Em seu instigante texto sobre o experimentalismo democrático e Dewey, Charles Sabel afirma:

 “The problem for the New Deal, well captured in *The Public and Its Problems*, was how to regulate the consequences of an increasingly interdependent and national economy. The solution typically was creation of an expert administrative agency that consulted in turn with a trade association representing the primary actors in a given domain: Congress, recognizing the limits of knowledge of a particular area delegated the relevant rule-making authority to the agency; the agency, better informed than Congress, realized the limits of its competence and conferred in the actual drawing of rules with the representatives of those with immediate – local – experience of the matter at hand. The presumption all along was that authorized decision makers were in varying degrees unaware of crucial aspects of context, but that there were some – primary – actors who did know what they were doing, and could be drawn into a discussion of how to regulate it in the public interest. The problem, in other words, was official ignorance; the remedy was an institutional arrangement allowing the legislature and its delegates to poll the informed parties. This solution may well have seemed too centralizing to Dewey – more likely to entangle local actors in national projects than to reshape national policies from below – or too dependent on an upward cascade of representation rather than anything resembling direct democracy; but it was, within the broad meaning of his austere discussion of the menace of externalities, a legitimate (and for many decades passably workable) solution to the public’s problems.

Today the problem has shifted from ignorance to uncertainty.”

De que modo a incerteza muda o desafio de reformar a participação democrática e qual o papel do direito nesse contexto? Dewey estava equivocado?