline of a concept which dialectically approaches the purported contradiction between representation and participation (and equally, representation and deliberation): pragmatic democracy. Building upon the philosophical assumptions of pragmatism, my goal here is to present pragmatic democracy as a normative concept which does not shy away from interactions with empirical studies that allow for the comprehension of representative institutions' logic and the increasing role that deliberative and participative practices have been assuming in contemporary society. In other words, with the concept of pragmatic democracy, my aim is to build a dialectical alternative to the false contradictions which hover over the contemporary debate on democracy. By doing so I hope to present an approach to democracy that is at once normatively engaged and empirically oriented.

A normative conception and a pragmatic approach

What I call pragmatic democracy involves both a normative conception of democracy and an analytical approach to understanding and evaluating it, which, despite its pragmatic inspiration, does not imply any particular conception of democracy endorsed by the thinkers commonly associated to the philosophical tradition of pragmatism. By democracy I understand a form of mediation between State and civil society; and I assume pragmatism as a fertile theoretical tool for explaining the type of relationship between State and civil society increasingly observed in contemporary world. If democracy is a form of mediation between State and civil society, pragmatic democracy is a mediation which, from a normative perspective, is meant to overcome the contradiction between State and civil society through the superseding of the false dualism between representation, on one hand, and participation and deliberation, on the other one.

More specifically, by democracy I understand an open-ended set of institutions, experiences and practices whose scope is the mediation between State and civil society. How well democracy performs, in this sense, varies according to the how well this mediation works. Its success, on its turn, is measured by how successful is the overcoming of the antagonism between the State and civil society. The more a given institution, experience or practice succeeds in closing the gap between State and civil society, the greater is its capacity to promote democracy. In other words, the narrower the structural separation and functional

differentiation between State and civil society, the greater the degree of democracy achieved by a given political regime.

The irrefutably normative character of pragmatic democracy is also manifest in the fact that it builds upon a critique of the normative dimension of contemporary theoretical work on deliberative and participative democracy with intention of championing a broadened conception of political representation that is informed by empirically sustained institutional analyses. Thus, whereas the concept of pragmatic democracy is assumedly normative in its scope, this does not apply to the extent of its range. As much as what I call pragmatic democracy, in its conceptual genesis, is vulnerable to be taken as another equally normative theoretical work on democracy, this does not prevent its employment as an analytical tool useful in describing the behavior of existing institutions and political practices.

In order to make the normative scope and analytical reach of the concept of pragmatic democracy clear, I will lay out some of its main assumptions and practical applications. First, the concept of pragmatic democracy (1) provides a dialectic alternative to the false dualism which pits representation against participation/deliberation or, in other words, representative democracy against other supposedly non-representative forms of democracy. Second, pragmatic democracy (2) offers an approach to democracy that is at once normatively engaged and empirically oriented.

A number of secondary applications stem from these assumptions. Hence, third, the concept of pragmatic democracy proposes to (3) recover and strengthen the concept of political representation with the intent of imbuing it with a broadened meaning which allows, among other things: (3.1) containing within itself participative and deliberative principles as well as concrete practices and experiences derived from these two approaches to democracy; (3.2) the extension of the notion of political representation not only to the spheres and actors of civil society, but also to non-majoritarian institutions which can legitimately and justifiably participate in the political decision-making process; and (3.3) the redefinition of the notion of delegation which lays at the foundation of the modern concept of political representation, in order to confer the defense of broadened political representation with democratic legitimization.

Fourth, the concept of pragmatic democracy is based on the assumption (4) that it should provide an adequate heuristic reference point for the study of contemporary democracy. In order to effectively carry out this assumption, among its applications are: (4.1) to provide a theoretical benchmark for the comprehension of empirical phenomena such as (4.1.1) the increasing institutionalization of participative experiences and their impact on the design of public policy by the Executive branch and on the legal output of the Legislative

branch, so as to assess whether participation and deliberation can strengthen representation; and (4.1.2) the increasing political role of constitutional courts, and its impact on the legislative process giving rise to the need to assess whether what has been called the “judicialization of politics” may possibly strengthen representation.

Fifth, the concept of pragmatic democracy is based on the assumption that (5) it is necessary to establish a real dialogue between political theory and empirical studies of democratic institutions. Based on the acknowledgment that theory and empirical studies must cooperate, pragmatic democracy (5.1) claims materialist normativism as an epistemological perspective that could promote the reconciliation between the empirical approach of institutional analysis and the normative approach of contemporary democratic theory. In this manner, the development of the concept of pragmatic democracy allows for (5.2) the presentation of propositional contributions to democratic theory, in general, and the theory of representation, in particular, being that both its departure and ending points are concrete issues verified in the practice of contemporary democracy.

What I am calling pragmatic democracy thus offers itself at once as a normative concept *and* an analytical approach. As a normative concept, pragmatic democracy seeks to explore the possibilities of strengthening democracy by means of a broadened comprehension of political representation which, among other features to be mentioned in this article, renders it more permeable to deliberative and participative practices. As an analytical approach, pragmatic democracy adopts pragmatism as a source of more realistic and less idealistic interpretations of the *modus operandi* of contemporary democracy and its institutions. In this regard, it can be unfolded into three dimensions.

The first one is an *epistemological dimension*, which consists of the identification of the elements and defining characteristics of political representation, its assumptions, conceptual nature, constitutive nature, historical formation, its empirical and normative meanings, its forms and modes of application, its observational criteria and, lastly, the conditions of its realization.

The second one is its *analytical dimension*, which implies rendering compatible the normative meanings ascribed to political representation and the empirical viability of its realization. This would also imply the testing of the consequences engendered by institutional arrangements which support the normative postulates, the identification of values and ideals to be preserved by representative institutions and practices in place, and the identification of values and ideals the cost of violation of which would be considered acceptable with the endorsement of a political reform aiming to render representation more effective through functional and structural adjustments in its institutions.

The third one is the *critical dimension*, which makes it possible to incorporate the limitations of representative institutions in practice (and how agents behave empirically) exposed by other studies as basic assumptions for the reformulation of normative postulates which guide the theories of political representation – in addition to assuming these very normative postulates as binding criteria which shape the conception, formulation and execution of each and every proposal to restructure political institutions.

These three dimensions, in turn, suggest the recovery of three features of pragmatism: reflexivity, practicalism and experimentalism. Each one of these characteristics, as I shall argue in the following pages, serves as a reference point for each one of the three dimensions by means of which a pragmatic approach to democracy must be carried out.

<i>Dimension</i>	<i>Approach</i>
Epistemological	Reflexivity
Analytical	Practicalism
Critical	Experimentalism

The epistemological dimension: reflexivity

The epistemological dimension of the concept of pragmatic democracy is guided by the idea of *reflexivity*. By reflexivity I understand the adoption of a counter-foundationalist perspective which simultaneously implies fallibility, revisability, and responsiveness. Given that this dimension is concerned above all with epistemological issues relative to the development of the concept of pragmatic democracy, in general, and the broadening of the concept of political representation, more particularly, reflexivity manifests itself through the permanent exercise of conceptual mutation. This implies the adoption of a less dogmatic stance in terms of concepts and, specially, in relation to their meanings.

Assuming that concepts are fallible and, most importantly, that their meanings are relative to dynamic and changing contexts, the pragmatic approach to democracy is open to the constant reexamination of its semantic core, as well as of the fleeting assumptions on which it is based. From this stems the enormous responsive potential of pragmatic democracy, whose malleable fabric consists of concepts permanently subject to revision and whose meanings can always be modified. This anti-foundationalist perspective is a valuable strategy taking into consideration the contingent nature and complexity of the contemporary world.

In order to adapt to markedly contingent contexts and to explain societies that are increasingly complex, democracy requires a realistic and non-essentialist approach which must

be able to embrace its own fallibility and thereby not be dependent on dogmatism; it should rest on foundations that last only as long as they can respond to context and contingency by a constant revision of its own meanings, and of its supporting values and ideals as well. Concretely, the epistemological dimension of pragmatic democracy, by entailing a stance of reflexivity, makes it possible for the notion of representative democracy to be strengthened, for example, through the revision of the concept of political representation.

After some of the assumptions of representative democracy were challenged by the critique made by the social choice theory (Riker, 1982; Mackie, 2003) they were once again confronted by participative (Pateman, 1970; Mansbridge, 1980; Barber, 1984; Fung, 2003 and 2004; Avritzer 2002 and 2009) and deliberative (Cohen, 1989; Fishkin, 1991; Habermas, 1992; Gutmann, 1996; Bohman, 1996; Dryzek, 2000) models making it imperative to conceptually rethink itself in order to convert its alleged pitfalls into renovated virtues and to transform its weaknesses into strengths.

The broadening of the semantic content of the concept of political representation proves necessary if we are to expect it to deal both with the paradoxes of the practices of electoral systems and political parties or with the dilemmas faced in the increasing political role of non-majoritarian institutions and of non-elected representative actors and, above all the challenges brought about by the abundant participative and deliberative practices that are being effectively carried out in different parts of the world (Mansbridge, 2003; Urbinati, 2006; Gurza Lavallo 2006; Castiglione and Warren, 2006; Avritzer, 2007; Saward, 2008).

In concrete terms, the conceptual revision of political representation that lies at the base of the development of pragmatic democracy implies the need to update the semantic contents that have been historically associated to the concept. Initially, the defense of a broadened notion of political representation depends on updating the following: a) one of the main foundations of representation, namely, the idea of delegation; b) its corollary and condition of validity, revocation (*recalls*); c) its major condition of legitimacy, the elections. In what follows I will deal with the foundation of political representation. Legitimacy and validity will be dealt with later in my discussion of how practicalism and experimentalism are endorsed by pragmatic democracy.

Given that the idea of political delegation that is at the core of the concept and practice of representation can be revised, broadened and adapted considering the paradoxes, dilemmas and challenges mentioned above, it is perhaps possible to effectively deal with some of the problems of legitimacy and accountability that have been crucial to contemporary representative democracy making it stronger against those who seem avid to overcome it.

Generally speaking, democratic theory has advanced little in relation to Hobbes's model of authorization which has since the seventeenth century laid political representation upon the a contractualist foundation. One of the reasons why democratic theory did not advance significantly in the understanding of representation as something more than just "acting for someone else" warranted by the notion of authorization can perhaps be partly attributed to a lack of dialogue with empirical studies. In the course of the last years a solid theory of delegation has been developed centering on models which explain the relationship between principals and agents in pre and post electoral periods (when voter have delegated power to their representatives) and in intra and inter-institutional spaces (delegation of the Executive branch to the Legislative and vice-versa). Perhaps justified only by a bias against rational choice theory, democratic theory has remained largely indifferent to these studies (to name a few: Kiewiet and McCubbins, 1991; Lupia and McCubbins, 1998; Epstein and O'Halloran, 1999; Strom, Müller and Bergman, 2003), thus losing a chance to convert analytical studies into new postulates based on which the foundations of political representation can be explained considering the real condition of the contemporary world, breaking free from its outdated ties to the theories of sovereignty of modern politics.

Benefiting from a reinvigorated theory of delegation, pragmatic democracy urges political representation to transcend electoral moments and the realm of traditional political institutions. It should be brought closer to a conception of governance which is able to overcome the boundaries of elective mandates and which could be extended, in addition to the participative and deliberative practices of civil society, to the non-majoritarian institutions of the State. Once these practices are perceived as effectively representative institutions, granting them the same ability to represent as in the bond created by political delegation from sources as diverse as the elector, the Constitution, the Executive or the Legislative branch, it is possible to reconsider the semantic content of representation so as to render it to imply a form of *acting together* which overcomes the modern notion of authorization that most of political theory still build on.

The concomitant defense of representative democracy and participative and deliberative approaches points to the need to re-signify the concepts of representation and democracy themselves. Such semantic reconsideration would lead to, for example, the perception that: 1) political representation is not merely a "second best" choice given the unfeasibility of direct democracy, and 2) political representation is not in a state of crisis, unlike many suppose.

The argument that political representation is not merely a second best given direct democracy's unfeasibility can be easily deduced from Urbinati's (2006) and Manin's (1996)

recent work, both of which go a long way in reestablishing representative democracy's reputation. Although from different perspectives, they both call into question the link between democracy and representation, demonstrating that the assumed historical nexus between them is not simply trivial. What is more relevant, however, is the fact that these works demonstrate that many of the charges leveled against representative democracy today can be traced to epistemological problems which indicate the need of updating the meaning of the concepts of political representation and representative democracy.

Manin argues that the modern form of democracy remains to a certain extent unchanged since the eighteenth century. Thus, what today is called representative democracy originates from institutions conceived during that century and which became universal after the three modern revolutions (the English, the American and the French). What justifies affirmations to the effect of the "immutable" character of democracy is the fact representative government can be identified with the set of principles that have been historically observed in all governments which have been described as representative. Such principles (which can be subsumed into four: those governing are designated by elections held at regular intervals; those governing enjoy a certain measure of independence in relation to the will of voters in order to make decisions; those governed can express their opinions and political will without being submitted to the control of those governing; public decisions are submitted to discussion) would be translated into institutional choices made by the founders of representative government, which since their conception have never been effectively called into question.

Even great historical innovations – such as universal suffrage and the advent of mass political parties – would not have affected, according to Manin, the fundamental principles and the original institutional choices which remain in place in the political regimes we today call representative democracies. Manin, as did Rosanvallon (1998), also calls attention to the fact that such institutional representation was not at the time of its conception perceived as a variety of democracy. In other words, current political regimes originated from a form of government – representative government – which its founders believed stood in opposition to democracy. This begs the question of why a government organized according to the principles of representation was considered at the end of the eighteenth century as something entirely distinct from democracy and is today considered its principal variety.

Once representative government constituted itself historically in opposition to democracy and vice-versa, it is reasonable to assume that the two concepts did not originally share the same semantic concept and that the mistaken associations which have been traced between them in the course of the last centuries are also to blame for the equivocated

contemporary understanding of representative government as non-democratic, of political representation as a “second best,” and of representative institutions as in the thrall of a crisis. Manin further corroborates with this assessment showing that the uncertainties and inaccuracies of the contemporary terminology indicate that we do not know exactly what distinguishes or approximates representative government and democracy.

Just as important, Manin clarifies that what we today call the crisis of representative democracy can be recast quite differently if we realize that representative government was explicitly conceived in opposition to the idea of democracy (as in the way the Ancient Greeks conceived of it as the government by the people, for the people) and that its main institutional mechanisms remain unaltered since their creation. It would therefore make no sense to speak of a crisis. Rather, it would be more reasonable to admit that representative government assumed a new form.

This new form, which I believe is not correspondent to the one described by Manin as the concept of “democracy of the public,” is certainly challenged by participative and deliberative practices which have proliferated not only in the books which fill library shelves under the heading democratic theory but also the practice of democratic governments around the world and specially in Latin America. It is for this reason that assuming central concepts to be fallible and its meanings as subject to revision makes representative democracy more responsive to theoretical dilemmas and practical challenges as well.

This is the kind of reflexive stance – one which assumes concepts as fallible and its meanings as subject to revision – endorsed by the epistemological dimension of pragmatic democracy. A revision of the concept of political representation in the light of material conditions of the present allows representative democracy to strengthen itself by acquiring new meanings, just as the restatement of its normative postulates allows it to become open to new institutional configuration. This is how institutional representation must engender by their own means the participative and deliberative arrangements which will allow it to overcome itself.

The analytical dimension: practicalism

The analytical dimension of pragmatic democracy is guided by *practicalism*. By practicalism I understand the adoption of a practical stance which implies consequentialism, futureness and a rather particular understanding of the relationship between means and ends. Practicalism is not to be confused with instrumentalism and much less be associated to utilitarianism, as it should become clear in the following pages.

Applied to the analytical dimension of the theory of pragmatic democracy, *consequentialism* allows for a specific comprehension and interpretation of the behavior of political institutions and actors. Much more than explaining how one acts, chooses, and makes strategic decisions, for which the utilitarian methodology is well equipped, the consequentialism derived from pragmatism consists of a permanent exercise of anticipating the consequences of an action as a way to imbue them with meaning. This does not mean merely to suppose that political actors act rationally given their intent to pursue their interests or maximize individual utility and thus explain, based on an extrapolation of consequences, its behavior. To be sure, this involves understanding how consequentialism can operate as a form of justification, evaluation, validation and legitimization of democracy.

The pragmatist test of consequences – which, it is important to emphasize, does not aim to choose the “best” consequence, nor the “most useful” one, but rather the one that is deemed the most adequate in responding to the demands of a specific context in which action is unfolding – allows to shift the question of justification, evaluation and legitimization of democracy from an *ex ante* to an *ex post* timeframe. In other words, the procedures, rules and values based on which democracy is usually gauged give room, by means of a practicalist approach, to the effects and consequences actually perceived in reality. Once the consequences present acceptable or desirable effects – regardless of the procedure, rule or value from which it stemmed – they can serve as an adequate parameter for democracy. The adoption of this approach allows for giving a step further in the analysis of the democratic political game, that is often straitjacketed by premises, assumptions and postulates which are assumed to be untouchable and irrefutable despite their proven failure to react to the negative results they have engendered in actual practice.

In concrete terms, a practicalist approach makes it possible to deal with the issues of justification, evaluation and legitimization of democracy based not exclusively on the notions of elections, majority rule and political equality, but rather based on the consequences engendered by the performance and action of the therewith concerned institutions and political actors in the real world. It is the desirability and the acceptability of such consequences that must serve as parameters for democracy, and thus for its evaluation, justification and legitimization. Furthermore, these are the consequences which make it possible to identify what is feasible from an empirical point of view, thus leading to a realistic practice of democracy – and not an idealized version thereof which, by discrediting its foundations and assumptions inevitably stimulates skepticism and disbelief.

Therefore, by shifting the focus of the analysis from the foundations to the effects of democracy, there is also a shift from the a priori, axiomatic, normative, transcendental and

counterfactual forms and solutions to concrete facts that are only measurable (and therefore signified) *after* the action which caused them. The adoption of this practical stance is what allows a pragmatic conception of democracy to respond to minimalist (Schumpeter, 1942; Przeworski, 1999), procedural (Dahl, 1979) and procedimental theories (Habermas, 1989; Rawls, 1991) of democracy. The adoption of this stance also makes it possible to extend the understanding of political representation to participative forms of governance and non-majoritarian State institutions – and that precisely due to the representative character these can assume as a function of the desirability, acceptability, and feasibility of the consequences they engender.

In addition to consequentialism, the practicalist approach to pragmatic democracy is also expressed by the notion of *futureness*. One of the first elements of pragmatism articulated by its founder Charles S. Peirce (1905), in his initial attempt to define it, futureness may benefit democracy by conferring it a forward-looking facet geared towards the fulfillment of demands made by the present with aims to a future that is considered desirable. This gaze into the future allows democracy to be approached in a way that is less bound to ideals and values that belong to a past, and makes it more open and permeable to ideas and values that explain the present and color a tableau of futures possible which can still be outlined and controlled.

Pragmatist futureness implies accepting democracy as it is in order to transform it into the democracy we desire – which seems to me a more defensible stance than insisting on making political institutions and practices fit into molds that were forged in the past. The future of democracy is not to be found in the deliberations of the agoras of Ancient Greece, or in the constitutional norms of the French Revolution, nor is it entirely described by the procedures and institutions formulated in the Federalist papers. The future of democracy lies in the facts and actions which can be controlled, precisely because they are yet to unfold. And this is what the pragmatist method of anticipating consequences allows by supplying objects (whether they be rules, procedures, decisions, etc) with meanings bearing the future in mind - not the past.

Futureness thus allows us to abandon an anachronistic analysis of democracy based on what it was or what once it was desired to be and embrace an analysis that builds up from a realistic, non-idealized description of its institutions and practices in order to convert its present potential into transformation in the future. To replace reverence for the past and tradition by futureness does not evidently imply embracing normative propositions anchored by hypothetical or counterfactual starting points. To the contrary, pragmatist futureness is directly related to the factuality it is informed by, since the facts of the present are what determine their meaning in the future which at present can only be anticipated. Practicalism

thus makes it possible to convert normativism into materialism, conferring sense to futureness through factuality.

Lastly, the practical approach entailed by the analytical dimension of pragmatic democracy also implies a specific understanding of the relation that must be assumed, in politics, between *means and ends*. In this regard, Dewey, certainly the most political of the first pragmatists, bequeathed many lessons that are important to reconsider at present. Dewey (1937) believed, for example, that if democracy's goal was to assure the freedom of all, this could only be achieved by means which stood in agreement with this end, that is, liberal means. Similarly, we can suppose that if democracy's end is social equality, this will only be achieved through socialist means (hence, non-liberal ones). But the facts reveal that this is not always true and that, for example, the attempt to promote equality through means that were absolutely and uncompromisingly egalitarian can, in practice, result in even greater inequality. This would be the case, for example, of redistributive policies based uniquely on income as the main and exclusive variable (Sen, 1992). On the other hand, the income transfer programs that have been implemented for example in Latin American countries in the last decade show that liberal means can many times be very efficient in achieving ends that are far from liberal. Dewey claimed that there is no contradiction in defending means that are liberal and democratic combined with socially radical ends. If liberal policies can be proven to reduce social inequality, why not support them? The practical approach to democracy supports an instrumentalist stance which utilizes a variety of means to promote the end of social justice. In concrete terms, a pragmatic analytical approach can consistently and coherently explain the preference for public policies that assume as means conditional income transfer programs based on liberal tenets given that today these programs undeniably realize the ends of distributive justice endorsed by socialists since the eighteenth century.

Pragmatic democracy thus transforms ends into means, and not means into ends. A pragmatic approach to democracy allows one to deal with facts while leaving aside biases and prejudices, and also to deal with values less ideologically - in sum, it allows one's approach to politics to become less hypocritical. For example, by providing a consistent and coherent justification for the adoption of liberal public policies (like cash transfer programs) whose uncontested consequences include the reduction of social inequality, pragmatic democracy indicates how certain normative premises and postulates can and should be relativized in order to allow for ends that are empirically feasible and desirable.

A practical logic, such as the one mentioned above regarding social equality, can be extended to the role of political equality in contemporary democracy, surpassing the pragmatic approach to means and ends. Recent debates on political representation indicate

how its meaning should be broadened so as to include minority groups, or, in particular, groups that define themselves based on common cultural identities which are assumed as minority due to their unequal inclusion or full exclusion of the policymaking process. Originating from the debates on multiculturalism, specifically the demands for inclusion and representation of oppressed social groups (Young, 1989 e 2000), and in connection to the theory of justice's debates between liberals and communitarians, the last years have borne witness to the rise of the concept of 'fair representation'.

Fair representation is a concept that is at the core of the agenda of what has been termed the 'politics of presence' and whose main proponents include Phillips (1998) and Williams (2000). These authors argue that fair representation of marginalized groups depends on their presence in Legislative bodies. In other words, it is argued that citizens belonging to groups that have been historically excluded are not represented precisely because they cannot rely on representatives in Parliament that belong to these groups. Belonging to these groups, in turn, implies a common identity (by sharing the same memories or experiences, for example) and not merely a commonality of interests. It is thus supposed that a white representative cannot fairly represent black citizens, or that a male representative cannot fairly represent the interests of women. This conviction leads to a defense of an institutional mechanism that ensures the actual presence of those to be represented, and which would make representation fairer. A politics of presence, therefore, considering its aim to put fair representation into practice, implies the revision of the idea of political equality and its role in representative democracy.

Despite the evident normative aspects involved in the demands for fair representation, as well as the undeniable role of deliberation in the defense of a politics of presence, it is certain that it offers significant contributions to a pragmatic approach to democracy which proposes to broaden the scope of political representation. In this respect, one must only analyze in a practical manner the ideas defended in the politics of presence and, in particular, to conceive instrumentally the role of political equality in the definition of representative democracy. In order to be achieved, the ideal of fair representation (which expresses itself in the form of very concrete demands as made clear by social movements) clearly entails the revision of formal political equality (the "one man, one vote" principle), of the majority rule and the principle of proportionality.

More than calling for the establishment of quotas in parliaments, the politics of presence makes evident the need to reform the voting and party systems. With respect to the electoral system, there have been long debates, for example, on the fair division of electoral districts in the United States (districting). District division based on race (race-conscious

districting), a practice that has been widely questioned by U.S. courts, has, since the 1990s, been a means to ensure that majority-minority districts – that is, districts where the majority of residents belong to an ethnic minority – boost the presence of black representatives in Legislative bodies.

This example illustrates how a pragmatic theory of democracy, by defending practicalism as a valuable analytical tool, may benefit from this kind of concrete demand made by the politics of presence in order to carry out the proposition of broadening the concept of political representation. Once the notion of political equality, a timeless pillar of representative democracy deemed a logical prerequisite for universal suffrage and elections, is conceived instrumentally given the social and cultural complexity of the contemporary world, it can take on new meanings so as to render representation more democratic and democracy more representative.

Pragmatically, an important question concerns the comprehension of the meaning of proportionality in a proportional voting system and also the meaning of majority in a majoritarian voting system. Practically conceived, the idea of political equality can lead to, for instance, redefinitions of the calculation for electoral quotas and district redefinitions that favor the minority majorities. Certainly, in order to contemplate the demands of the politics of presence championed by organized civil society movements, it is necessary to do more than reform representative institutions by creating inclusive procedures and rules, or to adapt existing rules and procedures to the proportions dictated by the existent ethnic, racial, and gender divisions in society. It is necessary to imbue political representation and representative institutions with new meanings and larger reach. And this could be achieved by means of participative and deliberative mechanisms which, not incidentally, have been proving themselves as potential spaces for the expression of the interests of minority social and cultural groups.

Another important question from the practical point of view based on the demands for fair representation by groups that have been historically marginalized has to do with the meaning of minorities, their political role, and the places that are more appropriate for the institutional representation of their interests. The debates on multiculturalism, difference politics and the politics of presence shed light on the political inclusion of cultural minorities. Yet, how can we concretely distinguish cultural minorities from political minorities? Whereas it is reasonable to assume that every cultural minority is also a political minority, it is not so rational to suppose that every political minority is also a cultural minority. One must therefore ask: why should institutional inclusion mechanisms for cultural minorities be given priority considering that there are mechanisms to convert party minorities into political

majorities? It would perhaps be important here to confer a more practical approach to the representation of cultural groups, conceiving them as minorities only in so far as their interests can be translated politically into minority party representation.

One example of such conversion is to be found in the participatory experience of Brazil, where the national public policy conferences clearly configure spaces in which minority groups are able to convert themselves into occasional majorities. As participative and deliberative experiences, the national policy conferences show that it is possible not only to give voice to the demands of minority groups, but also to make them present in Congress. Even if these groups (like women, black people, indigenous people, etc.) are unable to elect their preferred representatives, they can make their interests represented in the Legislative branch through the national conferences (Pogrebinschi, 2010). The legitimizing force of a bill that is sustained by the national conferences can function as a form of “retrospective representation” (Mansbridge, 2003) – congressmen may have strong incentives (which eventually transcend the scope of their party’s agenda or the priorities of constituencies) to embrace demands presented in national conferences, and thus gain the support of new voters or to restore ties with former ones. Such participatory experiment thus allow for the representation of political minorities that often do not succeed in converting themselves into political majorities.

The Brazilian national public policy conferences thus serve as a form of political mediation which runs parallel to elections and parties but which, similarly, converges towards the realization of democracy through representative institutions. The participation of civil society and the deliberations they held together with the government in those participative forums lead to more representative institutions (due to the range and inclusiveness of interests they start appreciating with greater emphasis), and to a delivery of political representation that is strengthened by new incentives given to congressmen to gear the legislative process in certain directions (Pogrebinschi, 2010).

Democratic participative and deliberative practices such as the Brazilian national public policy conferences allow for the representation of minority political interests in the Legislative branch even when they are not originally predicted in party agendas. The public policy guidelines that are outlined in the final deliberations of the national conferences put into motion the Congress’s legislative activities, providing congressmen with a wide-ranging list of demands formatted in accordance with the preferences of civil society in a non-electoral environment, one that is therefore free from direct party influences, media exploitation and any other form of interference with public opinion and the will of citizens. The strong assumption of popular legitimacy of deliberations originating from the national conferences

allows them to prevail over the tradition logic of compromising interests according to the necessities of political parties. This can lead, for example, majority parties to occasionally represent a previously non-represented interest – either because it has never been included in a party's agenda or because a minority party previously defended it. Hence, participation and deliberation provide yet another means for democracy to express itself as representation.

As for the groups that do not succeed in being represented other than as political minorities, one can also practically claim that their representation can effectively take place, according to the Madisonian version of democracy (Dahl, 1956), in counter-majority institutions such as judicial bodies composed by non-elected members. The practical requirement of fair representation, such as championed today by several social movements, can inform a pragmatic analysis of democracy by promoting a broadened understanding of political representation which conceives of the so-called non-majoritarian institutions as, in fact, pro-minorities. In other words, the non-majority nature of jurisdictional bodies can produce political (and not merely judicial) representation of social and cultural minorities that do not succeed in converting themselves into political majorities (not even by resorting to deliberative and participative practices that can potentially boost their parliamentary representation). In this sense, groups that have been marginalized throughout history, despite their efforts to be represented in Legislative bodies and in the public administration, should also seek for representation in judicial bodies – particularly in constitutional courts which, given their role as the guardians of constitutionally guaranteed social and cultural rights, can act, faithfully to its counter-majoritarian institutional role, as a pro-minority entity. This, in fact, is what has been occurring in Brazil, as the Judicial branch has advanced considerably towards acknowledging same-sex unions and its attendant rights, such as adoption and inheritance. Stated otherwise, the question is to evaluate to what extent a practical approach toward political equality would legitimate the expansion of political representation to non-elective institutions which could nevertheless not only give voice to certain minority demands but also make them present.

The critical dimension: experimentalism

The critical dimension of the pragmatic theory of democracy advanced in this article is based on the notion of *experimentalism*. By experimentalism I understand the adoption of an experimental stance which implies, to some extent, converting facts into norms, practices into institutions, dogmas into risks, and principles into ends. Experimentalism calls for the political empowerment of ordinary citizens by means of the progressive institutionalization of the

democratic practices that are conducted in, for and through civil society. Experimentalism is the invention of the new, the transformation of the old, the replacement of normativity by factuality. Standing somewhere between the ideals of revolution and reform, experimentalism makes it possible to conjugate politics in the future perfect verb tense and to render democracy simultaneously an experience and an experiment.

Experimentalism allows critique to realize its political, that is to say, transformative, character. The critical dimension of pragmatic democracy rejects the merely speculative and contemplative character of theory and, on the other hand, entails the adoption of stance that involves action, creativity and intervention, on other words, a transformative stance. Some of the traits of pragmatism mentioned earlier – futureness, fallibility, constant reviewing – explain the experimentalist disposition of pragmatic democracy which, in addition to its anti-foundationalism, is also informed by contextualism.

Contextualism is perhaps one of the features of pragmatism that has had most reverberations in the history of thought, and is certainly the one that brings it closer to Marxism. Two ideas are central in order to understand contextualism: experience and practice. Both are, in effect, intimately related: for pragmatism experience is that which involves an action caused by people, and which produces consequences that can be shared by others. The definition of a democratic experience thus depends on whether the consequences produced by a given political action (undertaken by an institution) can be shared by other people beyond those involved in its causation so as to benefit all collectively.

An experience is defined by Dewey as the free interaction between singular human beings which develops and satisfies needs and desires by means of the broadening of the knowledge of things such as they are. Two important lessons follow. The first one refers to the understanding of the task of democracy as being the creation of more free and human experience which is shared by all and to which all contribute (Dewey, 1939). This understanding makes it possible to conceive democracy as a process – an open-ended and infinite process – which assumes human experience simultaneously as a means and an ends to its achievement. This role of human experience in the definition of democracy is what justifies pragmatism's confidence in the ordinary citizen, and in his capacity to create and recreate through daily actions a political culture that is cooperative and favorable to the fulfillment of needs and desires. What gives rise to such cooperation is the fact that the consequences of social actions are shared – which involves each and every one, holding individuals individually and collectively responsible for their actions.

The second lesson concerns the broadening of knowledge that lies at the basis of the kind of political action that is presupposed by human experience that is constitutive of

pragmatic democracy. Such action must be guided by an intelligence that is capable of converting ordinary experience into political experimentalism – or, in other words, to convert the daily practices of common citizens into institutional political innovation. The notion of intelligence pragmatism adopts in order to replace reason in its theory of action is based on the idea that the function of the mind is to project new and increasingly complex ends, so as to liberate experience from routine and its whims. Intelligence should be put into use to guide action, and this does not mean simply resorting to thought in order to realize pre-determined objectives. Dewey argued that intelligence is developed in the context of action itself so as to allow the realization of possibilities that are not – and many times could not – be previously established.

“Intelligent action” is, thus, action that is open to ends that are beforehand unknown to agents. This fosters the political experimentalism of democracy, giving it a creative and creating thrust. An intelligent action – and not merely a rational one – is instrumental in so far as it determines the characteristics of future experience. For pragmatism, the main concern of intelligence should be the future, that which is yet to be realized and which, for this very reason, can still be controlled. Intelligence must therefore conduct action towards a future which corresponds to the projection of that which is desirable in the present, and it must also invent the means for its implementation. Pragmatic intelligence manifests itself as a democratic practice open to political experimentalism by replacing the a priori definition of ends determined and determinable by the brash and spontaneous invention of means capable of producing desirable and viable consequences

Thus defined by the ideas of practice and experience, the contextualism which frames the experimental approach to democracy advocated here sheds light onto the conditions and circumstances that can be changed by intelligent human action – and which, once executed, can engender a state of things that is more desirable. Stated otherwise, contextualism takes *facts* seriously, and in doing so evinces their prime role in the creation of the new and in the choosing of possible futures that are given by the materiality of the present. Facts should drive every action which deems to be intelligent, that is, actions that propose a creative intervention in the future by means of the transformation of the conditions of the present. The adoption of an experimentalist stance implies observing critically the facts that constitute each context, conferring them normative strength and appropriating them as sources of legitimacy for political actions.

To approach facts as a major driving force for political action means, in other words, to approach social demands existent in each context as determining factors in institutional choices and decisions. This is an important point in order to understand how pragmatism’s

consequentialism distinguishes itself from utilitarianism or any other maximization-based approach which defends that a decision-making process should be guided by its consequences. The pragmatist test of consequences is not lacking in terms of substantial criteria, neither can it be reduced to a mere procedure of maximization. To the contrary, any choice or institutional decision derived from the pragmatist approach will seek to test the empirical validity of the consequences, which depends precisely on an adjustment between consequences and social demands that can be deduced from the context in which choices and decisions are made and will affect others. This is the reason why pragmatism, with its experimental vision of politics, requires facts to occupy a central role in the definition of the context in which each decision in each institutional context will be made. Facts – which are more dynamic than norms but less voluble than interests and opinions – are the most genuine bearers of social demands.

If facts are the bearers of social demands, they must also be the carriers of politico-institutional innovation. A pragmatic approach to democracy, in order to realize its critical dimension, requires listening to facts and, most importantly, that they be taken seriously. This is not a trivial statement, especially since, as argued above, it is possible to easily observe that representative democracy has been in a cycle of self-reproduction for centuries by means of the reproduction of some of its principles, instruments and procedures. What is more, this reproduction is associated to another one, namely the reproduction of the semantic content of the concept of political representation itself. This situation indicates, on one hand, the capacity of representative democracy to preserve its essence but, on the other one, it also reveals its limited ability to adapt to facts – or perhaps to accept that facts can question and interfere in principles, institutions and procedures that have historically come to define it.

A fact that cannot be left unheard (its sound is becoming louder and by not heeding it one assumes the risk of becoming deaf) is the increasing political role of constitutional courts and their impact in contemporary democracies. This is not a new fact in established democracies such as the US, however, it is a fact that has been gaining momentum and is gradually becoming explicit also where it was once imperceptible. And in the democracies where this is a relatively recent fact (like Germany, Brazil, and Israel), it has been rapidly becoming more prominent and seems to be inexorable. From the perspective of liberal democratic theory, to whom the principle of the separation of powers and the checks and balances system are cherished ideas, it can generally be said that there are at least two reactions to such fact: reproach or acceptance.

To reproach the political prominence of constitutional courts and its increasing enlarged institutional role, however, implies accepting the situation exactly as it has presented itself in factual reality. Nevertheless, accepting this fact is conducive to a less passive stance,

since, once its irreversibility is accepted and it is viewed as a spontaneous development of democracy, one can build upon the comprehension of a situation in order to then conduct a creative intervention. In other words, one can assume this fact is not a threat to political representation, representative institutions or democracy. Rather, it can be interpreted as an indication that the first of these concepts must be re-signified, the second, re-configured and the third, strengthened. If it is not possible to control facts, it must then be at least possible to domesticate them.

A pragmatic approach to democracy confronts the increasing political role of constitutional courts as an opportunity to put into practice its experimentalist vocation. Thus, it conceives this development not as an usurpation of the functions originally belonging to representative institutions but rather as a broadening of what is considered a representative function. This allows for the expansion of the scope of political representation, creating an institutional solution which makes it possible to render constitutional courts effectively representative institutions, despite the absence of electoral mechanisms that ensure legitimacy and accountability.

Taking this into the consideration, the first aspect to be discussed is the meaning of representation itself. Pragmatically addressed, the question would be: what perceived effects makes an institution or a political actor representative? Pragmatism, which originated as a theory of meaning, sustains that the meaning of a concept is determined by experience in such a way that it is always in constant mutation according to the facts that unfold and to how we are able to grasp their meanings. Hence, in order to know what a concept means at a given moment one must anticipate its consequences. A concept is an action whose meaning is defined by its consequences in its future, in other words, its meaning can only be known by looking at its practical consequences. That is to say, the assumptions and foundations of a given object (a concept, an institution, an actor, a decision, a law, etc.) matter less than the effects it entails in practice. These effects are measured according to the observable consequences it has on those who are affected – or potentially affected – by the object in question. The meaning of something is thus conferred by the consequences of its practice in the empirical world. The practice of a concept can ultimately discredit the theory that formulated it and falsify its premises.

As for political representation, therefore, what can allow us to consider an institution or political actor as representative is precisely the representative quality of the consequences engendered by its or his political activity. If the consequences of the activities of a given institution or of a certain agent succeed in becoming representative of social demands existent in society, then this institution or agent is considered representative. What makes a set of

actions representative is both the fitness (with social demands and needs) and sharing (by all those affected by it, even if not directly concerned in its causation) of its political consequences (whether it be the enactment of a statute or the implementation of a public policy, or the issuing of a court decision).

The universal validity of the decisions of constitutional courts in their role as beholders of a Constitution for instance means that the consequences of judicial actions are inevitably going to be shared beyond those directly concerned in the litigation. Since courts only act upon provocation and since those designated to do so in the case of judicial review are elected agents, civil society organizations or citizens (in fewer countries, though), it is reasonable to suppose that status quo changes entailed by the challenging of a law corresponds to demands present in society, even if not warranted by the majority rule. Otherwise, relevant political and social actors – such as political parties and civil society organizations – would lack incentives to bring to court demands they believe were left unattended to by ordinary parliamentary process. And the compliance rate of judicial decisions would also otherwise not be higher than rate of compliance to law, considering that non-compliance sanctions are the same. The simple fact that constitutional courts can act as “negative” legislators (meaning that although they do not have the power to create law they can reject existing legislation) suffices to confer them a political role, while the fact that the consequences of decisions are indiscriminately shared justifies its potentially representative character.

The arguments above one can easily be refuted by saying that the decision derived from judicial activity can be, according to what has been said, considered socially representative, although not politically valid or legitimate. This is because, as I have argued previously in this text, the re-signification of political representation depends on the reconsideration of its conditions of validity and legitimacy. In other words, the aim of considering constitutional courts instances of political representation can only be achieved if the following circumstances are provided: 1) consistent means of political delegation derived directly from the constitutions and other State branches; 2) recall mechanisms that render both principals and agents of this relationship of delegation accountable; and 3) a form of legitimation that supplements direct election and validates the indirect forms of choice that are made possible by the delegation chain.

It is unquestionable, at least since Mill (1861), that elections induce and produce representation. This however should not prevent one from questioning whether or not elections in fact produce democracy (Manin, Stokes and Przeworski, 1999) or if the majority rule is in fact democratic (Dahl, 1956). This begs the question of whether elections only engender representation or if they engender democratic representation (Urbinati, 2006).

This questioning, however, does not imply endorsing the critiques advanced by social choice theory to democracy, by applying Arrow's (1951) theorem of impossibility to politics with the scope of arguing that the aggregation of individual preferences leads to incoherent and inconsistent results – either because they can be strategically manipulated or because by controlling the agenda and bending the rules for determining preference the ordering of preferences can be controlled – in such a way that voting systems with more than two alternatives (which is the case in many popular elections in which representatives are chosen and also the case of the voting in the Legislative branch in which these representatives make choices for their voters) would be unfair and inadequate and would make democracy seem irrational, arbitrary and devoid of meaning (Riker, 1982). Be it as it may, this critique inevitably supports the question made above and confers some sort of validity to the following assumptions which have been concerning democratic theorists:

1) The so-called crisis of representative democracy is a predictable crisis of the modern method of producing representation, that is to say, of elections;

2) Representation and democracy require a broader link than that provided by elections or, in other words, in order to be democratic, political representation must be produced by mechanisms other than elections.

As for the specific question pertaining to the extension of political representation to non-majority institutions as constitutional courts, a third assumption can be added. It is supported by the assessments of Manin, Stokes and Przeworski (1999) that, if it is true that elections engender representation, it is nevertheless uncertain whether they also engender enough accountability so as to render political representation effectively democratic. That is to say:

3) The fallibility of electoral systems and the difficulty faced by voting mechanisms to confer a democratic quality to their results and to the decisions taken by majoritarian political institutions (taking into consideration not only the fallibility of majoritarian electoral systems, but also the paradoxes and representative deficits generated by the party-list proportional system, for example) are themselves conditions of legitimization (necessary, albeit never sufficient) of the representative character of non-majoritarian institutions such as constitutional courts and their decisions – in so far as (and only if) courts can simultaneously play the role of principal and agent in delegation relationships of political power, and can be controlled and legitimized by mechanisms that are not strictly electoral.

It is no wonder then that critiques of democracy such as the ones advanced by Manin, Stokes and Przeworski (1999) stating that electoral accountability is not sufficient to induce representation given that voters do not have access to complete information, as well as the

more general critique that voters do not possess enough information to make reasonable and rational choices, have recently been counter-argued by the proponents of delegation theory (Lupia and McCubbins, 1998). A theory, which it is worth pointing out, among other things, is based on cognitive postulates that confer a central role to anticipating the consequences of actions – whether it be the actions of those who chose, or of those who have been chosen. Delegation theory thus comes to the defense of representative democracy in two ways: by arguing against the charge of democratic deficit in majoritarian institutions and by defending that political representation is strengthened in so far as its is expanded to include non-majoritarian institutions. In fact, delegation theory has been appropriated with this second intent in mind in formulations of an idea of governance applicable to the new post-war democracies which are being swept by the so-called judicialization of politics (Stone Sweet, 2000 and Stone Sweet and Thatcher 2003).

It is in view of all of the arguments above that a pragmatic approach to democracy claims that political representation should not be bound only by electoral mechanisms, or by the strict enforcement of the majority rule. In other words, pragmatic democracy suggests an open-endedness which allows for experimentation with different modes of ensuring accountability other than elections, criteria for measuring and evaluating democracy that go beyond the approval by majority rule, and mechanisms of legitimization that transcend both by shifting their focus to an *ex post* timeframe (that is, based on the consequences of decision) rather than *ex ante* (based on voter choices).

A pragmatic account of democracy allows, for instance, the extension of political representation to non-elected actors who despite this fact can eventually be conferred with democratic legitimacy to act in the name of public interest. It also allows the extension of formal political representation to informal spheres in which this activity is initially carried out through the actions of such actors. In this context there is room for analyses as diverse as those that defend the expansion of political representation to civil society based on the premise this would lead to a greater plurality of actors and loci of the exercise of representation (Gurza Lavalle et alli, 2006a and 2006b) or based on the affinities created by participative practices engendered by the mobilization around certain issues (Avritzer, 2007), and those that defend, as I do in this article, that 1) eventual defects of traditional political representation institutions should be counterbalanced by participative and deliberative experiments; and 2) non-majoritarian institutions should be strengthened by means of renewed chains of delegation which ultimately brings about a new configuration of one of the main pillars of modern liberal democracy: the principle of the separation of powers.

Political experimentalism strengthens representative democracy by making it possible to provide a dialectical response to other attempts to overcome it. Political representation can only be overcome if the established institutions sustaining it are preserved; nevertheless, political representation can only be preserved if its inherent logic and dynamics are overcome. The opposite of representation is not participation or deliberation. The opposite of representation is non-representation. Hence, any attempt to overcome the supposed deficits of representative government can only be engendered from within the core of representative democracy itself. However, for that one must experiment with the concept and the practice of political representation.

On materialistic normativism

In its epistemological, analytical and critical dimensions, pragmatic democracy implies a certain type of reflexive, practical and experimental approach to politics. This approach unveils the scope and reach of pragmatic democracy, as well as the extent to which it seeks inspiration in pragmatism in order to call for a normative understanding of democracy. This, it is important to remember, must remain open to an empirical orientation. This welcoming attitude towards the empirical world allows this theory itself to fall under the scrutiny of the pragmatist hypothesis: its feasibility depends on the consequences its normative postulates cause in political institutions.

Pragmatist's consequentialism is thus, in itself, a methodological strategy which brings closer together normative political theory and empirical political science – that is, a methodology that seeks to overcome the split between normative-oriented theory and empirical analysis of democracy. Pragmatic democracy seeks to reconcile the values and ideals that have for a long time nurtured the normative assumptions of democracy with the institutional and political feasibility that are lacking in participatory models formulated as critiques to representative democracy.

As I have argued in this article, many are the features of pragmatism that are appropriated by the concepts of pragmatic democracy. Its goal is to strike a balance between normative values and ideals, and practical political institutions and arrangements. That is to say, it attempts, as do other recent approaches that also rely on the principles of pragmatism (Fung, 2007; Unger, 2007), to pragmatically approach empirical evidence without forsaking the values and ideals of the democratic tradition. It seeks to do so however without renouncing to the representative character of democracy and by stressing the need to consider it with all its fallibilities – which implies accepting that a political arrangement which reflects a certain value

or belief at a certain point in time can later be falsified, given that values and beliefs are mutable and subject to reconsideration and the “habits of the mind” that lead men to political action are dynamic and not static.

A pragmatic democracy seeks to endorse values without ignoring facts. By rejecting the dichotomy between facts and values, it seeks to render normativity something more than a regulating precept of a reality that is sometimes not only unfeasible, but often undesirable or incompatible with the values and ideals it assumes. Thus, such would be a conception of democracy that is resistant to the norms that bind and confine reality, and that is more permeable to the materiality of facts that are embedded in a dynamic social reality.

By bringing pragmatism closer to materialism, the concept of pragmatic democracy makes it possible for the world of facts to enter the realm of political normativity. This however tinges materialism with a logic whose explanation is not to be found in history only, but in the dialectics of a possible future that lies in the anticipation of the consequences of the present. By transposing the boundaries of history, yet without forgoing it, normativism can make use of a dialectics of present facts in order to project itself in the future without attaching itself to the illusion of neokantian regulating ideals and universal maxims. The result of which is a materialist normativism (Pogrebinschi, 2009), an epistemological approach that proposes a dialectical reflection on political things whose theoretical premises and practical postulates are best expressed in the future past tense.

As an expression of materialist normativism, the concept of pragmatic democracy presents itself as normative, yet not in the sense which implies the regulation of the presence or the appeal to a universal law which guides its application, but rather in the sense of a concept that is shaped by something that ought to be, more than its own history. It could be said that the concept of pragmatic democracy thus constitutes a “concept of movement” (Koselleck, 1985), that is to say, a concept whose horizons of expectation is broader than its space of experience. In this sense, the concept of pragmatic democracy releases itself from history so that it can seek its own materiality in the future. Experiences give way to expectations, which cannot be forged by a lingering gaze, but rather by a forward looking one. The sole filter that must come in the way of this gaze, however, are the lenses that sets its focus on the concrete reality of political institutions. But pragmatic democracy, as a concept of movement which is always seeking a new horizon of expectations, turns this focus into a mirror which reflects multiple and varied interpretive possibilities.

In this interpretive exercise which serves as a terrain for the concept’s own formation, one comes to understand the materialistic conception of normativity, that is, what I have been calling materialist normativism. It consists of a synthesis between what ought to be and what

is, of future expectations and present conditions, the projection of a coming-to-be in constant formation and actualization onto reality. It consists of an endeavor to overcome the split between theory and practice by means of a praxis that has been internalized by theory. It consists of postulating theory as practice, a practice of theoretical work which is defined by its break with theoretical praxis. It is in this sense that pragmatic democracy calls for a dialectic overcoming of the concept of representative democracy. The normativism it presupposes is not based on a belief that extant material conditions will lead to the exhaustion of representation and to the reestablishment of a direct form of democracy, as some apostles of participative and deliberative conceptions seem to believe.

In order to accomplish the dialectic character of pragmatic democracy, political representation must be generated and strengthened from within the participative and deliberative arrangements that make its overcoming possible. This means that representation should be conceived as something undistinguished from participation and deliberation – which certainly implies not only a conceptual reconfiguration at the theoretical level but also, and most importantly, new institutional designs at the empirical level. The challenge that remains open is that of rendering new participative and deliberative experiments as constitutive elements of traditional representative institutions.

The alleged paradoxes of representative democracy can only be solved by means of its own assertion, that is, by its reinforcement. Democratic theory therefore cannot shy away from the task of reinvestigating political representation, indicating paths that are factually feasible and, being aware of the perils of succumbing to a deontological normativism. This, in its turn, requires unwinding the tension between empirical studies and normative theory so as to finally reconcile the empirical necessity of explaining political institutions with the normative ambition to propose more desirable forms of political organization (Fung, 2007).

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