

Beyond Deliberative Democracy: Power and Realism in Contemporary Democratic Theory

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The Two Faces of Democracy: Decentering Agonism and Deliberation. By Mary F. Scudder and Stephen K. White. Oxford: Oxford University Press, 2023. 216p.

Democratic Deals: A Defense of Political Bargaining. By Jack Knight and Melissa Schwartzberg. Cambridge: Harvard University Press, 2024. 272p.

Democratic Failures and the Ethics of Democracy. By Adam Lovett. Philadelphia: University of Pennsylvania Press, 2024. 304p.

These three books are strong contributions to contemporary democratic theory. They are, however, very different in tone, intent, and argument and represent a wide range of methodological and philosophical traditions with little overlap. Mary Scudder and Stephen White both draw on a deliberative democracy background with deep roots in Jürgen Habermas' communicative ethics. They build their arguments in the language of ontology, affective imagery, and aesthetic resonance to paint a picture of the sort of ethos needed to bridge the divide between two competing visions of democracy. Jack Knight and Melissa Schwartzberg offer a more eclectic mix, but rational-choice institutionalism and a type of Madisonian realism certainly feature — as does the postwar no-nonsense pluralism of Robert Dahl, Charles Lindblom, and David Truman. In their view, politics is about power and competing interests, and democratic politics is about the regulation of power and competition in the interest of citizens understood as equals. Bargaining is the key to this regulation. Finally, using the precise tools of analytic philosophy, Adam Lovett argues that empirical social science offers clear evidence that American democracy is so compromised that the state loses its moral authority to command obedience. Under these conditions, he contends, philosophic anarchism is the only defensible position.

Despite their significant differences (including different reading audiences), there are some common threads running

through these books. In this essay, I take up one of those threads. All three books can be read as part of what I call a “spirit” or “mood” of realism spreading across contemporary democratic theory — and that realist spirit often has deliberative democracy in its crosshairs.

Deliberate democracy has sometimes been described as the dominant paradigm in democratic theory. Perhaps at some point, deliberative democracy did hold such dominance, but today there is a discernible pushback. As real-world democratic regimes experience institutional backsliding, sinking trust levels, and growing inequality, deliberative democracy might appear to be poorly equipped to deal with twenty-first-century challenges. More specifically, critics contend that deliberative democracy has failed to address questions of power and conflict, either by relying on idealization and abstraction (the crimes of Rawls and Habermas) or by retreating into deliberative mini-publics that are unlikely to save democracy from either oligarchs or autocrats. Something akin to this argument is present in all three of these books.

Scudder and White note that skepticism about deliberative democracy's ability to address questions of power is not new. It has harried this paradigm from the beginning. They explicitly address deliberative democracy's “dominance” (p. 19) and attempt to reconstruct a version of deliberation that can do justice to the face of democracy so powerfully articulated in agonist forms of realism. Although hesitant to

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embrace the label “realist,” Knight and Schwartzberg nevertheless see themselves as part of a new spirit of realism pushing back against the ideal of consensus and insisting that “power, rather than reason, shapes political outcomes” (p. 208). While Scudder and White try to salvage deliberative democracy as a helpful paradigm in times of democratic crisis, Knight and Schwartzberg by contrast reject that paradigm and question its usefulness. Although Knight and Schwartzberg do not develop a sustained criticism of theories of deliberative democracy, deliberation is clearly the foil against which their turn to bargaining is directed.

Unlike Scudder and White or Knight and Schwartzberg, Adam Lovett does not gesture toward the preeminence of the deliberative democracy paradigm *per se* as the backdrop to his argument. He does, however, include deliberative democracy in the theories that value democracy for delivering equality and autonomy (p. 18). These are precisely the theories that Lovett argues face an insurmountable realist challenge. Like much recent democratic theory, normative theory can no longer ignore the realities of politics as they have been discovered and described by empirical political science. It is incumbent on philosophers to look at the hard, sobering facts about politics, he argues. Reality falls very short of our ideals of democracy — so short, in fact, that claims that real-world democracy has intrinsic value lose their purchase.

Before going deeper into each book’s engagement with realism, let me say a few words about the way I am using the term. I use the qualifiers “mood” and “spirit” because this type of realism can find a home in many different types of democratic theory, not all of which can be described as realist in a strong or traditional sense. What is often absent in democratic theory constructed in this realist key is the Hobbesian insistence that peace, order, and stability are the only and overriding goals of politics. Political equality or non-domination replaces peace, order, and stability as the core value to promote.

The spirit of realism spreading in contemporary democratic theory today has three-and-a-half characteristics. It is realistic, deflationary, concerned with power and often (this is the half part) focused on institutions rather than on concepts. (For some recent examples of this realist trend drawn from different theoretical traditions, see Samuel Ely Bagg’s *The Dispersion of Power*, 2024; Emilee Booth Chapman’s *Election Day: How We Vote and What It Means for Democracy*, 2022; Kevin J. Elliot’s *Democracy for Busy People*, 2023; Hélène Landemore’s *Open Democracy: Reinventing Popular Rule for the Twenty-First Century*, 2020; Sean Ingham’s *Rule By Multiple Majorities: A New Theory of Popular Control*, 2018; Camila Vergara’s *Systemic Corruption: Constitutional Ideas for an Anti-Oligarchic Republic*, 2020; and John Medearis’ *Why Democracy Is Oppositional*, 2015.) Notably, realistic does not necessarily mean that the theory seeks feasibility. Realistic in this first instance means that the theorist is concerned with facts.

Normative democratic theory is reading a lot more of empirical political science than it did 25 years ago (see, for example, Alexander Guerrero, *Lottocracy: Democracy without Elections*, 2024; Alexander S. Kirshner and Jeff Spinner-Halev, “Why Political Philosophy Should Be Robust,” *American Political Science Review*, 2023; André Bächtiger and John S. Dryzek, *Deliberative Democracy for Diabolical Times: Confronting Populism, Extremism, Denial and Authoritarianism*, 2024). Knight and Schwartzberg, as well as Lovett, explicitly pursue a rapprochement between the social sciences and normative theory. Both books seek a normative theory that is informed by the facts and suggest that political science would do well to pay more attention to the normative implications of those facts. While Scudder and White are more likely to cite Adorno than Achen and Bartels, they return over and over again to the political facts on the ground that exemplify polarized politics in the U.S.

The second characteristic of the spirit of realism is that it is deflationary. (I use the term ‘deflationary’ instead of the term non-ideal because non-ideal is tangled up with questions internal to Rawls idea of ideal theory.) Deflationary captures the spirit of skepticism towards grand ideals of democracy but also a sense that democratic theory should focus on the negativist ends of containment, mitigation, and critique (see, for example, Bagg’s 2024 *The Dispersion of Power*). Scudder and White are particularly good at articulating realist frustration with the idealized theories of Rawls and Habermas, who both set out to reconstruct and justify the core principles and values of liberal democracy while (it is said) ignoring its failures and injustices. Scudder and White turn away from grand ideals and embrace a deflationary “humility” anchored in the realization that “we cannot, once and for all, eliminate precarity and ambivalence” (p. 177). Knight and Schwartzberg, in turn, are interested in ways to check and channel power, not eliminate it, and they acknowledge that all such attempts will inevitably meet with only limited success. Lovett lays out the enormous gap between the ideal values of democracy and the reality of contemporary political world and suggests that there is very little we can do about it.

This then leads to the third characteristic: the acknowledgement that power and coercion are inescapable and constitutive elements of politics and democracy. Scudder and White embrace this principle while also insisting that reason and persuasion remain constitutive to both politics and democracy. They seek to reconstruct the foundations of deliberative democracy precisely in order to do justice to this dual nature of politics. On the question of power, Knight and Schwartzberg are the closest to traditional realists: politics is about power all the way down, and democracy is about constraining and incentivizing power to promote citizens’ interests. Lovett argues that, sociologically speaking, ideals of autonomy and equality have been no match for the power of elites pursuing self-interested ends.

As a philosophical matter, however, he does not explicitly embrace a realist principle that power and coercion are constitutive of politics as such. This ultimately causes some confusion in his argument, as I will explore further below.

The final plank in the new spirit of realism is the focus on institutions. Here we see that contemporary democratic theory is not only skeptical of ideals but of abstractions as well. Since the ascendancy of Rawls and to a lesser extent Habermas, political philosophy has been dominated by the search for core principles (justice, impartiality, neutrality, reasonableness, consensus, and the common good) rather than studying institutions. Institutions today are back on the agenda, and there has been an explosion of interest in thinking through innovative institutional responses to democratic crisis (see Stephen Elstub and Oliver Escobar (eds), *Handbook of Democratic Innovation and Governance*, 2019). I call this a half characteristic because not all democratic theory in a realist mood takes this route. In these three books, this focus is most clearly seen in Knight and Schwartzberg.

Scudder and White

The Two Faces of Democracy: Decentering Agonism and Deliberation is divided into two parts. Chapters 2–4 revisit the debates between agonistic and deliberative theories of democracy launched in the 1990s and still relevant today. The underlying claim here is that each tradition reflects and models a real and essential element of democracy, but that each is limited by its failure to account for the other element. Chapters 5–7 build a normative account of democracy that can do justice to both the agonistic and deliberative faces of democracy.

Agonists like Chantal Mouffe, William Connolly, and Bonnie Honig have long targeted deliberative democracy for its failure to address questions of power. (As we'll see below, Knight and Schwartzberg explicitly mention these three as fellow travelers in the fight against abstract and ideal theories of democracy (p. 208), although they eschew what they see as agonists' anti-liberal tendencies.) Agonists' critiques fall into one of two categories: ontological and normative. Agonists have a realist ontology. Under this view, politics, or 'the political,' is about power, contestation, and competition. Reason therefore has only limited sway in this domain. Here the criticism of deliberation is obvious. Deliberative theories, it is said, rely on the "unforced force of the better argument." But in reality, arguments mask interests, and democratic outcomes always have winners and losers. On the normative side, the agonists that interest Scudder and White are concerned with resisting domination and contesting inequality. Thus, Scudder and White see agonists as embracing (sometimes implicitly) the same democratic values — autonomy and equality — as deliberationists, but they resist the positive reconstructions of those values. By contrast, Rawls and Habermas are charged with reconstructing ideal versions of liberal democracy (and,

by extension, autonomy and equality). In doing so, they ignore how much our existing systems fail to be just — and could never be fully just. Democracy, then, for agonists becomes struggle, resistance, and critique. Agonist democratic theory captures an essential aspect or face of democracy, one that is coming into sharp relief as we enter an age of aggressive assaults on core democratic values. Scudder and White are perfectly ready to suppose that supporting democracy in the 2020s might have more to do with joining the resistance and fighting power than with participating in a deliberative mini-public.

The deliberate face of politics, by contrast, stresses the way that democracy requires cooperation and collective problem-solving, foregrounding equality and respect over differences and antagonisms. Scudder and White's reconstruction of the core insights of deliberative democracy is one of the best available. They fully admit that early deliberative democracy, with its stress on abstract and ideal values of consensus, neutrality, and rationality, failed to do justice to the place of contentious politics in democracy. Conflict, rather than being seen as constitutive, was considered an aberration or failure from the vantage point of early deliberative democrats. A second weakness of some versions of deliberative democracy is to think of deliberation primarily as a practice. It suggests that deliberative democracy asks us to always prioritize cooperative dialogue or cooperative discursive institutional settings like deliberative mini-publics. Scudder and White insist that deliberative democracy is not in the first instance about the practice of deliberation, but about the commitment to the moral equality of voice: "the deliberative model tells us that democracy amounts to having your voice heard and your perspective considered by fellow citizens and political elites" (p. 65). The *practice* of deliberation, however, is not always the best means to achieve these goals in complex mass democracies, which are characterized by pluralism and conflict of interests.

The democratic theory to emerge in the second half of *The Two Faces of Democracy* looks at first sight to abandon all aspects of realism and to reinstate abstract deliberative democracy as the winner. But the story is more complicated. Scudder and White return to ideas of communication (rather than that of deliberation) in order to hold conflict and cooperation, power, and persuasion together within one vision of democracy. As a practice, deliberation is a specialized type of conversation in which participants are all committed to coming to some type of agreement. There may be argument in deliberation, but there is no conflict and only the power of reasons is admitted. Communication, by contrast, constitutes the undisciplined flow of everyday social life. This everyday flow has certain background normative assumptions, and it can be interrupted when someone challenges the normative backdrop and says no: No, I will not go along with that proposal or no, I challenge your right to say or do that. The

communicative pattern of flow, disruption, and repair is common to all social orders. But in democratic societies, Scudder and White contend, the standing to say no is equalized. This is the moral equality of voice. And its most important function is in allowing for “no-saying” (Stephen K. White and Evan Robert Farr, “‘No-Saying’ in Habermas,” *Political Theory*, 40(1), 2012). On this reinterpretation of deliberative democracy, then, disruption and no-saying have an equal place with the work of repair which does indeed require discourse and dialogue.

I must admit that I have a lot of sympathy with this view, but I also think that, in some ways, it is not realist enough. In the end, the book offers a personal ethos to navigate hard times while staying true to democratic values. Alone, each face of democracy is likely to lead to a dark place. For the agonist, the struggle to defend democracy will just be a fight between our side and theirs, and the risk lies in forgetting what we are fighting for and why. Even worse, it could cultivate a willingness to use any tactics available to defeat the other side. For the deliberationist who fails to embrace the realities of power and coercion, the struggle to preserve democracy is likely to lead to despair as the tools of persuasion prove ineffectual against committed anti-democrats. Scudder and White’s book offers an ethos for those already committed to autonomy and equality. But it does not offer a realistic strategy to contain the forces who think democracy is majority rule and that majorities — or the party or leader endorsed by the majority — get to do whatever they want, including dismantling many of the institutional safeguards that protect autonomy and equality.

Knight and Schwartzberg

There are two ways to interpret the intent of this book. In one view, the authors argue that bargains happen all the time in democratic politics; they are unavoidable and often determine democratic outcomes. The pendulum of democratic theory, in turn, has swung too far toward deliberation, and we need to swing it back toward bargaining if we are to get a firm grip on that dimension of democratic politics. We therefore need a normative theory that can distinguish between good and bad democratic bargains. And so Knight and Schwartzberg lay out the normative criteria of good bargains as well the usefulness of a bargaining framework for understanding how democratic institutions work. As they put it, “our difficult task is to spell out the criteria for democratic bargaining, and to illustrate them” (p. 4). And the book does offer a masterful, evidence-driven normative analysis of the role, function, and value of bargaining in the institutions that make up the democratic system (i.e., constitutions, courts, bureaucracy but especially legislatures). It is a tour de force.

The book’s narrative, however, regularly interjects a slightly different set of claims, whereby bargaining is not just one tool in the democratic toolbox too long neglected

by deliberationists, but bargaining is the heart and soul of democratic politics. Thus, on this second interpretation, the subtitle of the book, “A Defense of Political Bargaining,” would more accurately read as “A Defense of Democracy as Political Bargaining.” Underlying this bargaining theory of democracy is, to use Scudder’s and White’s language, an ontology. For Knight and Schwartzberg, politics is fundamentally defined by the asymmetrical distribution of power, coupled with the Madisonian (or perhaps rational-choice) assumption that actors, unless incentivized otherwise, will use that asymmetry to pursue their own advantage. These two facts, the authors suggest, make deliberative democracy entirely implausible as either a normative or a descriptive account of democratic politics. Such an ontology is particularly challenging for democracy as it is principally committed to treating members’ interests equitably. More specifically, democracy is a regime that secures citizen interests by giving them an equal say over the choice of representatives who, in turn, purport to advance their interests (p. 7). So now the book is not just about what counts as democratically legitimate bargaining; it is about why, in a world of asymmetrical power and self-interest, democratically legitimate bargaining (primarily in the legislature) is the “key means by which citizens can have their interests treated equitably in a democracy” (p. 28).

Chapter one begins to build the case for justifiable bargains by drawing on some concepts in private contract law. In particular, Knight and Schwartzberg borrow the criteria of good faith, duress, and unconscionability and apply them to public political bargains. Chapters 2–5 then apply this bargaining framework to the full institutional structure of liberal democracies, with an eye to explaining how institutions interact with each other as well as internal democratic dynamics, especially in the legislative process. Although Knight and Schwartzberg use a lot of very helpful descriptive examples to clarify and sharpen their argument, their intent is ultimately normative. The point is not to show that bargains are everywhere, but to show that (a) some types of bargains can promote the equitable treatment of interests, despite asymmetries of power — and we therefore should create the proper institutional incentives to encourage those types of bargains. And (b) that this bargaining framework provides the only account of the democratic process that can salvage ideals of equality from the fact of asymmetrical power and individuals’ unreliable dispositions. Both these claims are original and important contributions to contemporary democratic theory and deserve a review essay of their own. In the limited space I have here, I will only take up one question. But it seems to me that Knight and Schwartzberg do not fully follow through on their realist assumptions, especially regarding the unreliability of dispositions towards cooperation and the public good.

For Knight and Schwartzberg, democracy is about the equitable treatment of interests. Elected representation, in

turn, offers the best means to secure equitable interest satisfaction. What seems unexplored, however, in their account is a realistic evaluation of the relationship between representatives and the voters on behalf of whose interests they bargain. Knight and Schwartzberg do briefly talk about how we should understand the principal/agent relationship in political representation, but they do not investigate the way that power can disrupt that relationship. Instead, they unequivocally appeal to the Deweyan principle that citizens are the best judge of their own interests (p. 11). Citizens may be the best judge of their interests, but empirical evidence suggests that their judgment can be significantly and disastrously interfered with by various types of communication strategies employed by representatives seeking office (see James N. Druckman, “Pathologies of Studying Public Opinion, Political Communication, and Democratic Responsiveness,” *Political Communication*, 31, 2014; Larry M. Bartels, *Democracy Erodes from the Top: Leaders, Citizens, and the Challenge of Populism in Europe*, 2024). If elected representatives were able to fully manipulate their constituents’ judgment about their interests, then it seems to me that the entire bargaining model would fall apart. Of course, representatives cannot fully manipulate that judgment, but the degree to which manipulation is present is relevant to the model. The primary incentive to bargain on behalf of constituents’ interests is electoral. If a representative fails to bargain on behalf of their constituents, then they will be punished at the polls. But where is the incentive not to prime, frame, misinform, and manipulate constituents in their judgment about what is in their interest? Preference endogeneity in a context of communicative pathologies is a serious problem in contemporary democracy, and it seems to me it cannot be fully grasped in a bargaining model which does not have the tools to assess the democratic conditions of opinion and preference formation. Knight and Schwartzberg touch on this subject in their discussion of the information conditions required for legislative bargaining. They insist that public debate, opportunities to contest, and the giving of reasons are important to secure the integrity of the bargaining process (and hence are not, according to them, justified on deliberative grounds). But the authors do not apply this critical lens to the relationship between representatives and voters, except to suggest that free speech and pluralism will work together to make sure that all relevant interests get picked up by representatives. I am not confident that this would be enough.

Adam Lovett

There are three planks to Adam Lovett’s argument in *Democratic Failures and the Ethics of Democracy*. The first is a defense of the intrinsic value of democracy (Chapter 1). There is a lively debate in political philosophy over whether we should value democracy for instrumental or intrinsic reasons. For instrumentalists, democracy is to be valued if

and only if it makes our lives better and solves pressing problems (Richard J. Arneson, “Defending the Purely Instrumental Account of Democratic Legitimacy,” *Journal of Political Philosophy*, 11(1), 2003). Champions of intrinsic value argue that democracy’s value resides in the way its procedures instantiate moral value, independent of whether the outcome is good or not (see Thomas Christiano, *The Constitution of Equality: Democratic Authority and its Limits*, 2008). Lovett sides squarely on the intrinsic side of this debate and puts forward autonomy and equality, like Scudder and White, as the primary values to be achieved in democracy.

The second plank in the argument (Chapters 3–8) is an extensive canvassing of empirical social and political science to assess how much the American political system does in fact instantiate the ideals of autonomy and equality. Lovett’s answer is not very much. Elites are not under popular control, which is why we do not see much autonomy, and they tend to pursue the interest of the wealthy, thereby undermining equality. This situation is both enabled and compounded by mass political ignorance, voter irrationality, and apathy. This second plank of the book then introduces a type of realism into normative arguments. First it asks, what do the facts tell us about how we are doing in achieving democratic values? And second, it charts the ways elites take advantage of citizen incompetence to pursue their own interests.

These chapters together add up to a clever argument and a sobering and important normative take-home. The clever part of Lovett’s intervention lies with his defense of the intrinsic value of democracy. Instrumental defenses of democracy imply that when or if democracy does not deliver on the ‘good outcomes,’ we should seek other forms of governance that do. Such a move then appears to introduce a contingent and defeasible commitment to democracy. One of the motivating factors behind the “intrinsic value” camp is precisely the thought that instrumental defenses of democracy are weak and make commitments to democracy dependent on contingent events in the world. But Lovett shows that intrinsic-value arguments are equally dependent on contingent facts out in the world. It might be true that we value democracy because democracy treats us as political equals. But what happens when the system fails miserably to do this? The normative import of these two arguments is that empirical political science, when joined with normative theories of value, offer strong evidence that our democracies are sliding into oligarchy and autocracy — and that we better do something about it. This, however, is not Lovett’s intervention. I turn now to the third plank in his argument.

In Chapter 2 and the conclusion, Lovett introduces a theory of authority and obligation. Failures of the American political system to adequately instantiate the values of autonomy and equality release Americans from an obligation to obey the law, he argues. “Because the United States

does not achieve democratic values to any substantive degree ... American citizens are not obligated to obey the laws and those laws cannot permissibly bind them” (p. 7). Thus, the normative conclusion of the book is a form of philosophical anarchism that represents a radical departure from most contemporary democratic theory.

Lovett’s theory of authority and obedience is relatively controversial. In the space I have here, I focus more on the practical and political implications of this argument rather than its analytical soundness. Lovett is not advocating that Americans practice mass disobedience; we have strategic reasons to obey the laws, after all, in the sense that we do not want to go to jail. Lovett does claim, however, that he is interested in how “the failures of American democracy affect how we ought to act” (p. 7). One would think that laying out these failures would spur us to seek institutional reform and redouble our activism on behalf of equality and autonomy. While suggesting that there might be some institutional fixes for elite overreach (but notably not for failures in mass opinion formation), Lovett is mostly interested in what this all means for how we understand our individual moral obligation to obey the law and maintain democratic institutions. In his view, we are in a sense released from any moral or ethical obligation to uphold democratic norms under these conditions. Citizens “are not bound by constraints on competition and participation that would bind them to a well-functioning democracy. They needn’t care much about their political opponents, and they needn’t vote in a public-spirited way,” he writes (p. 8). We are left with the counterintuitive conclusion that a deep commitment to autonomy and equality under circumstances of democratic failure results in us having no moral obligation to treat fellow citizens with democratic respect or as autonomous equals. Although this is not the intent of the argument, this release from democratic norms introduces a puzzling type of circularity. Under conditions of democratic failure, it would appear that I may pursue the very political actions — for example, mendaciously vilifying my political opponent in order to exacerbate divisive polarization — that contribute to and accelerate democratic breakdown.

With the introduction of philosophical anarchism, Lovett abandons one form of realism for another. On

the one hand, the book’s conclusions about the moral status of law and democratic norms are a contribution to abstract and ideal moral philosophy more than realist political theory. On the other hand, if citizens did widely embrace this view of legitimacy and obligation under conditions of democratic failure or even erosion and if many of us became philosophical anarchists, then we would see ourselves as in a purely instrumental relationship with each other and the state, where power and self-interest are the primary currency.

Conclusion

There are two contextual factors that I think are important in shaping much of democratic theory today. First, we know a great deal more today than at any time in history about how real-world democracies function, thrive, and fail. Second, democracy appears to be in trouble. After a period which saw the growth and spread of democracy around the globe, that trajectory seems to have changed from ascendent to declining. These contextual factors have contributed to a shift within democratic theory that has seen the development of a more realistic, less ideal, less abstract, and more power-focused type of theory. This trend is not linked to a specific model of democracy nor a theory of democracy, but it is a very general orientation that one can see within all sorts of different types and models of democracy, including deliberative democracy. In this essay, I have attempted to illustrate this trend by highlighting the way the spirit of realism emerges in these three excellent books.

Generally, I am very sympathetic to the moves that realistic democratic theory makes. However, I worry that its deflationary tendencies risk losing sight of ideals of popular sovereignty all together. Indeed, talk of popular rule or self-government was absent in all three of these books. The risk here is that democratic theory is consumed by a rear-guard action to resist autocracy and contain oligarchy, but fails to present a positive picture of government by and for the people. This broader concern, however, should not take away from the substantive contributions that *The Two Faces of Democracy*, *Democratic Deals*, and *Democratic Failures and the Ethics of Democracy* make to political science.